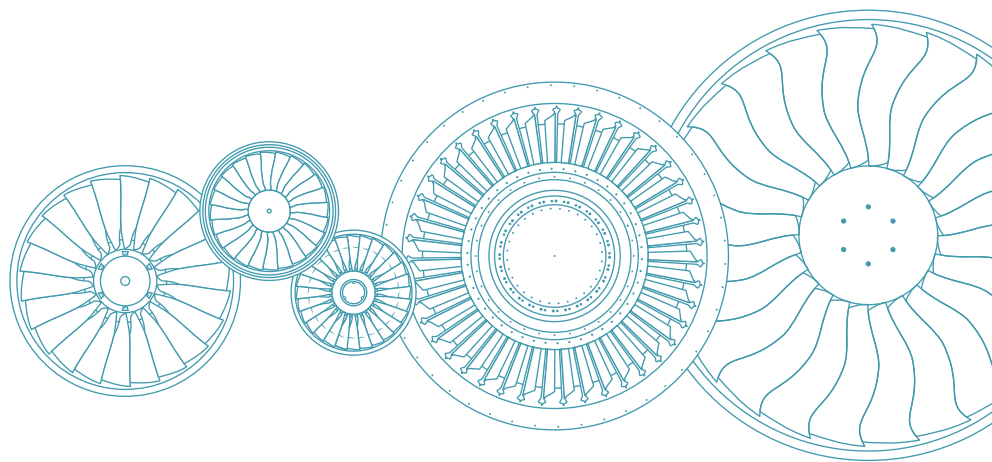




## The General Equal Treatment Bill



## Employer's obligations

Legal requirements	Our actions
<p><b>Protect employees from discrimination</b>  <b>§ 12 section 1 of the General Equal Treatment Bill</b></p>	<p>The responsible department shall in the event of discrimination take appropriate, necessary and reasonable action required in each individual case to prevent any further discrimination, for example by warning, relocating, transferring or terminating the discriminating employee or changing processes, if appropriate.</p>
<p><b>Impose sanctions for/against employees and third parties if the prohibition to discriminate is violated</b>  <b>§ 12, sections 3 &amp; 4 of the General Equal Treatment Bill</b></p>	<p>These will be determined by the responsible department in the form of warning, termination, etc.</p>
<p><b>Train employees to prevent discrimination</b>  <b>§ 12 section 2 of the General Equal Treatment Bill</b></p>	<p>Is satisfied by this informational brochure</p>
<p><b>Promulgate the General Equal Treatment Bill in the company</b>  <b>§ 12 section 5 of the General Equal Treatment Bill</b></p>	<p>Has already been published on the company intranet and on bulletin boards (depending on company location)</p>
<p><b>Name the responsible department</b>  <b>§ 13 of the General Equal Treatment Bill</b></p>	<p>For contacts, see below</p>



**Your contact in Munich**  
 Gudrun Bauer (FPL)  
 Tel. +49 89 1489-3219  
 gudrun.bauer@mtu.de



**Your contact in Hannover**  
 Kristina Spickermann (FPHD)  
 Tel. 05 11 7806-9008  
 kristina.spickermann@mtu.de



**Your contact in Berlin-Brandenburg**  
 Yvonne Lehnert-Grolmes (FPB)  
 Tel. +49 3378 824-287  
 yvonne.lehnert-grolmes@mtu.de

## The General Equal Treatment Bill (Allgemeines Gleichbehandlungsgesetz, AGG)

The General Equal Treatment Bill is intended to protect employees from discrimination and improve the protection especially in the workplace. Under the bill, the prohibition of discriminatory practices does not apply solely to employers but importantly also among co-workers.

This brochure is meant to inform you of the rights and obligations arising under the bill, of what discriminatory practices are disallowable and of what to heed in your work environment. Please understand this notification primarily as an effort to avert discrimination and so foster non-discriminatory practice in our company.

Therefore, please read this brochure carefully. Violation of the General Equal Treatment Bill may entail labor and criminal law consequences. The brochure also names the contacts you may wish to consult in the event of discrimination.

**Our guiding principle:**  
**Employees should deal with their co-workers and business partners in a manner in which they would appropriately expect to be treated themselves.**

### **To whom does the General Equal Treatment Bill apply?**

The General Equal Treatment Bill's prohibition on discrimination has special significance in dealings among co-workers. Accordingly, it applies not only to supervisory relationships but especially also to dealings with business partners and staff of employers' contracting parties (both male and female suppliers, customers, job applicants, etc.).

### **From what does the General Equal Treatment Bill intend to protect?**

The General Equal Treatment Bill intends to protect employees from discrimination on the basis of one of the following grounds. No employee shall because of one or the other of these grounds be treated worse than any other in a comparable situation.





