

Annex to the [...]contract¹:

Clause on dealing with discriminatory acts and statements

1. Content of the Clause

Should (permanent or freelance) Employees of [...] (hereinafter referred to as "Employees") make discriminatory statements or act in a discriminatory manner towards the [...] within the scope of the contractual performance agreed upon in this contract [or violate the values of the Code of Conduct]², [...] undertakes to have one of the measures, described in more detail under § 4, carried out at its own expense after being notified of the incident by the [...]. The report can also be made to the responsible complaint's office (if any) [...].

2. Code of Conduct³

[...] has issued itself guidelines for dealing with discrimination (Code of Conduct). The Code of Conduct is attached to this clause.

3. Definition of discrimination

3.1 Definition of discrimination

Discrimination within the meaning of this contract exists if an [...] is disadvantaged, demeaned, or degraded in a racist or antisemitic manner or on the grounds of gender, gender identity or gender expression, physical or mental disability, external and/or (supposedly) cultural characteristics, name, ethnic origin, socio-economic background, religion or worldview, age, sexual orientation or sexual identity.

3.2 It shall be irrebuttably presumed that [...] has been discriminated against if [...] feels discriminated against or insulted by the statement/action and if a connection can be established between the statement/action and the definition stated in § 3 No. 3.1.

¹ In the contract you can use this clause to include the annex: [...] Anti-racism and anti-discrimination clause: [...] has enacted a guideline for its own handling of cases of discrimination (Annex [...] to this contract). Moreover, the parties have agreed on an anti-racism and anti-discrimination clause with which they reject any form of racism and of discrimination and commit themselves to diversity in society. This agreement is attached to this contract as annex [...].

² Optional if you already have a code of conduct.

³ Optional if you already have a code of conduct.

4. Measures

After being notified and becoming aware of an incident according to § 2, [...] undertakes to carry out one of the following measures.

- 4.1 To have carried out a further education or training or another comparable measure (hereinafter “workshop”) of at least six hours with Employees, which contributes to raising awareness of discriminatory structures, behaviour, communication forms and diction.

4.1.1 Nature of the workshop

The workshop must be related to the identified discrimination or the breach of the Code of Conduct and must include one of the following elements⁴:

- 4.1.1.1 anti-discrimination and diversity-oriented reflection of practices or
- 4.1.1.2 anti-discrimination training from an intersectional perspective or
- 4.1.1.3 anti-discrimination and diversity-oriented organizational consulting and development to reflect on and change [...]’ own structures and work processes as regards discrimination, taking into account multiple discrimination, or
- 4.1.1.4 supervision with a focus on the institutional and social structures and contexts that shape work and the workplace; carried out by an advisor with anti-discrimination and diversity-oriented attitude and expertise.

- 4.1.2 [...] undertakes to provide suitable proof of the measure without being asked to do so after the workshop has been held. The proof can also be provided by a confirmation statement from the facilitator. After expiry of the period specified in § 4 No. 4.6, the [...] shall have a claim for information against [...] regarding the question whether the workshop has been carried out and whether it met the criteria specified in § 4 No. 4.1.1.1-4.1.1.4.

- 4.2 To have carried out an anti-discrimination and diversity-sensitive mediation with those involved in the incident

- 4.3 To have carried out a coaching measure for the [...] who has experienced the discrimination or the breach of the Code of Conduct.

4 An anti-discrimination workshop considers and includes the possibility of different spaces for learning and reflection about social privileges and positioning within the different relations of dominance and power structures. How this is implemented is up to the facilitators.

4.4 ⁵ Except as otherwise mutually agreed between the parties, the workshop must be attended by at least one person from each department of [...], including:

- Management (artistic directorship, board, executive board, board of directors)
- Administration
- Technology, information technology (IT)
- Media and public relations, communications, social media
- Quality management
- Human resources
- Marketing
- Membership, alumni and donations administration, fundraising
- Programme and project management
- [...]

However, it is mandatory that at least one person from the management and from the administration take part in the workshop. Insofar as mutually agreed arrangements are made in this regard, these must be in text form to be effective.

4.5 The set of participants specified above⁶ can be deviated from if [...] participates in a programme for anti-discriminatory diversity-oriented organizational development and organizational consulting which aims to reflect on and change its own structures and work processes with regard to anti-discriminatory structures and the handling of specific experiences of discrimination and their links with other forms of discrimination, and in the context of this process, a different set of needs for the group of participants in the workshops is developed.

4.6 The measure must be carried out within six months after the incident was reported.

4.7 The [...]'s claim to the implementation as well as to the assumption of costs of the chosen measure shall continue to exist even after the termination of this agreement and can be enforced in court.

5. Right of option

The [...] is free to choose which measure mentioned in § 4 is to be carried out.

⁵ This option can also be removed completely. Here, a choice can be made as to which of the employees should be required to participate in a measure. The following list can be adapted, or non-existing positions can be deleted. Alternatively, you can select that at least one person from management and administration must participate.

⁶ This policy is recommended if a larger group of employees is required to participate under 4.4.

- 5.1 If [...] chooses a measure according to § 4 No. 4.1 (workshop), it is incumbent upon [...] to select the concrete type of measure (No. 4.1.1.1-4.1.1.4). In this case, [...] is responsible for commissioning and assuming the costs.
- 5.2 If [...] selects a measure according to § 4 No. 4.2 (mediation), the two parties must agree on a mediator, with the [...] having the final decision-making authority if the mediation does not exceed a volume of up to EUR 1.000. In this case, [...] is responsible for commissioning and assuming the costs.
- 5.3 If [...] selects a measure according to § 4 No. 4.3 (coaching measure), it is incumbent upon the [...] to commission a suitable coach. In this case, [...] must assume the costs actually incurred if these do not exceed a volume of up to EUR 1.000.
- 5.4 In the case of § 4 No. 4.2 and No. 4.3, it is clarified that the costs listed above include travel and accommodation costs that may be incurred.

6. Final provision

Any confidentiality clauses agreed upon in this contract do not apply to this clause on dealing with discriminatory acts and statements and with breaches of the Code of Conduct.

Place, Date, Signature [...] _____

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