

Translation from the German language:



**Service agreement
on the introduction of an in-house complaints office in accordance with the General Equal
Treatment Act (AGG)**

between

the Nationaltheater (National Theatre) Mannheim, a municipal undertaking of the City of Mannheim,
represented by the management of the Nationaltheater

and

the staff committee of the Nationaltheater, represented by the chairman of the staff council

the following service agreement on the introduction of an internal complaints office in accordance with the
AGG is agreed.

Preamble

The following service agreement serves to prevent discrimination on the grounds of gender, physical or mental disability, racism, external and/or (alleged) cultural characteristics, name, origin, nationality, religion or belief, social origin, age, sexual orientation or identity. We want to ensure a working environment free of discrimination and fear.

Section 1 Duties of management and employees

The management of the workplace undertakes not to discriminate against employees of the workplace in accordance with section 1 of the AGG and to protect them from discrimination within the meaning of the AGG.

In order to prevent discrimination in the workplace, the employer will ensure that all employees, especially managers, are trained in the field.

In addition, a code of conduct will be developed together with the staff council, which - regardless of position and employment relationship - will contain obligatory rules of conduct for the theatre management and staff. The code of conduct is attached to this document and is part of the service agreement.

The management further undertakes to take appropriate, necessary and reasonable measures in consultation with the staff council if discrimination occurs or becomes known.

The theatre management and the employees of the in-house operation Nationaltheater Mannheim are obliged not to discriminate against anyone on the grounds of gender, physical or mental disability, racism, external and/or (alleged) cultural characteristics, name, origin, nationality, religion or belief, social origin, age, sexual orientation or identity.

Section 2 Right to complain

Every employed person who is disadvantaged by the employer, a co-worker, persons with guest contracts or a third party according to section 1 AGG has the right to complain according to section 13 AGG. The complaint must be addressed to the complaints office at the NTM. Applicants and former employees can also contact the NTM complaints office. Complainants are entitled to be assisted in the complaint procedure by a person they trust.

The complaints office at the Nationaltheater Mannheim has the task of receiving complaints in accordance with the AGG, advising the person making the complaint, examining the complaint comprehensively, actively seeking and proposing solutions and informing the person making the complaint of the result of the complaints procedure. According to AGG section 12, the employer is responsible for taking and implementing appropriate measures to eliminate or prevent discrimination or disadvantage.

The complaints office acts confidentially, discreetly and in close consultation with the person concerned. All persons involved in the procedure of the complaints office are bound to secrecy.

The complaints office at the NTM consists of two AGG representatives and an AGG commission. The AGG representatives are appointed by the management and the staff council for a period of one year. The complaints commission is made up of the two AGG representatives, a representative of the HR department, a representative of the staff council and the representative of the severely disabled.¹ If necessary, the equal opportunities representative and/or the youth and trainee representative will be consulted.

The AGG officers are responsible for accepting complaints, advising the person making the complaint and examining the complaints.

- They set up regular personal consultation hours for this purpose and can be reached by telephone and e-mail.
- In cases that also concern the areas of responsibility of the Equal Opportunities Officer or the Representative for Severely Disabled Persons, they can be involved by the AGG Officers.
- After the AGG representatives have examined the facts of the case, the commission discusses the complaint together and recommends appropriate solutions and measures to the employer following a majority decision.
- For this purpose, the complaints commission meets regularly at three-month intervals and in the case of current cases.

¹ The AGG officers as well as the representation of the staff council should be well acquainted with the issues of anti-discrimination and the AGG. The AGG representatives should have counselling and, if necessary, mediation skills. It is also advisable to provide for a person with legal expertise for the commission.

Powers of the Complaints Office

- It may accept complaints and advise the person making the complaint. The advice may also include information on external counselling services and legal action.²
- It shall investigate complaints received and interview the complainant and other persons involved in the incident.
- Persons against whom complaints are made to the complaints office may be invited by the complaints office to an explanatory interview during working hours. This applies to inviting both the accused person and the person making the complaint as well as possible witnesses who experienced or observed the discriminatory situation.
- It may inspect the documentation of selection procedures (within the framework of the applicable data protection regulations) if these documents or data could prove or invalidate discrimination.
- Following the decision of the Complaints Commission, it may seek solutions and propose concrete measures, the implementation of which is the responsibility of the National Theatre in its function as employer. The result of the Complaints Commission's examination of the complaint is binding for the employer after the decision of the Complaints Commission.
- It may obtain information on the implementation of measures by the employer.

The procedure shall be carried out by the Complaints Office as follows:

1. Receipt of the complaint by the AGG officers. The sample template of the Federal Anti-Discrimination Agency for documentation is used for this purpose, attached to this document and is part of the service agreement.
2. Advice by the AGG officers on internal and legal options as well as documentation of the complaint.
3. Examination of the facts by the AGG officers, questioning the person making the complaint, in the case of individual complaints, the accused person and, if necessary, witnesses to the incident.
4. Joint discussion and evaluation of the facts within the complaints committee.
5. Writing down the result (of the complaints committee) and recommending measures to be taken to the employer.
6. Communication of the result to the person who made the complaint and the person or persons about whom the complaint was made by the complaints office or, in cases with consequences under labour law, by the employer with the involvement of the staff council.

² It does not necessarily have to be assumed that every complaint will be dealt with by the complaints office. It can also be the case, for example, that those affected only report an incident to the office but do not want it to be pursued further.

What measures can be taken by the employer?

- Moderated exchange between the parties involved by representatives of the complaints committee.
- Conciliation with the involvement of external mediation
- Labour law measures: Warning, reassignment/transfer or dismissal
- Measures to raise awareness, such as training, as well as measures to strengthen the persons concerned (empowerment).
- In the case of systemic discrimination (e.g. unequal pay): elimination of the discrimination.

Section 3 Consultations

The AGG Officers report to the employees once a year or whenever there is cause to do so on the status of compliance with the AGG in the department.

Section 4 Sanctions

If an employee is discriminated against under sections 7 and 1 of the AGG, he or she may claim compensation and damages under section 15(1) and (2) of the AGG.

Section 5 Right to refuse performance

Section 273 of the German Civil Code and the rights of the staff council remain unaffected.

Section 6 Final provisions

The service agreement shall enter into force upon signature by both parties. It may be terminated by either party with six months' notice to the end of the calendar year. There shall be no subsequent effect.

Please note: This is a translation from the original service agreement in German. The original service agreement is effective of 1st of July 2021 by signature from all five theatre managers as well as the chair of the staff committee.