HARASSMENT TO ENFORCE AN UNFRIENDLY TERMINATION

Dr. h.c. Dennis Zielinski[1]
Graduate School IIC University of Technology

ABSTRACT

This study focuses on the topic of job cuts following short-term employment and the impact in the form of bullying by other employees. During these times, the tone among colleagues often becomes harsh and unpleasant, but this situation does not exempt the employer from intervening if they become aware of the bullying. The study is examined using the quantitative content analysis according to Mayring[2], incorporating and referencing current legal precedents from German labor law, specialized literature, and legal journals. The study, following Mayring's categorization[3], is divided into the following sections: Mental stress as a health risk in the workplace, Duty of care within the employment relationship, Legal consequences, and Summary.

INTRODUCTION

After short-term employment, there is a looming threat of job cuts in some places, and the atmosphere in workplaces is becoming harsher, both among colleagues and from the side of management towards employees. However, during times of downsizing, the employer's duty of care remains in force, but takes on a new dimension. Mobbing, Bossing, Straining, Staffing, Gaslighting, Ghosting... are developments to which the employer must always respond. Against the backdrop of the current economic situation, the most important regulations and courses of action are outlined, particularly relevant for employees with illnesses/disabilities or special termination protection.

Mental stress as a health risk in the workplace

For years, the number of days of incapacity for work due to so-called "F-diagnoses" has been steadily increasing. The need for action in the professional world is evident: despite a decline in sick leave in recent years, the proportion of incapacity for work days attributed to mental health conditions has risen to 16.5%. The workplace situation also contributes to this phenomenon. Mental stress can pose a health risk not only for mental disorders but also for cardiovascular and musculoskeletal conditions.[4]

1 The author is a business lawyer and doctoral student at the Graduate School of IIC University of Technology
2 Mayring P./ Fenzl T. (2014): Qualitative Inhaltsanalyse, S. 234.
3 Mayring P./ Fenzl T. (2014): Qualitative Inhaltsanalyse, S. 235.

According to the study "Mental Health in the Workplace – Scientific Assessment" by the Federal Institute for Occupational Safety and Health (BAuA), key factors in shaping work include, among others, scope of activities, work intensity, working hours, and leadership.[5] The findings of health insurance surveys on incapacity for work due to depression also provide grounds for sustained discussion in this context.

Bullying in Its Various Manifestations

With the term "bullying" being used extensively, there is a need to bring objectivity to the subject. This can be achieved through a clear definition, which is now also reflected in legal rulings. According to the DGUV[6], bullying involves conflicted communication in the workplace among colleagues or between supervisors and employees, where

(1) one person is targeted by one or more individuals,
(2) systematically,
(3) often (at least once a week), and
(4) over an extended period (at least six months),
(5) with the goal of forcing the person out of the employment relationship,
(6) either directly or indirectly.

The background of bullying attacks typically lies in social conflicts. However, instead of engaging in constructive conflict resolution, the focus on the part of the bully is exclusively on the goal of suppressing, harassing, and excluding the victim, thereby displacing them from their workplace.

Regular acts of bullying include preventing the victim from expressing themselves (for example, by treating them as if they were invisible), impairing the victim's interpersonal relationships (such as intentionally isolating them socially at the workplace), attacking the honor and reputation of the victim (for example, through constant unjustified criticism and devaluation in front of colleagues, insults, and weaving intrigues), and compromising the quality of the victim's employment (for example, through constant over- or under-demand, through senseless and insurmountable task assignments)[7]. Destructive criticism, as known, can sometimes overwhelm the health resources of the target individual, thereby profoundly acting in a counterproductive manner on the operational state of the company.[8]

Psychological Pressure Leading to Termination of Employment

Comparatively harmless are still the examination of time fraud, the verification of illness- related absenteeism, or the reimbursement of travel expenses. Of course, the employer is entitled to take these measures. Also, erroneous instructions from a supervisor regarding job execution or uncontrolled behavior of a supervisor lacking fundamental leadership qualities do not necessarily have to be classified as bullying, as leadership mistakes do not automatically imply a hostile attitude towards employees.

4 Psychische Belastungen in der Arbeitswelt, BT-Drs. 19/3895, S. 19.
5 BT-Drs. 19/25420 v. 17.12.2020, S. 88.
6 Ruge/Krömer/Pawlak/Rabe v. Pappenheim, Lexikon Arbeitsrecht im öffentlichen Dienst, 13. Aufl., 2020,
S. 133f..

