

Leaflet on the German General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz - AGG)


BSH operates in a global environment, in which men and women of different ages, nationalities, skin colors, religious persuasions, and ethnic, cultural and societal backgrounds work together. Each with their own individual perspectives, our employees are members of richly diverse teams working to achieve a set of shared tasks and goals. This corporate culture means that BSH already has a policy of not tolerating discrimination or harassment. Everybody has the right to be treated equally and fairly. Openness, trust and mutual respect for all employees¹ irrespective of their tasks and functions form the basis of our work together. This ban on discrimination applies equally to employers, employees, external service providers and other business partners. Each employee/external partner must therefore do their bit to help create a climate of partnership, where discrimination has no opportunity to exist.

On August 18, 2006 the German General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz – AGG) came into force. In this connection, we should like to alert you particularly to the following:

Objectives and definitional elements of the Act:

The aim of the Act is to prevent or stop **discrimination** on the grounds of **race** or **ethnic origin**, **gender**, **religion** or **ideology**, **disability**, **age** or **sexual orientation**.

Discrimination is any discriminatory, unjustifiable and arbitrary treatment of employees/external service providers/business partners that is connected with the accompanying grounds for discrimination. This also includes oral or written statements about people, and **encouraging others** to behave in this way.

 The AGG also contains exceptional provisions, under which unequal treatment may sometimes be permissible.

- 1.) Performance-related differentiation is also permissible.
- 2.) Professional requirements (e.g.: precision mechanics with special eyesight).
- 3.) Specific affirmative measures to prevent disadvantages or to offset existing disadvantages.
- 4.) Exceptions due to age.

Race and ethnic origin

The term **race** is intended to cover any racist or xenophobic discrimination.

Ethnic origin describes a group of people with a common culture, language or religion; connecting factors could be: skin color, language, hair color, nationality

Religion

all recognized communities of religions and beliefs, e.g. Christianity, Judaism, Islam, etc.

Ideology

any comprehensive worldview, but not general political convictions

Disability

not only covers acknowledged severe disabilities but also physical impairments and disfigurements, and sight/hearing/speech impediments for example

Age

in the sense of 'stages of life', so that not only older but also younger employees are protected

Gender

Discrimination against men or women is prohibited.

Sexual identity

protects against discrimination on the basis of sexual orientation

¹ Whether male or female.

Harassment and **sexual harassment** are also considered to constitute discrimination for the purposes of the AGG.

Harassment

'Harassment' means unwanted conduct that is connected with grounds for discrimination and has the purpose or effect of violating the dignity of the person being harassed, thereby creating a hostile environment. For example:

- derogative or demeaning statements about a person's origin, skin color, disabilities or religion
- insults, abusive language or threats based on that person's origin etc.
- physical violence in connection with grounds for discrimination


Sexual harassment

'Sexual harassment' means unwanted conduct of a sexual nature that has the purpose or effect of violating the dignity of the person affected, particularly when this creates a hostile environment.

For example:

- physical contact of a sexual nature
- comments of a sexual nature
- lewd remarks and comments

What does this Act mean for you?

 The AGG's discrimination ban not only applies to employers and line managers but also to colleagues working together and dealings with business partners.

- Treat others, particularly your colleagues, managers, business partners and their employees as you yourself would wish to be treated – with fairness and respect!
- Do not behave in a way that could be harmful to others or which they might perceive as degrading!
- Anybody who is affected by unfair behavior should take action, even if it is difficult at first.
- One of the duties of managerial staff is to ensure that the working environment is free from discrimination and to prevent any discrimination from occurring.

What are the consequences for those who discriminate against others?

- Those acting in a discriminatory manner are in breach of their contractual (employment) obligations and must expect to be penalized in accordance with the (employment) law, e.g. to be cautioned, transferred, relocated, dismissed, or to have their contractual relationship terminated in the case of external service providers.
- If financial claims are made on BSH in connection with discrimination, the company can assert all possible claims for compensation against the discriminating person.

What are the consequences for and rights of those suffering discrimination?

- If an employee or any other person in a contractual relationship with BSH feels discriminated against, then they can file a complaint with the officer or department responsible (right to complain). The formal **point of contact for complaints** for employees and business partners is the relevant Human Resources manager.
- In cases of harassment or sexual harassment, the employee has the right to refuse to work whilst continuing to receive his/her salary (right to refuse performance) if the employer takes no measures or obviously unsuitable measures to stop the harassment. However the employee bears the salary risk if he/she is unable to prove that the criteria for exercising the right refuse performance have been met.
- The employee can initiate legal proceedings if necessary.
- The employee may not be discriminated against simply because he/she asserted his/her rights under the law (victimization ban).