

## **By-laws of the Working Group on Non-Discrimination**

### **Preamble**

The Working Group on Non-Discrimination is responsible for, according to § 67 of the By-laws of the Austrian Academy of Sciences (OeAW), all topics and matters of the OeAW concerned with the Equal Treatment Act (GlBG) relating to the equal treatment of women and men, the advancement of women and equal treatment without distinction of ethnicity, religion or ideology, age or sexual orientation.

The Working Group will be supported in the performance of its tasks by representatives of the employer in the OeAW and the information required for the undertaking of its tasks will be provided in the framework of legislation.

### **Composition**

The Working Group will be set up in accordance with the provisions of the By-laws of the OeAW (§§ 67 and 68).

The election of members requires a simple majority of all members of the Working Group. The recall of members requires a two-thirds majority of all members of the Working Group.

The Working Group will elect a chairperson and a deputy chairperson from amongst its members. The chairperson is to be elected by secret ballot for a term of four years. The non-discrimination officers are barred from eligibility for election as chairperson.

Where personnel agenda items or employment law measures are concerned, the directors of the administrative offices for personnel management or the staff office for legal affairs and compliance may be invited to the meetings as respondents.

### **Rights and obligations of the members of the Working Group**

Participation in the Working Group is to be considered as an important contribution in fulfilment of work obligations in the sphere of administration and is to be counted as part of the working time and to be made possible during working hours. The supervisors must take into account any inconveniences stemming from participation in the working group when allocating official duties.

The members of the Working Group who are employees of the OeAW are entitled to fulfil their obligations in equal treatment matters at their workplace and to use the facilities available to the workplace for this purpose.

Regular participation in training courses, advanced training and information events is to be made possible for members of the Working Group. The members of the Working Group are not bound by any instructions and mandates when exercising their function. They may not be hindered in the exercise of their authority and may not be discriminated against in their professional careers due to this activity.

The members of the Working Group are bound to confidentiality in regard to all circumstances becoming known to them in connection with their activities in the Working Group; the obligation to confidentiality applies analogously to all other persons entitled to participate in the meetings of the Working Group or admitted to attend such meetings.

### **Tasks of the Working Group**

- a. Formulating proposals and advising on all fundamental matters relating to non-discrimination and the advancement of women;
- b. Formulating possible objectives and recommendations as a support plan, in particular a plan for the advancement of women, for each performance-agreement period, based on staff statistics;
- c. Assisting the non-discrimination officer;
- d. Compiling an annual report, in particular on the implementation of the plan for the advancement of women, for the Presiding Committee, as well as a gender balance sheet.

The Working Group is to be informed of personnel related measures and to be included in decision making. The nature and scope of this information and its inclusion is set forth in the By-laws of the OeAW (§ 67, paragraphs 2-4).

When conducting a tenure assessment of academic employees, the Working Group has the right to appoint a representative as assessor without voting rights.<sup>1</sup> In case of assumed violations of the Equal Treatment Act, the Presiding Committee and the Works Council must be informed and a procedure in conformity with the Equal Treatment Act must be ensured.

In addition, in connection with personnel matters, in particular when making appointments with management functions, commissions or deliberative bodies are set up or hearings are held, a representative of the Working Group is to be invited to participate with a consultative vote.

### **Meetings**

The Working Group is to meet once in every quarter. In case of need, further meetings may be convened by the chairperson. The meetings may also be held electronically, i.e., as online meetings.

### **Decisions and recommendations**

Decisions of the Working Group require two-thirds presence of all members. Decisions are taken with a simple majority of the votes cast.

Decision making by written voting, including electronic voting, is only allowed if no member objects to this procedure. The same applies to telephone or equivalent forms of decision making by the Working Group.

On the basis of the decisions, recommendations are to be developed which are to be forwarded the OeAW's respective bodies (see above).

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<sup>1</sup> Under § 4 (2) of the Company Agreement on the Transition from Temporary into Permanent Employment of Academic Employees of the OeAW Pursuant to § 4 (5) of the Collective Agreement (signed on 3 July 2020).

## **Public relations**

The Working Group provides information about its tasks, activities and consultation programmes as well as contact options on its website.

## **Resources**

### **(1) Budget**

In connection with budget planning for each performance agreement period, the Working Group will draw up an application in regard to the need of budgetary resources. The budget provided to the Working Group must be structured by the OeAW in such a way that the Group can perform its tasks.

### **(2) Office for Equality**

The Working Group must be provided with a room with appropriate technical infrastructure and where confidential deliberations can take place as well as a staff position (employment extent: at least 50%) to meet the requirements of the office of the Working Group.

When filling this position, the Working Group has a right of proposal. The Working Group will produce the job description for the position. The incumbent will only be bound by the instructions and decisions of the Working Group, with reservation made for general employee supervision by the competent OeAW governance body.

The Office for Equality tasks will include:

- a. Substantive and administrative support for the Working Group, in particular
  - The provision of documents for filling new positions,
  - Taking minutes and management of archives,
  - Responsibility for the Working Group's website,
  - Consultation in childcare matters
- b. Management of the Working Group's budget,
- c. Organising events on the subject of equal treatment and promotion of women,
- e. Production and publication of the gender balance sheet.

## **Extended Working Group for Non-Discrimination**

To advise the Working Group and to be a measure for improvement of communication and information flow inside the OeAW, the Working Group has implemented an Extended Working Group for Non-Discrimination (e-AKG). The latter will be composed of the members of the Working Group, a delegate from each research institution at the OeAW, one representative each from the central administration directors' offices, one representative each from the central management staff units and the Austrian Academy of Sciences Press. The chairperson of the Working Group will simultaneously also be the chairperson of this Extended Working Group.

Work in the Extended Working Group must be seen as an important contribution to fulfilment of official duties in the field of management and must be credited towards working hours and to be made possible during working hours. Supervisors must take into account any additionally incurred work burdens when allocating work duties.

(1) Tasks of the Extended Working Group

- a. Advising the Working Group
- b. Communicating information from the Working Group to OeAW employees.

(2) Meetings

The Extended Working Group will meet once every half-year. In case of need, additional meetings may be called by the chairperson. The meetings may also be held electronically, i.e., by means of online sessions.

**Non-discrimination Officers**

The non-discrimination officers is the point of contact for all complaints in equality issues and must take up all issues relating to equal treatment according to § 67 of the OeAW By-laws.

The Working Group propose at least one non-discrimination officer and a deputy officer for the entire OeAW.

The non-discrimination officers will participate in meetings of the Working Group with a right to vote.

The non-discrimination officers receive enquiries, requests, complaints and suggestions from employees in the section they represent, provide solution or forward to another department that is better suited to resolve. This possibility is to be made known in an appropriate manner among the employees of the OeAW (hiring documents, website, etc.).

The non-discrimination officers and their deputies must be employed in an OeAW institute.

**Collaboration with other institutions for equality, diversity and inclusion**

The Working Group is charged with networking with similar working groups of universities, with the incumbents of positions for equality in the federal ministries as well as with other domestic and foreign institutions working in the field of promotion of women or equal treatment of employees.