

UFZ-Directive | IR-19/12| 07.10.2019

# Agreement on the Promotion of Equal Opportunity at UFZ

in execution of the Implementation Agreement to the GWK Agreement on Gender Equality in Joint Research Funding

**Please note:** This is a translation of the German version of the above mentioned directive and is intended solely as a convenience to the non-German-reading employees. Any deviations from the original German directive are not binding and have no legal effect for compliance or enforcement purposes.

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## Preamble

UFZ regards the realisation of equal opportunity for women and men, the improvement of family-friendliness and the reconciliation of family, care responsibilities and work as an objective and primary management task of central management.

To implement the basic principles of the Federal Equality Act (Bundesgleichstellungsgesetz) as defined by the federal government and federal states in the Implementation Agreement on the Research Funding Framework Agreement on Gender Equality in Joint Research Funding of 22 April 2016 (hereinafter "Implementation Agreement on Gender Equality"), as a self-commitment and in addition to existing regulations, UFZ will apply the following regulation with effect from 1 January 2020.

UFZ undertakes to report annually to the Supervisory Board on trends relating to gender equality, family-friendliness and the reconciliation of family, care responsibilities and work. To comply with federal government reporting obligations in accordance with the provisions of the Federal Equality Act, UFZ will submit to its funding providers every four years a report on the numbers of women and men

- among its employees, classified by full-time and part-time work and family- or care-related leave,
- among applicants and new appointments

and also report on the effectiveness and usability of the introduced regulations. An internal report should also provide data on the number of women and men who progress up or down in their careers and participate in internal further training.

## 1 Definitions

- (1) The Equal Opportunity Officer and the employer conjointly define the following terms for the purpose of these principles:
- Jobs or posts:** Training places, regular positions (*Stellen*, in the public sector), established positions (*Planstellen*, in public administration) and employment positions to be filled by employees for the purpose of these principles and for whose performance only financial resources are required, regardless of whether the employment is funded from budgetary funds provided for regular and established positions or other budgetary funds, including third-party funding;
  - Areas:** Salary and remuneration groups or career groups, careers and specialisations, vocational training types and levels with supervisory or management responsibilities;
  - Career advancement:** e.g. promotion, higher classification, grade increase and allocation of higher-value activities;
  - Employees:** Civil servants, employees and trainees;
  - Entities:** Legal persons under private or public law which receive funding in the context of joint funding from the federal government and federal states;
  - Family responsibilities:** The actual care of at least one child under the age of 18 years by employees; this includes the use of parental leave in accordance with the Federal Parental Allowances and Parental Leave Act (Bundeselterngeld- und Elternzeitgesetz);
  - Care responsibilities:** The actual, non-occupational home care by employees of a person in need of care for the purposes of § 61 a para. 1 of Book XII of the Social Code

(SGB XII); this includes the use of care leave in accordance with the Care Leave Act (Pflegezeitgesetz) and the use of family care leave in accordance with the Family Care Leave Act (Familienpflegezeitgesetz);

h) **Qualification:** Aptitude, ability and professional achievement;

i) **Underrepresented:** Status of women or men if they represent, respectively, less than 50% of employees in a single area as defined in Clause 1 para. 1 b); decisive in the determination of underrepresentation is the current situation in the area to which the intended measure or decision primarily relates.

(2) To resolve differences of opinion between the employer and the Equal Opportunity Officer, if necessary an arbitration committee will be formed. The arbitration committee consists of a representative of UFZ, the Equal Opportunity Officer and an impartial chairperson to be selected by agreement of both parties. If no agreement can be reached between UFZ and the Equal Opportunity Officer through arbitration, the chairperson shall decide.

## 2 General obligations

(1) Employees, in particular those with supervisory or management responsibilities, UFZ's Executive Management and personnel management must promote the achievement of the objectives of these principles. This obligation is a consistent guiding principle in all areas of responsibility and decisions at UFZ.

(2) General regulations as well as written and digital publications of UFZ should also express the equality of women and men through the use of language.

(3) The Executive Management of UFZ must strive to achieve equal participation by women and men in the appointment of members of committees for which it is entitled to delegate, appoint or nominate members.

## 3 Basic intention; note on application

(1) The only circumstance in which the principles expressed in this agreement should not be applied is if belonging to a particular gender is an essential prerequisite for the activity to be performed.

(2) The participation rights of staff councils/works councils and of the Representative Body for Disabled Persons remain unaffected.

## 4 Job advertisements

(1) Except in the context of special programmes to eliminate the underrepresentation of one gender, job advertisements must be gender-neutral. In particular, it is not permitted to advertise jobs only for men or only for women. The text of the advertisement must be formulated in such a way that it addresses members of both sexes equally and specifically encourages members of the gender underrepresented in the area in question to apply. All advertisements must contain a statement that the advertised post can be filled on a part-time basis unless there are substantial operational interests that conflict with this. Sentence 4 also applies to the filling of posts with supervisory or management responsibilities regardless of the hierarchy level.

