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DIENSTVEREINBARUNG (WORKPLACE REGULATIONS AGREEMENT)

CODE OF CONDUCT OF THE BÜHNEN KÖLN

At Bühnen Köln, we create art, at an excellent standard, for our audiences. This requires professionalism and a high level of commitment. Our team spirit is based on solidarity. We strengthen each other instead of treating others as adversaries. To this end, we recognize differences and similarities, from which we benefit in respectful and appreciative cooperation. Necessary hierarchies are constructed responsibly and shall be respected. This ensures peace within the company. We are all united by our passion for art.

OUR VALUES

RESPECT

Good cooperation is the basis of our work. All employees make equal contributions towards achieving our goals. We trust in everyone's competence and willingness to work. This includes respect and an appreciative approach, characterized by politeness and friendliness in actions and language. We respect boundaries, both our own and those of others.

EQUAL TREATMENT AND FAIRNESS

Everyone has the same opportunities to contribute to the company, regardless of sexual orientation and gender identity, age, appearance, health, disability, parenthood or responsibilities for care work, religion or ideology, origin or ethnic background.

We promote equality between all genders and are committed to the advancement of women and a better work-life balance.

We enable and promote inclusion¹ .

We see diversity as enriching for our teams.

For us, fairness means handling crises and conflicts with goodwill, tolerance and proportionality.

COMMUNICATION AND TRANSPARENCY

For us, open and constructive cooperation means that we listen to each other sympathetically and respect chains of communication². We can and want to learn from mistakes. We cultivate a structured feedback culture³. New employees receive structured onboarding at the Bühnen and shall be thoroughly trained in their areas.

PROFESSIONALISM

We enable focused work through collegiality, reliability and discipline⁴. Colleagues' areas of work and expertise are respected. Support may be requested and offered, but should not be imposed on colleagues. Basic conditions for professional work are the provision of appropriate resources⁵ by the company and compliance with working schedules and rehearsal regulations.

SUSTAINABILITY

We are mindful of our resources. This includes physical and mental health as well as materials, time and finances. Working in an environmental- and climate-friendly way is important to us. To this end, we are constantly looking for new ways to make our productions and processes sustainable.

¹ The central idea of inclusion is that people with and without disabilities should live together in a self-determined way in all areas of life. Inclusion means that people with disabilities no longer have to adapt their lives to existing structures. Instead, society is called upon to create structures that enable everyone - including people with disabilities - to be a valuable part of society. (according to: <https://www.stmas.bayern.de/inklusion/begriff/index.php>)

² By chains of communication, we mean the structure of information exchange within the organization. Chains of communication guarantee the efficient flow of information within Bühnen Köln. Everyone is equally responsible for establishing and maintaining chains of communication.

³ Feedback means constructive and productive feedback on work performance and behavior. It includes praise and criticism and does not contain any private judgment. Feedback takes place in an exchange. A structured feedback culture provides a clear framework for regular feedback, within feedback meetings, team meetings, surveys and everyday feedback. This also includes learning how to handle feedback correctly.

⁴Discipline here means both adherence to certain regulations, rules of conduct and authority, as well as mastering one's own will, feelings and attitudes in order to achieve our goals.

⁵ Resources such as materials, time, space, tools, staff, energy, budgets and time must be provided in sufficient quantity, suitable quality and in a timely and reliable manner.

RED LINES

Boundary violations can occur in various forms or in combination, and the transitions are often fluid. We clarify our red lines as follows:

ASSAULT AND VIOLENCE

We do not tolerate sexually harassing behavior, inappropriate comments and unwanted advances of any kind. We do not tolerate physical or verbal violence in the form of physical violence, shouting or aggressive behavior.

HARMFUL COMMUNICATION

We do not tolerate any written, verbal, situational, non-verbal, digital or other communication that intimidates, belittles, harasses or frightens due to its content and tone. We reject denunciation⁶ and defamation of character. We also reject collective actions by employees that are specifically directed against individuals.

VIOLATION OF THE EMPLOYER'S RESPONSIBILITY (SORGFALTS-/FÜRSORGEPFLICHT)

Work must not make employees physically or mentally ill. No pressure may be exerted on sick employees to return to work. We do not tolerate violations or non-compliance with occupational health and safety regulations. We do not accept any jeopardizing of our employee's potential by devaluation and disrespect. Solidarity and equal treatment must not be prevented by comparison and competition.