Additional indicators are required to recognize a planned approach. However, even in their absence, action is necessary if there are psychological impairments to the employees.

Because bullying not only harms the affected employees but also damages the reputation of the company, potentially leading crucial staff to turn away and seek employment elsewhere with a better work environment. Workplace hazards to mental health additionally result in downtime and poor work outcomes. The economic repercussions are not long in coming.[9]

In any case, the employer and their representatives are prohibited from employing strategies discussed as "bullying," where employed individuals are systematically targeted, harassed, or discriminated against by supervisors and/or colleagues. A sector has now emerged in the market that handles the "preparatory actions" for the termination of employment on behalf of the employer.

However, the employer must attribute unlawful actions of such consulting firms to themselves. If there is even an unlawful threat of termination to coerce an employee into signing a termination agreement, this can lead to a valid challenge.[10]

ll. Duties of Care within the Employment Relationship

During the existence of the employment relationship, the employer bears an obligation of care towards the employee, especially concerning their health. This obligation is based on § 241(2) of the German Civil Code (BGB) and is further specified in various regulations such as the Occupational Health and Safety Act[11], the Work Safety Act, the accident prevention regulations of employers' liability insurance associations, the General Equal Treatment Act, and notably in § 167(2) of the Social Code IX (SGB IX), which establishes the obligation for workplace integration management for long-term ill employees. The duty of care extends not only to protection against physical health hazards but explicitly also to protection against psychological hazards.

The employer is not obligated to prevent socially adequate conflicts[12]. The boundaries are fluid, but they are definitively crossed when the employee becomes ill as a result. The connections between psychological stress and impairments to physical and mental health are well-established. It is now generally acknowledged that the employer must treat their staff respectfully, preserve their social standing, and is always well-advised to foster a collaborative and partnership-oriented interaction between superiors and subordinates[13]. This arises – especially when no specific regulations come into play (cf. § 75 (2) BetrVG; § 2 (1) ArbSchG) – already from § 241 (2) BGB and corresponds with corresponding requirements for the employer's organizational duties. According to the

7 Esser/Wolmerath, Mobbing und psychische Gewalt, 10. Aufl., 2020 S. 86ff..
8 BAGE 85, 56.
9 ArbG Berlin, Urt. v. 25.04.2014 – Az. 28 Ca 17463/13.
10 LAG Hamm, Urt. v. 23.11.2020 – Az. 1 Sa 1878/19.
11 https://research.upjohn.org/reports/146/, abgerufen: 02.02.2024.
12 LAG Thüringen, Urt. v. 25.01.2022 – Az. 1 Sa 269/20.
13 BAG NZA 2007, 1154 Rdn. 97ff..

statements of the Eighth Senate of the Federal Labor Court (BAG), the employer is "particularly obligated to protect the health and personal rights of their employees." Furthermore, they have the duty to "protect their employees from harassment by superiors, colleagues, or third parties over whom they have influence and to provide them with a humane workplace."[14] The requirements for the employer's duty to act are significantly lower than those for criminally relevant mobbing, as the goal is precisely to prevent such occurrences through suitable preventive measures. Even if individual actions or behaviors, considered in isolation, do not constitute legal violations, the overall assessment of these actions or behaviors can lead to a violation of a protected right of the employee due to their interaction based on the underlying systematics and objectives. The employer's duty of care requires efficient intervention in such cases.

Violation of § 5 (3) No. 6 of the Occupational Health and Safety Act (ArbSchG) Since the inclusion of psychological health hazards in § 5 (3) No. 6 of the Occupational Health and Safety Act through the Law on the Reorganization of the Federal Direct Accident Insurance Institutions, amending the Social Court Act, and amending other laws (BUK-NOG) dated October 19, 2013, employers are obligated to consider psychological stress factors in the risk assessment to prevent or mitigate the occurrence of critical stress manifestations (such as excessively long working hours, destructive leadership behavior, working under time and performance pressure, emotional dissonance). The purpose of the Occupational Health and Safety Act is to protect the safety and health of employees, with the emphasis on health protection rather than personality protection. Cases of bullying are covered by the Occupational Health and Safety Act when they lead to health implications because it falls under the employer's obligation, as per § 4 No. 1 ArbSchG, to prevent health hazards.[15]

Risk assessments are conducted in almost all large enterprises; however, in nearly one- third of them, psychological stress factors are not taken into account. In contrast, in small businesses, risk assessments are predominantly not conducted at all.[16]

In comparison to technical-material hazards, psychosocial risks in occupational safety still have a comparatively low significance.[17] This is especially true in the work of occupational safety specialists and in the supervisory activities of governmental regulatory bodies. In this context, it is problematic that addressing psychological stress in the workplace is highly political, leading to numerous conflicts and potentially significant resistance.

