



# **WORKS AGREEMENT ON THE PREVENTION OF SEXISM, RACISM, DISCRIMINATION, AND ABUSE OF POWER AT THEATER BREMEN – CODE OF CONDUCT**

between

Theater Bremen GmbH  
represented by the managing directors, Prof. Michael Börgerding  
and Michael Helmbold  
– hereinafter „Theater Bremen“  
and the Works Council of the Theater Bremen GmbH company  
represented by the Chairman of the Works Council, Dieter Leinfelder  
– hereinafter the „Works Council“

## **PREAMBLE**

Our mission as a theatre is to provide artistic impulses in a constantly changing urban society, and to play a role in shaping society's changes. We conceive of ourselves not only as critical observers of social trends, but also strive to be a space for lived social progress. Gender equality and equal opportunity are elementary principles for Theater Bremen GmbH. Theater Bremen GmbH and its employees seek to meet the challenge of mirroring and living society's diversity on its various stages.

Parallel to the legal regulations on the principle of non-discrimination pursuant to the General Equal Treatment Act (AGG) on the basis of gender, ethnic origin, religion, age, sexual identity, or disability, and the rights and obligations arising therefrom, the parties cited above thus agree internally on a values-based code of conduct for the prevention of sexism, racism, all forms of discrimination, and abuse of power.

Derogatory behaviour and abuse of power will not be tolerated at Theater Bremen.

The aim of this Works Agreement is to promote social interaction characterized by mutual esteem among all employees.

## **§ 1 Scope of application**

This Works Agreement applies to all employees of Theater Bremen GmbH, including persons engaged as guests.

## **§ 2 Objective**

(1) The aim of this Works Agreement is to prevent sexism, racism, discrimination, and abuse of power at Theater Bremen, protect the employees against such actions, and take preventive measures.

(2) All employees are called upon to refrain from any behaviour that could be perceived as harassment, insult, discrimination, racism, or abuse of power. The basis of the working culture at Theater Bremen is a cooperative partnership, social interaction, and the will to address and solve conflicts openly.



For the partners to this Works Agreement, cooperative partnership means:

- respectful, fair, and honest dealings with each other, regardless of gender, age, religion, origins, sexual orientation, or disability
- desistance from any form of sexual or racist harassment
- desistance from encroachments in gestural, verbal, and/or physical form
- awareness that one's own behaviour can have an effect on another person that was not intended
- clear and unambiguous communication
- openly addressing conflicts and problems at an early stage
- joint development and implementation of fair solution approaches
- active intervention upon witnessing encroachments, abuse of power, and inappropriate behaviour of any kind, and a direct response to inappropriate behaviour
- strict distinction between what is permissible inside and outside artistic work
- no abuse of the free scope offered by art
- a responsible approach to delegated power

(3) Persons subjected to sexism, racism, discrimination, and abuse of power are expressly encouraged to refuse to accept their situation, defend themselves, and turn to a third party with the aim of initiating measures against the misconduct.

In the case of such incidents, witnesses are called upon not to look the other way, but to show civic courage and social responsibility by coming to the assistance of the person affected. Affected persons who defend themselves and persons who support affected persons must never suffer any disadvantage as a result.

(4) In the case of suspicion of sexual, racist, and/or discriminatory harassment or abuse of power, Theater Bremen GmbH, represented by the management, is obliged to initiate all necessary measures to investigate the matter and protect the affected persons.

### § 3 Definitions

Inadmissible intrusions are a fundamental characteristic of low esteem that another person experiences against his or her will. Actions not intended as harassment or offence can nevertheless be perceived as such and only later become clear in their racist, sexist, or derogatory dimension.

It is essentially never appropriate to intrude on the personal sphere of others.

#### (1) Sexism/Sexual harassment

Sexual harassment at the workplace is every unsolicited behaviour of a sexual nature that violates the dignity of the person affected.

The following is specifically prohibited:

- unsolicited, non-consensual sexual acts and solicitations to engage in such acts
- suggestive remarks, jokes, gestures, and comments on the body, sexuality, or sexual orientation of others
- physical contact of a sexual nature
- sexually tinged derogatory gestures and behaviour
- the showing, dissemination, and visible display of pornographic images
- direct/indirect threatening of disadvantages for the refusal of sexual “favours” of any kind or promising of advantages for sexual concessions
- the coercion (or attempted coercion) of sexual acts by violence or the threat of violence

#### (2) Racism

Racism is any unequal treatment, statement, or act of violence that causes or intends human beings to be degraded or stigmatized due to their language, skin colour, outward appearance, and/or their (supposed) ethnic, national, or religious affiliations.

