



## Conflict management at the Fritz Haber Institute

Support services available to staff members

### Conflicts are only human

Wherever people come together, there will be conflicts. Depending on personality and disposition, the way in which conflicts take place can vary: wordily, factually, noisily, silently, aggressively or not at all. Unresolved conflicts may have an impact on the overall working climate and may affect the motivation, even of staff members who are not directly involved. It is therefore important to address conflicts and to find lasting solutions.

If you find yourself in a conflict, you are not forced to solve it by yourself. The Institute provides a number of contact points that are available to assist you. Some of these are interconnected; as responsibility cannot always be clearly defined. No matter who you choose to contact: Your concern will be treated in a confidential and appreciative manner, and it will only be communicated to further or the correct body (or bodies) with your permission.

The points of contact:

1. Your superior
2. Statutory employer representative (Managing Director)
3. Works Council
4. Local or central Gender Equality Officer
5. External legal consultation (in particular in cases of sexualized harassment, discrimination and assault)
6. Representation of individuals with severe disabilities
7. Ombudspersons
8. Mediation advisors
9. Compliance officer of the MPG
10. PhDnet



## 1. Superior / senior staff member

Your superior may be your first point of contact when it comes to conflicts within the team, with your peers from your own unit or from other units within the facility. It is your superior's job and responsibility to analyze the conflict and to provide support to enable the parties to address and solve the problem together.

What you should know: Senior staff members with a management function have a duty of care. In the case of severe situations, superior staff members may need to act quickly to fulfil their duty of care.

If your superior is themselves a conflict party, you may contact the superior staff member at the next level up in hierarchy. If you prefer a greater degree of distance and confidentiality, please use another point of contact, such as the Works Council. Communicating your problem to one of the indicated points of contact should not lead to any disadvantages for you.

## 2. Statutory employer representative (Managing Director)

Staff members may always contact the local employer representative directly if they feel that they are being disadvantaged, treated unfairly or in any other way affected by their specialist or operational superior. This applies also for senior staff members who feel they are in such a situation in their role as a superior. You may also involve a member of the Works Council to provide support or act as a mediator (§ 84 of the Works Constitution Act).

The role of the employer representative is usually performed by the Managing Director. If they consider the complaint to be justified, they are obliged to take action to remedy the situation (§ 84 of the Works Constitution Act). If the Managing Director is affected themselves, there are further points of contact, which are also bound to confidentiality.

## 3. Works Council

The Works Council with its members is the workforce representation of all staff members of the Institute: The represented staff includes administration and workshop staff, as well as all staff members involved in scientific work. You may contact any Works Council member of your choice (in confidence) if you feel you are being put at a disadvantage by your superior or the employer with regard to your rights as an employee or in any other way. You are generally entitled to this right (§ 85 of the Works Constitution Act).

Following an initial conversation, it is up to you to decide whether you would like to instruct the Works Council to act on your behalf. If you choose to do so, and if the Works Council considers your complaint to be justified, they must contact the Institute Management to achieve a resolution of the issue (§ 85 of the Works Constitution Act).



Independent of conflicts and complaints, it is the duty of the Works Council (as well as of the employer) to ensure that all individuals working at the Institute receive equal treatment, regardless of their ethnic origin, descent, nationality, religion or ideology, disability or age, political or union activities or position, gender or sexual identity. (§ 75 Works Constitution Act).

The contact details of all Works Council members are available on [the FHI intranet](#) as well as on announcement boards.

#### 4. Local or central Gender Equality Officer

You may contact the Gender Equality Officer if your concern relates to aspects of sexualized discrimination and the [Principles of Gender Equality](#) and the [Code of Conduct](#) of the Max Planck Society are violated as a result. This may be the case, for example, if you feel that you are being put at a disadvantage due to your sex or gender role, or if the reconciliation of career and family life is not facilitated. If the Gender Equality Officer considers your complaint to be justified, they can contribute actively to resolving the conflict and solving the problem.