However, the legislator has obligated both the employer and the company management with § 5 (3) No. 6 in conjunction with § 13 of the Occupational Safety and Health Act (ArbSchG).

14 ArbG Berlin, Urt. v. 25.04.2014 – Az. 28 Ca 17463/13.

15 Thüsing/Bleckmann BB 2020, 249, 250.

16 BT-Drs. 19/25224, S. 72f..

17 Vgl. hierzu eingehend den Depressionsatlas der TKK, https://www.tk.de/resource/blob/2026640/c767f9b02cabbc503fd3cc6188bc76b4/tk- depressionsatlas-data.pdf., abgerufen: 02.02.2024.

Psychological stresses in the workplace arise not only from the daily demands of the job itself but also from the human interactions within the company. Therefore, all aspects that may lead to psychological hazards should be incorporated into the risk assessment.

Warning signals include consistently high rates of absenteeism and indications of frequent occurrences of depression-related illnesses within specific departments of the company.[18]

As soon as such developments are observed in the company, the employer is obligated to respond and implement suitable protective measures. If the issue lies, for instance, in a stressful or destructive leadership style, one potential solution could be training for the respective manager.

Violation of the General Equal Treatment Act (AGG)

The General Equal Treatment Act (AGG) protects, among other things, employees with the characteristics listed in § 1 AGG from discrimination by superiors and colleagues (§ 12 AGG). According to its wording, § 12 AGG initially refers to § 1 AGG, which encompasses discrimination based on one of the characteristics listed there, such as a disability.

However, a disability is not only present when it has been formally determined by the competent authority. According to § 2 SGB IX, which is crucial in this context, a disability is defined as any impairment lasting longer than six months[19], regardless of whether it has been officially established and the severity of the impairment. Many individuals suffering from depression may, therefore, fall under the legal definition of a disability if the underlying condition lasts longer than six months. This includes not only periods of incapacity for work due to the mental illness but also phases of medication or psychotherapy.

If the employer takes no or insufficient measures against harassment or discrimination, § 14 AGG allows the employee to suspend the contractually owed activity without loss of remuneration, to the extent necessary for their protection.

According to § 3 (5) sentence 1 AGG, the instruction to disadvantage a person based on a characteristic mentioned in § 1 AGG is equated with the actual disadvantage. The term "instruction" is defined in sentence 2 to mean that someone determines a person to behave in a way that could disadvantage or discriminately affect an employee based on a characteristic mentioned in § 1 AGG.

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18 BT-Drs. 16/1780, S. 31.
19 BAG, Urt. v. 13.10.2011 – Az. 8 AZR 608/10.

Such situations can often be observed, especially in connection with downsizing. Since there is no clear legal definition for "instruction," literature often follows criminal law constructions, with the wording of the standard example strongly reminiscent of incitement under § 26 StGB.

Therefore, it is crucial that the person giving the instruction induces the intention in the affected party. The instruction to disadvantage must be intentional, and knowledge of the unlawfulness of the action is not relevant. The requirements of § 3 (5) AGG are met as soon as the instruction is given, and actual disadvantage is not a determining factor.[20] However, § 12 AGG is not only applicable to the cases of § 1 AGG but, according to the jurisprudence of the Federal Labor Court, analogously applies to all circumstances constituting harassment of employees within the meaning of § 3 (3) AGG. Therefore, no reference to one of the characteristics mentioned in § 1 AGG is necessary to trigger the employer's obligations under § 12 AGG. The employer is obligated, regardless of a disability, to take appropriate precautions and, if necessary, effective measures to protect employees from harassment within the meaning of § 3 (3) AGG[21]. If the harassment is related to one of the characteristics mentioned in § 1 AGG, the presumption rule in § 22 AGG facilitates the enforcement of employees' claims.