### What are the discrimination grounds of the General Equal Treatment Bill?

- **Race and ethnic origin**  
Discrimination, harassment or sexual harassment may be triggered in this context by e.g. skin color, language, hair texture, nationality
- **Religion or belief**  
e.g. Christianity, Islam, Hinduism, Buddhism
- **Disability**  
e.g. physical impediments and disfigurements; seeing, hearing and speaking handicaps
- **Gender**
- **Sexual identity**  
e.g. homosexuality, but also heterosexuality
- **Age**  
As a stage in life, so that the General Equal Treatment Bill protects not only older but also younger employees.

Employees shall not discriminate, harass or sexually harass co-workers on any of the grounds cited. If they do so nonetheless, they are violating their obligations under the employment contract and may be disciplined accordingly by the employer including relocating, warning or even terminating the employee.

### Remember: Whoever discriminates is risking his/her job.

**However:** Not every type of unequal treatment is prohibited. The General Equal Treatment Bill includes exceptional provisions that may warrant unequal treatment: job requirements, for instance, may warrant unequal treatment. Also special sponsoring designed to prevent disadvantages or offset existing disadvantages are allowable. The General Equal Treatment Bill also provides for a number of exceptions on account of age.

### What constitutes harassment or sexual harassment?

Considered discrimination in the intent of the General Equal Treatment Bill, and accordingly prohibited, is harassment on the basis of the aforesaid grounds, as well sexual harassment.

### What is harassment?

Harassment is an unwanted practice on the basis of discrimination grounds that intends to or actually does violate the dignity of the harassed person, so that a hostile environment is created.

Whether or not a practice is unwanted shall be judged from an objective observer's view. Sufficient cause therefore exists when an employee can from a neutral point of view assume that his/her conduct is not wanted or accepted by a co-worker. This does not require that the victim defends itself or on its own initiative points out that it feels harassed by a certain conduct of its co-worker.

### Typical cases of harassment

- Derogatory or humiliating comments about origin, skin color, speech disorders, bodily disfigurements, handicaps, religion or the wearing of religious symbols
- Insults, abuses, threats based on origin, etc.
- Joking and teasing based on origin, etc.
- Derogatory glances and gestures on the basis of discrimination grounds
- Excluding or bullying co-workers on the basis of discrimination grounds, e.g. through deliberate information gaps, spatial isolation, ignoring or assignment of hurtful, humiliating tasks
- Xenophobic or racist conduct
- Physical violence on the basis of discrimination grounds

### What is sexual harassment?

Sexual harassment is an unwanted, sexually oriented pattern of conduct intended to or actually operating to violate the dignity of the victim. This is the case especially when a hostile environment is created. A single incidence will be sufficient cause, however. The test for occurrence of sexual harassment is, as in the case of harassment, an objective observer's view.

### Typical sexual harassment::

- Unwanted sexual acts and requests to engage in them
- Physical touching of a sexual nature (conceivably obtrusive hugging)
- Remarks of sexual content, e.g. about sexual conduct or charm
- Insinuating remarks and comments
- Holding out the prospect of professional advantages in return for sexual favors
- Unwanted showing or visible display of pornographic images in the work environment

## Employees' rights

### Right to file complaints

When employees feel discriminated against, harassed or sexually harassed at the hands

of employers, superiors, co-workers or customers on the basis of any of the discrimination grounds afore-cited, they have the right to file complaints with the responsible company departments.

The employer shall review the complaint and the complaining employee shall be notified of the results.

The employer will often not be in a position to handle the complaint fully anonymously. To protect discrimination victims, the employer is bound to resolve the incident reported.

### Right to refuse performance

Employees that are victims of harassment or sexual harassment in the workplace have a right to stop rendering services to the employer if the employer fails to take action, or takes obviously inappropriate action to stop such harassment. This requires that the employer be apprised of the harassment or sexual harassment involved. So long as the employer remains in the dark, he cannot interfere to protect the victim.

**Note:** When an employee wrongfully refuses to perform his/her work, the employee forfeits his/her claim to remuneration. The employer may additionally elect to issue a warning or even terminate the employee on the grounds of refusal to work, depending on the situation in the concrete individual case.

### Compensation and damages

Violation of the prohibition of discrimination may prompt damages and compensation claims. These shall be asserted in writing to the employer within two months after the discrimination has come to notice, unless some other deadline is stipulated in the applicable collective agreement. Action for compensation shall be brought within three months after the claim has been lodged in writing.





MTU Aero Engines AG  
Dachauer Straße 665  
80995 München • Germany  
Tel. +49 89 1489-3184  
[www.mtu.de](http://www.mtu.de)