The local Gender Equality Officer at your Institute or facility and the Central Gender Equality Officer are your points of contact in cases of **sexualized discrimination, harassment and assault** – as are superiors, individuals in management positions, the (General) Works Council and the Representative Council for Individuals With Severe Disabilities.

An initial complaint may be submitted informally. Due to their duty of care, superior and management staff members are obliged to act upon any information about sexualized discrimination harassment and assault immediately, subject to the severity of the accusations. Gender Equality Officers, on the other hand, must and may only take action after you have instructed them to do so. **They have the right and duty to secrecy.**

A written record of the incident that is signed by the complaining individual is required for the initiation of any further steps. The Central Gender Equality Officer is informed at this point if they were not previously involved in the issue.

#### 5. External legal consultation

Victims of bullying, harassment, sexualized assault or discrimination according to the General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz, AGG) are now also able to consult the [law firm Wirsing Hass Zoller](#). The lawyers Dr. Christine Dross and Thomas Müller represent the law firm as confidants.

The confidants will accept your information or complaints and give an assessment of whether these are likely to be legally relevant. It is up to you to decide if and to whom your report will be passed on. The confidants are bound to absolute secrecy if you wish so.



You may contact the confidants by phone or email, and they are also available for personal meetings. Furthermore, they are also available to discuss matters with you in English, and you can contact them as follows:

Wirsing Hass Zoller - Rechtsanwälte Partnerschaft MbB  
Maximilianstraße 35 C  
80539 München

Dr. Christine Dross  
Lawyer  
Tel.: 089 29 00 71-28  
Email: dross@wirsing.de

Thomas Müller  
Lawyer  
Tel.: 089 29 00 71-0  
Email: t.mueller@wirsing.de

This service is initially available until the end of 2018 and free of charge for staff members.

## **6. Representative council for Individuals with severe disabilities**

If you are affected by a severe disability and feel that you are being put at a disadvantage due to your status, or if you consider the Framework Integration Agreement (only available in German) to have been violated, you may contact the Representatives for Individuals with Severe Disabilities. They have been elected by the Institute's staff members with severe disabilities.

## **7. Ombudspersons**

The ombudsperson, which is elected by all staff members of the Institute, provides advice in the case of conflicts related to issues of good scientific practice. Please refer to the respective rules for detailed information about the issues in question.

The ombudsperson performs an essential role of scientific self-monitoring. The conversations they have are confidential, provided that a conflict can be solved at an Institute and that this is done successfully.

Furthermore, each of the three Sections has one further ombudsperson. Click [here](#) for their names and for information about the ombudsperson scheme.

It is defined in the Rules of Procedure how the involved parties should act upon suspicion of scientific misconduct.

## **8. Mediation advisors**



According to the [Mediation Guidelines](#) of the MPG, each staff member has the right to request a mediation procedure if complaints or conflicts cannot be settled at an Institute.

The Mediation advisor will strive to resolve the issue. To this end, they have the right to obtain information from the involved parties and the Institute Management. They are obliged to maintain confidentiality. The procedure takes place at the level of the scientific Sections; three mediation advisors from the scientific area are identified for each Section. For our Institute these are:

Prof. Dr. Gerd Leuchs  
Scientific Member  
MPI for the Science of Light, Erlangen

Prof. Dr. Stefan Luther  
Scientific Staff Member  
MPI for Dynamics and Self-Organization, Göttingen

Prof. Dr. Walter Thiel  
Emeritus Scientific Member MPI für Kohlenforschung, Mülheim an der Ruhr

## 9. Compliance Officer of the MPG

In cases where there is concrete suspicion of a criminal offence or another type of irregularity with great damage potential, you may contact the [Compliance Officer](#) of the MPG in confidence. He is able to act independently and bound to secrecy.

## 10. PhDnet

The [PhDnet](#) of the Max Planck Society represents the more than 3,000 doctoral students of the Max Planck Society (MPG). No fixed procedure for handling individual conflicts is in place in the network. However, thanks to their experience, the representatives may act as initial points of contact for you to seek advice.