Legal Consequences

Compensation

Compensation under the General Equal Treatment Act (AGG)

Section 15 AGG is the central liability provision for violations of the non-discrimination prohibition in Section 7(1) AGG. Section 15(1) AGG provides the discriminated employees or applicants with a fault-dependent compensation claim against the employer for material damages, while Section 15(2) AGG establishes a fault-independent compensation for non- material damages[22].

20 BAG, Urt. v. 14.01.2015 – Az. 7 AZR 880/13.

21 BAG, NZA 2008, S. 223.

22 Herberger/Martinek/Rüßmann/Weth/Würdinger, jurisPK-BGB, § 15 AGG (Stand: 01.02.2024) Rdn. 1.

Compensation for Discrimination

A claim for compensation under Section 15(2) AGG may arise if the employee, due to persistent harassment based on one of the characteristics listed in Section 1 AGG, is prompted to terminate the employment relationship from their side.[23]

The employee's right to compensation arises when acts of discrimination have occurred, as per Section 15(2) AGG. This compensation claim is not contingent on having a severe disability or being recognized as equal under Section 2(2), (3) SGB IX. The decisive factor here is also the broader definition in Section 2(1) SGB IX.

In this regard, no official determination of the degree of disability is required. It is sufficient that the employer was aware of the presence of the criteria specified in Section 2(1) SGB IX regarding the employee. This could be the case, for example, if there has been or is an extended period of incapacity for work due to the same illness, or if the employer is aware of the nature of the employee's illness. In addition to compensating for material damages, Section 21(2) AGG also provides a right to reasonable monetary compensation for non- material damages[24].

Culpability

The requirements for employer liability on the part of the employer encompass intent and negligence in accordance with § 276 of the German Civil Code (BGB). In formulating § 15 I 2 of the General Equal Treatment Act (AGG), the legislator has adopted the legal construction of § 280 I BGB. There is a statutory presumption of the employer's culpability. The absence of culpability must therefore be proven by the employer as a mitigating circumstance. According to § 278 BGB, the employer is also responsible for discriminatory behavior by its agents. Agents include both employees of the employer and third parties if the discrimination occurs in fulfillment of the right to issue instructions or contractual obligations. If the discrimination occurs outside the employer's scope of instructions, liability under organizational fault within the meaning of § 12 AGG may be considered[25].

23 LAG Köln, Urt. v. 10.07.2020 – Az. 4 Sa 118/20

24 Herberger/Martinek/Rüßmann/Weth/Würdinger, jurisPK-BGB, § 15 AGG (Stand: 01.02.2024) Rdn. 18.

25 BAG, NZA 2015, 1063, Rdn. 43.

Facilitation of Proof

The assertion of claims is facilitated by the evidentiary provision of § 22 AGG: § 22 AGG establishes a simplification of the burden of proof, a lowering of the standard of proof, and a reversal of the burden of proof in the context of protection against discrimination[26]. If, in a dispute, one party presents evidence indicating discrimination based on one of the grounds mentioned in § 1 AGG, according to § 22 AGG, the burden of proof shifts to the other party to demonstrate that there was no violation of the provisions protecting against discrimination.[27]

Relationship of § 15 AGG to Civil Law Claims

Section 15 V AGG clarifies that civil law claims against the employer outside of the AGG remain unaffected. According to the legislative reasoning, both compensation claims under §§ 280, 311 BGB, delictual claims under § 823 BGB, and claims for injunctive relief under § 1004 BGB are conceivable.

According to the prevailing opinion in legal literature, § 15 I AGG is understood as a lex specialis to § 280 I BGB insofar as the alleged violation is based solely on a breach of a non-discrimination provision.[28] The Federal Labor Court (BAG) has endorsed this view. The provisions in § 7 III AGG and § 15 I, IV 1, II, and VI AGG indicate that the legislator has specifically shaped the material damages that may arise from a violation of the non- discrimination prohibition within contractual relationships. This argues for considering the general claim for damages under § 280 I BGB as displaced, insofar as it is based solely on a violation of the non-discrimination prohibition. This ensures that the special conditions attached by the legislator to a claim under § 15 I AGG, particularly the limitation period, are not circumvented by granting a claim under § 280 I BGB.

Compensation for tortious acts

Compensation claims arising from tortious acts are not precluded by § 15 I AGG. There is a possibility of a claim for compensation for material damages according to § 823 I, II BGB in conjunction with § 7 I AGG and § 826 BGB.