ABUSE OF POWER

We condemn any kind of abuse of a position of power for personal gain or to benefit selected individuals. No higher position justifies degradation, discrimination, insult or injury to others. We do not tolerate refusal to talk and provide information, insults, coercion or threats. The deliberate overworking and overloading of subordinate employees is not permitted.

When filling management positions, importance is attached to social skills and regular further training is mandatory.

BULLYING

Any statements or actions aimed at systematically discrediting, isolating, harassing or ousting a person from their position are condemned in the strongest possible terms. Public humiliation and false accusations must be avoided. We also regard so-called upward bullying („Staffing“⁷) and downward bullying („Bossing“⁸) as forms of bullying.

⁶ By denunciation, we mean false or vulgar accusations made for base motives or for personal gain. The lawful reporting of unlawful acts is not denunciation.

⁷ Upward bullying or „Staffing“ involves employees (individually or collectively) bullying their superiors by adopting a systematic attitude of denial in addition to the above-mentioned behaviors.

⁸ Downward bullying or „Bossing“ includes bullying by superiors towards employees, for example through systematic incapacitation, excessive control and the assignment of meaningless tasks.

DISCRIMINATION

Discrimination can appear as racism, sexism, based on religious beliefs, appearance, sexual orientation and gender identity, social status, level of education or professional experience, language skills, health, learning difficulties, age, parenthood or pregnancy.

All forms of deliberate discrimination, including for the purpose of abuse of power and bullying, are not tolerated. Forms of unconscious or unintentional discrimination will not be tacitly accepted, but shall be addressed.

Discrimination in everyday working life cannot be justified by artistic freedom or the right to freedom of expression.

COMMITMENT

Based on our values and our red lines, there is a need to clarify measures to enforce and protect our Code of Conduct:

In the event of a breach of the Code of Conduct, the following applies: If we are affected or learn of a situation, we act! This applies in particular to managers as part of their duty of care.

The management, the personnel council (Personalrat), the equal opportunities officer of the City of Cologne (Gleichstellungsbeauftragte), the Vertrauenspersonen as well as reporting and council centers such as Themis, the reporting office for the Whistleblower Protection Law (Meldestelle Hinweisgeberschutzgesetz), the AGG⁹ complaints office (AGG Meldestelle) are points of contact. Everyone has the same right to preventive measures, investigation (if necessary) and relevant information in this regard.

PREVENTION

- In order to implement the Code of Conduct effectively, it will be made known to all employees at all levels.
 - We will achieve a broad understanding of the content through a variety of learning opportunities, consisting of workshops and training courses for everyone. This supports the managers in their function as role models.
 - All employees should take part in at least one learning opportunity per season.
 - At the start of every new production or revival, the Code of Conduct will be presented to regular colleagues and guests before or after the safety briefing.
- We will maintain an open communication culture with cross-departmental exchange and a feedback system. This includes counseling and support services, such as the Vertrauenspersonen. Resources will be made available for this purpose.

INTERVENTION & INQUIRY

In the event of a perceived breach of this Code of Conduct, we will intervene immediately and begin an investigation. We recognize that reporting a stressful situation can be difficult. We protect those affected by taking their reports seriously and supporting them. An inquiry is an official and irreversible process. It begins with notifying a mandatory reporter. Mandatory reporters are the company management, all department managers, the Whistleblower Protection Law reporting office (Meldestelle Hinweisgeberschutzgesetz) and the City of Cologne's AGG complaints office (AGG Beschwerdestelle) (see graphic). These official reporting offices are responsible for investigating and processing incidents. They do not work confidentially. Transparent chains of communication and reporting are established and adhered to.

Any report must be acknowledged by a receipt of confirmation within three business days.

⁹ Allgemeines Gleichbehandlungsgesetz/General Equal Treatment Law

The management will take due care to clarify the facts as quickly as possible and provide feedback. Investigative measures will also be pursued beyond the end of an employee's or guest's contract.