This includes:

- graphic images or pictures of a racist nature
- racist insults and derogatory acts



- racist jokes, remarks, behaviour, and prejudices
- „blackfacing“
- negation of individuality by attributing the behaviour and actions of a person to a supposed „culture“ (culturization)
- exoticization

### (3) Discrimination

Discrimination is any degradation of employees, particularly on the basis of disability, origin, nationality, skin colour, religion, ideology, political or trade union activity, disease, age, gender (including pregnancy and maternity leave), and/or sexual identity. It is irrelevant whether this degradation takes place in verbal, written, or physical form or in any other acts against another person.

Including:

- unequal pay due to gender
- discrimination on the basis of age
- discrimination on the basis of a disability

### (4) Abuse of power

Abuse of power is any abuse of a power position in order to damage, bully, or disadvantage other persons over whom power can be exercised, or to gain personal and/or professional advantages for one's own favoured persons.

This includes:

- shouting or other forms of verbal or physical violence
- derogatory remarks, gestures, and behaviour
- encroachments in gestural, verbal, or physical form
- deliberate “overlooking” or ignoring
- abusive work allocation
- humiliation and/or intimidation
- preferential treatment
- bullying

## § 4 Obligations of the employer

Pursuant to § 12 of the General Equal Treatment Act (AGG), Theater Bremen GmbH is obliged to take the necessary measures to protect against discrimination due to any of the reasons cited in § 1 AGG. This protection also includes protective measures.

The management of Theater Bremen GmbH is subject to a special duty of care for the employees. Upon receiving notification of concrete incidents in writing, verbally, or by third parties, managers, the human resources department, and the theatre management are obliged to intervene.

Theater Bremen GmbH will join affected persons in proceeding against persons who are acting in a sexist, racist, or discriminatory manner or abusing power. Within that context, it is to be ensured that affected persons will suffer no disadvantages from reporting possible misconduct (§16 AGG).

## § 5 Responsibility of managers

The managers will contribute through their own behaviour towards a working climate that is free of discrimination and anxiety. Managers who do not stand up uncompromisingly to sexism, racism, discrimination, and abuse of power shall be reminded of their responsibilities by the next higher manager.

Managers are responsible for ensuring that notifications of sexism, racism, discrimination, and abuse of power in their working area are immediately investigated and the necessary measures initiated.



Theater Bremen GmbH increases the competence of the managers to act in areas of the perception of sexism, racism, discrimination, and abuse of power by providing the relevant information and offering counselling and further training programmes.

#### **§ 6 Advice and support**

(1) Affected persons can engage in a personal, confidential consultation with a contact person of their choice. Such a consultation can take place independently of and separately from any complaint procedures.

(2) In particular, the following are available as internal contacts for consultation

- the Works Council
- the women’s affairs officer
- the disable persons representative

(3) External advisory contacts available to the employees for consultation include

- the Themis confidential line
- the Federal Anti-Discrimination Office (Berlin)
- Anti-discrimination in the workplace (ADA)

(4) The contact partners/ advisory services should advise and support the persons affected in dealing with the perceived sexual harassment, racist or discriminatory treatment, or abuse of power. They should, in particular, inform the persons affected about their rights, their options for exercising and asserting those rights, as well as the corresponding provisions of this Works Agreement. They can provide assistance in the submission of a complaint. They can provide further support for the affected persons in the event of a complaint being submitted and accompany them in discussions.

#### **§ 7 Possible procedures and measures**

(1) The Works Agreement on “Dealing with Conflicts” sets out the procedure and possible action strategies for the resolution of conflict.

(2) In addition the appropriate labour law measures in compliance with the personnel representation rules (caution, warning, relocation, termination), the theatre management can order a suitable further training measure, for example “Non-violent Communication”, “Sexual Harassment at the Workplace”, or an “Anti-Racism Workshop”.

#### **§ 8 Information for employees**

The Works Agreement will be made available to all employees within the scope of application. On recruitment, the Works Agreement will be presented to the employee with the usual recruitment documents.

#### **§ 9 Concluding provisions**

(1) The employer and the Works Council are obliged to observe compliance with the provisions of this Works Agreement, to pursue new findings and changes in the situation, e.g. legislation, and to update the Works Agreement as necessary.

The Works Agreement can be changed at any time by mutual consent of the parties to the agreement.

(2) If individual provisions of this agreement are invalid or ineffective, or become invalid or ineffective after conclusion of the agreement, this shall not affect the validity of the Works Agreement as a whole.