26 https://dokumen.pub/markesiniss-german-law-of-torts-a-comparative-treatise-9781509933198-9781509933228-9781509933211.html, abgerufen: 02.02.2024.

27 Herberger/Martinek/Rüßmann/Weth/Würdinger, jurisPK-BGB, § 15 AGG (Stand: 01.02.2024) Rdn. 34.

28 BAGE 155, 149 = NZA 2016, 1394.

For this, the discrimination must constitute a serious infringement of the general right to personality according to Article 2 I in conjunction with Article 1 I GG or another absolute right of the employee, violate a protective law within the meaning of § 823 II BGB, or be contrary to morals. If the discrimination emanates from other employees, liability under § 831 BGB might be considered[29]. Additionally, the aggrieved party has a claim for the removal of persistent impairments and the prevention of further discrimination according to
§ 1004 BGB analogously. The provisions regarding the burden of presentation and proof in
§ 22 AGG do not apply to claims outside the AGG; instead, the general rules for the burden of presentation and proof apply. This is often a hurdle that employees must overcome in court, especially in cases of mobbing.

Compensation for Violation of Occupational Health and Safety Regulations

If the employer violates the contractual occupational health and safety obligations imposed on them by § 618 BGB within the framework of the Occupational Health and Safety Act (ArbSchG), resulting in harm to the employee's health, the employee is entitled to compensation under § 280 I BGB. However, this claim exists only if the employer's conduct was culpable under § 276 BGB, i.e., intentional or negligent. In general, the legal burden of proof applies, meaning the employee bears the full burden of proving the employer's breach of duty and the resulting damages. However, if the employer has not even conducted a risk assessment regarding psychological hazards in the workplace, the employee's burden of presentation and proof is eased. In such cases, there is a regulatory violation that was capable of causing harm to the employee, and the employer must prove that there is no causation between the regulatory violation and the damage, and that they are not at fault.[30]

Criminal Liability under § 223 I German Penal Code (StGB)

The question of whether someone has suffered harm to their health within the meaning of
§ 223 I StGB depends on what is encompassed by the term "health." In contemporary understanding, mental health is also considered part of this concept. While a direct application to § 223 I Alt. 2 StGB would be too broad, this is evident from the definition of the health concept in the preamble of the World Health Organization's Charter: "Health is a

29 BAGE 159, 159 = NJW 2018, 95

30 BAG NZA 2012, 1211, Herberger/Martinek/Rüßmann/Weth/Würdinger, jurisPK-BGB, § 15 AGG (Stand:
01.02.2024) Rdn. 76.

state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity."[31] Moreover, this aligns with the medical definition, which includes mental illnesses.[32] Classification systems for mental illnesses provide a relatively objective assessment of an individual's mental condition, with ICD-10 (International Classification of Diseases and Related Health Problems by the World Health Organization) and DSM-5 (Diagnostic and Statistical Manual of Mental Disorders)[33] being the most well-known.[34] It is now widely accepted that mental illnesses can lead to the need for treatment and work incapacity. Thus, mental health can be subsumed under the health concept in § 223 I Alt. 2 StGB, even though legal precedent may sometimes be hesitant in this regard.

Perpetrators engaging in such bullying behaviors may also face criminal charges. Additional criminal offenses that may apply include defamation (§ 185 StGB), slander (§ 186 StGB), false accusation (§ 187 StGB), and coercion (§ 240 StGB).[35]

Once the infringement of legal interests through workplace incidents has been established by the fact-finder, the subsequent criminal inquiry concerns the perpetration and participation of individual actors within the company. Depending on the circumstances of each case, holding the position of business owner or supervisor may imply a duty to prevent offenses by subordinate employees. Criminal responsibility can thus extend to multiple individuals, either due to active perpetration/complicity or arising from a duty of care towards the affected employee.

Summary

The fact that deficiencies in protecting the mental health of employees are evident not only in the private sector but also in the public service is substantiated by numerous court rulings. According to Leymann, administrative bodies and government agencies even rank among the sectors with a high incidence of bullying incidents. From this, one can cautiously infer that bullying and harassment predominantly occur where termination options are non-existent or limited. The economic damage caused by workplace harassment and bullying is immense, ranging from reduced performance in the workplace to costs associated with medical/therapeutic treatments, sick pay, unemployment benefits, premature retirement, and more.