Counseling by a member of the company's designated Vertrauenspersonen, the personnel council (Personalrat), Themis or the Office for Gender Equality (Gleichstellungsbeauftragte) is confidential and does not initiate an inquiry.

A person affected may bring a companion of their choice to each meeting.

CONSEQUENCES

Various consequences may follow the investigation of an incident. These must be proportionate and take into account all interests and the employer's duty to care for all employees. Measures and consequences are decided by the company management and, if the legal requirements are met, in compliance with the rights of the local personnel council (Personalrat) in accordance with the LPVG NRW¹⁰ and the rights of the equal opportunities officer (Gleichstellungsbeauftragte) in accordance with the LGG NRW¹¹.

Possible measures to mediate between the affected parties:

- Apology (if necessary accompanied by Vertrauenspersonen or others)
- Conflict counseling
- Moderated meeting
- Mediation, workshop or training

Possible offers for the person concerned:

- Offers of protection to avoid renewed conflicts
- Empowerment measures¹²
- Psychosocial counseling (e.g. through M.U.T.)

Possible measures in the event of culpable violation of the Code of Conduct:

- Formal appraisal interview
- Obligatory training measures
- Consequences, according to labor laws¹³
 - Warning (Ermahnung)
 - Admonition (Abmahnung)
 - Restriction of responsibilities
 - (Ordered) transfer to another area of the workplace
 - Suspension
 - Ordinary dismissal

¹⁰ North Rhine-Westphalia State Staff Representation Law (Landespersonalvertretungsgesetz Nordrhein-Westfalen)

¹¹North Rhine-Westphalia Equal Opportunities Law (Landesgleichstellungsgesetz Nordrhein-Westfalen)

¹² The term empowerment stands for approaches in psychosocial practice that encourage people to discover their own strengths and resources and convey self-efficacy.

¹³ Appropriate measures also apply to guests.

- Extraordinary dismissal
- For civil servants: (Disciplinary) measures under employment law:
 - Censure (Missbilligung)
 - Reprimand (Verweis)
 - Fine (Geldbuße)
 - Reduction of remuneration (Kürzung der Dienstbezüge)
 - Demotion (Zurückstufung)
 - Removal from the civil service (Entfernung aus dem Beamtenverhältnis)
- New contracts will be offered only in the case of cooperation in the processing and a promised change in behavior. The personnel council (Personalrat) must be involved in advance and their consent must be obtained. The personnel council (Personalrat) must not be guided by irrelevant considerations when giving their approval or refusal within the scope of co-determination (Mitbestimmung) and must fully assess the specific circumstances of the individual case.

EVALUATION & FURTHER DEVELOPMENT

The Code of Conduct development group will continue to exist as an open committee. This group also sees itself as a collection point for editorial comments on the Code of Conduct and deals continuously with open and anonymous feedback and its evaluation. The committee will also determine the feedback structure for the Code of Conduct. It may include measures such as personal conversations, surveys, experience reports and regular exchanges with the Vertrauenspersonen.

The necessary resources will be provided for this purpose.

EFFICACY AND TERMINATION

The Code of Conduct was developed and agreed on by employees from all departments in cooperation with the management and personnel council (Personalrat) and with the involvement of the equal opportunities officer in 2024. It will be reviewed and adapted annually to ensure its effectiveness.

This will be accompanied by an extensive mediation program through announcements, information events, (print) media, supplemented by regular workshops and training courses, team-building measures, lectures on specific topics and further evaluation meetings.

This Dienstvereinbarung shall enter into effect upon signing. It will be posted in the individual departments and made available to staff via the Bühnen Intranet. It is a binding contractual component of all new contracts and corresponding contract extensions. It will be handed out in writing to employees who are already employed. The handover must be confirmed in writing for filing in the personnel file.

This agreement does not affect the monitoring rights of the personnel council (Personalrat), the representatives for severely disabled employees (Schwerbehindertenvertretung), the Office for Gender Equality (Amt für Gleichstellung von Frauen und Männern), or the statutory participation

rights of the personnel council (Personalrat), the representatives for severely disabled employees (Schwerbehindertenvertretung), the Office for Gender Equality (Amt für Gleichstellung von Frauen und Männern).