Ultimately, the employer shifts their no longer valued employees onto social security systems and thus onto the community of contributors and taxpayers. It is therefore in the interest of society to counteract these developments as early and decisively as possible. For legal advice for the employee, it is recommended to primarily pursue the path through the provisions of the General Equal Treatment Act (AGG), especially due to the evidentiary facilitation in § 22 AGG. Outside the scope of the AGG, comparable evidentiary facilitations are not currently available to the employee.

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31 Reum, Cybermobbing, 2014, S. 79.
32 FS Eser, 2005, S. 235.
33 https://www.scotusblog.com/wp-content/uploads/2016/04/Intl-Medical-Organizations-et-al-Amicus-Brief.pdf, abgerufen: 02.02.2024
34 Leymann, Mobbing: Psychoterror am Arbeitsplatz, 2013, Pos. 1248.
35 BT-Drs. 19/25224.

Footnotes

1. The author is a business lawyer and doctoral student at the Graduate School of IIC University of Technology
2. Mayring P./ Fenzl T. (2014): Qualitative Inhaltsanalyse, S. 234.
3. Mayring P./ Fenzl T. (2014): Qualitative Inhaltsanalyse, S. 235.
4. Psychische Belastungen in der Arbeitswelt, BT-Drs. 19/3895, S. 19.
5. BT-Drs. 19/25420 v. 17.12.2020, S. 88.
6. Ruge/Krömer/Pawlak/Rabe v. Pappenheim, Lexikon Arbeitsrecht im öffentlichen Dienst, 13. Aufl., 2020, S. 133f..
7. Esser/Wolmerath, Mobbing und psychische Gewalt, 10. Aufl., 2020 S. 86ff..
8. BAGE 85, 56.
9. ArbG Berlin, Urt. v. 25.04.2014 – Az. 28 Ca 17463/13.
10. LAG Hamm, Urt. v. 23.11.2020 – Az. 1 Sa 1878/19.
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13. BAG NZA 2007, 1154 Rdn. 97ff..
14. ArbG Berlin, Urt. v. 25.04.2014 – Az. 28 Ca 17463/13.
15. Thüsing/Bleckmann BB 2020, 249, 250.
16. BT-Drs. 19/25224, S. 72f..
17. Vgl. hierzu eingehend den Depressionsatlas der TKK, https://www.tk.de/resource/blob/2026640/c767f9b02cabbc503fd3cc6188bc7 6b4/tk- depressionsatlas-data.pdf., abgerufen: 02.02.2024.
18. BT-Drs. 16/1780, S. 31.
19. BAG, Urt. v. 13.10.2011 – Az. 8 AZR 608/10.
20. BAG, Urt. v. 14.01.2015 – Az. 7 AZR 880/13.
21. BAG, NZA 2008, S. 223.
22. Herberger/Martinek/Rüßmann/Weth/Würdinger, jurisPK-BGB, § 15 AGG (Stand: 01.02.2024) Rdn. 1.
23. LAG Köln, Urt. v. 10.07.2020 – Az. 4 Sa 118/20
24. Herberger/Martinek/Rüßmann/Weth/Würdinger, jurisPK-BGB, § 15 AGG (Stand: 01.02.2024) Rdn. 18.
25. BAG, NZA 2015, 1063, Rdn. 43.
26. https://dokumen.pub/markesiniss-german-law-of-torts-a-comparative-treatise-9781509933198-9781509933228-9781509933211.html, abgerufen: 02.02.2024.
27. Herberger/Martinek/Rüßmann/Weth/Würdinger, jurisPK-BGB, § 15 AGG (Stand: 01.02.2024) Rdn. 34.
28. BAGE 155, 149 = NZA 2016, 1394.
29. BAGE 159, 159 = NJW 2018, 95
30. BAG NZA 2012, 1211, Herberger/Martinek/Rüßmann/Weth/Würdinger, jurisPK-BGB, § 15 AGG (Stand: 01.02.2024) Rdn. 76.
31. Reum, Cybermobbing, 2014, S. 79.

32. FS Eser, 2005, S. 235.
33. https://www.scotusblog.com/wp-content/uploads/2016/04/Intl-Medical-Organizations-et-al-Amicus-Brief.pdf, abgerufen: 02.02.2024
34. Leymann, Mobbing: Psychoterror am Arbeitsplatz, 2013, Pos. 1248.
35. BT-Drs. 19/25224.