Should it become necessary to adapt the provisions of this Dienstvereinbarung to the circumstances, negotiations shall be initiated at the request of one of the contractual parties, with the aim of reaching an amicable agreement. Amendments and additions must be made in writing to be legally effective.

In the event of legal or collectively agreed upon changes that invalidate individual provisions of the Dienstvereinbarung, the validity of the rest of the Dienstvereinbarung shall not be affected. This shall also apply in the event of future changes to the law; corresponding invalid provisions shall be replaced by valid provisions by mutual agreement. If necessary, the personnel council (Personalrat) and the leadership of Bühnen Köln agree to discuss any possible need to amend this Dienstvereinbarung. In this case, the contracting parties agree to enter into negotiations immediately with the aim of replacing the invalid provision with a valid provision that comes as close as possible to it in terms of efficacy.

This Dienstvereinbarung may be terminated in writing with a notice period of 3 months to the end of the season. So long as a new Dienstvereinbarung has not been executed and approved, the previous agreement applies.

In the case of a contractual termination as well as in the case of a collective bargaining negotiation process, the parties undertake to enter into negotiations without delay in order to clarify the corresponding effects on the remaining provisions and to make any necessary adjustments.

Cologne, 20.02.2025

Hein Mulders
Opernintendant

Rafael Sanchez
Schauspielintendant

Patrick Wasserbauer
Geschäftsführender Direktor

Markus Greitemann
Technischer Betriebsleiter

Roland Fernstaedt
Personalrat Kunst und Kultur

Zur Kenntnis genommen:
Betriebsleitung Gürzenich-Orchester

ATTACHMENT

<p>AGG-Beschwerdestelle: Amtsleitung von Amt 11 – Personal- und Verwaltungsmanagement</p> <p>Dr. Monique Offelder</p> <p>Telefon: 0221 221 25700 E-Mail: monique.offelder@stadt-koeln.de</p>	<p>According to Section 13 of the General Equal Treatment Law, employees have the right to lodge a complaint with the competent representative of the employer if they feel they have been discriminated against on one of the grounds listed in the AGG. The City of Cologne has declared the Human Resources and Administration Management as an official office of complaint (Beschwerdestelle). Complaints should be addressed directly to the head of the Human Resources and Administration Management. The complaints office examines incoming complaints and, if necessary, orders an investigation.</p>
<p>Amt 03 für Gleichstellung von Frauen und Männern</p> <p>Stadthaus Deutz Willy-Brandt-Platz 2 50679 Köln</p> <p>E-Mail: gleichstellungsamt@stadt-koeln.de</p>	<p>The Office for Gender Equality is available for personal and confidential advice across all departments. Other advice centers are the elected interest groups (Personnel Council (Personalrat), Jugendausbildungsververtretung and Schwerbehindertenvertretung) and the Employee Support Team (M.U.T.). The aim of confidential information and advice is to support those affected in clarifying their interests and further steps. No further measures may be initiated from an initial meeting or a confidential consultation without the consent of the person concerned.</p>
<p>Interne Meldestelle Hinweisgeberschutzgesetz: 14 – Rechnungsprüfungsamt im Bereich der Stabsstelle 14/1</p> <p>Hinweise können - auch anonym - abgegeben werden: Telefonisch unter +49 221 221- 33533 (Meldestelle Hinweisgeberschutzgesetz)</p> <p>E-Mail: meldestelle-hinweisgeberschutzgesetz@stadt-koeln.de</p>	<p>In accordance with the Whistleblower Protection Law, which implements the so-called “Whistleblower Directive” of the EU, the City of Cologne has set up a whistleblower system in the form of an internal reporting office. Here, employees can confidentially report or indicate that employees of the City of Cologne have violated applicable law, in particular regulations subject to criminal penalties or fines, without fear of reprisal due to disclosure.</p>

<p>Themis – Vertrauensstelle gegen sexuelle Belästigung und Gewalt e.V.</p> <p>E-Mail: beratung@themis-vertrauensstelle.de</p>	<p>Themis Vertrauensstelle is an independent and external advice center for sexual harassment and violence in the cultural and media industry. It offers legal and psychological advice to victims, witnesses and employers.</p>
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