(2) If there is underrepresentation in individual areas, a vacant post should be advertised to increase the number of applications from the underrepresented gender. The advertisement should be public if this objective cannot be achieved by means of an internal or cross-institutional or cross-project advertisement.

- (3) Job advertisements must specify the requirements of the position and the required qualification profile.

## **5 Job interviews**

- (1) If there is a sufficient number of applications from women who satisfy the requirements and qualification profile specified in the advertisement, when filling a vacancy in an area in which women are underrepresented, the number of women invited to interview or to participate in special selection processes must be at least as high as the number of men. The special obligations of public employers to ensure the participation of people with disabilities within the meaning of § 165 sentences 3 and 4 of Book 9 of the Social Code (SGB IX) remain unaffected. Sentences 1 and 2 apply accordingly to the filling of vacancies in an area in which men are underrepresented due to structural disadvantage.
- (2) At interviews and special selection processes, questions regarding civil status, pregnancy or planned pregnancy, and existing or planned family or care responsibilities are not permitted.
- (3) Selection committees must be gender-balanced. If there are valid reasons why this is not possible, these reasons should be placed on record.

## **6 Selection decisions for recruitment, career advancements and filling vacancies for training positions**

- (1) If women are underrepresented in a particular area as defined in Clause 1 para. 2, UFZ must give them preferential consideration in the awarding of training places, recruitment and career advancement. This preferential treatment is subject to female applicants having the same qualifications (aptitude, ability and professional achievements) as male applicants. No preferential treatment shall be given if there are legally defensible reasons in favour of a male applicant. Sentences 1 to 3 apply accordingly if men are structurally disadvantaged and are underrepresented in the area in question.
- (2) Para. 1 applies in particular to
  - a. filling vacancies for civil servants, employees and trainees;
  - b. career advancement, unless the decision on this advancement is made through a vote or the participation of an election committee.
  - c. Para. 1 sentence 1 also includes posts with supervisory or management responsibilities regardless of the hierarchical level.

## **7 Qualifications of applicants**

- (1) The qualifications of an applicant are determined on the basis of the requirements and the qualification profile of the vacant post. The length of employment and time of the applicant's last higher classification or promotion may only be taken into account to the extent that they are significant to the qualification for the post in question.
- (2) The following circumstances must not form part of the comparative assessment:
  1. Due to family or care responsibilities
    - a. Interruptions to employment,
    - b. Lower number of years of active service or employment,
    - c. Reduction in working hours or delays in the completion of individual training courses,
    - d. Demands on an individual's time,
  2. The income situation of a spouse or partner,

3. The intention of making use of the option of reduced working hours or taking leave to fulfil family or care responsibilities.

## **8 Further training**

- (1) The Executive Management of UFZ and the supervisors of all individual areas support further training measures. This includes specific opportunities for women.
- (2) Participation in training courses must be supported by suitable measures, including measures aimed at employees with family or care responsibilities. This applies equally to scientific conferences and congresses if these can be regarded as further training measures. During participation in training events, if necessary services can be offered for the care of children or individuals in need of care and on application the additional, unavoidable care costs can be reimbursed within the applicable allowance regulations.
- (3) Women and men should be considered in line with the proportion represented by each gender in the target group for the training.

## **9 Measures to promote equality in recruitment and staff development**

- (1) Equality measures are a key staff development tool. Their implementation is a special obligation of personnel management and of every person with supervisory or managerial responsibilities.
- (2) In a staff development concept, UFZ describes the situation with respect to female employees in comparison to male employees, especially regarding the individual salary and pay groups and management levels (areas). To achieve equality in the individual areas, concrete targets should be developed on the basis of the cascade model and with the early participation of the Equal Opportunity Officer.
- (3) UFZ evaluates its measures in line with the staff development concept at least every four years. The results of the evaluations should be published within UFZ. The annual reporting for the purposes of updating data material on women at universities and non-university research institutions remains unaffected.

## **10 Working hours and other basic conditions**

Employees must be offered working hours and other basic conditions that make it easy for women and men to balance family, care responsibilities and work, unless there are substantial operational interests that conflict with this. In particular, this also applies to posts with supervisory and management responsibilities. The Equal Opportunity Officer has the right to participate in solution-finding in problematic cases.

## **11 Prohibition of discrimination**

- (1) The following circumstances must not impinge on appointment or professional development, including career advancement, and in particular must not adversely affect performance evaluation:
  1. Part-time employment,
  2. Telecommuting, mobile working or the use of flexible working or attendance hours,
  3. Pregnancy,
  4. Absences due to pregnancy or motherhood on the basis of occupational prohibitions under maternal protection law,
  5. Leave due to family or care responsibilities.

- (2) This does not prevent periods according to para. 1 sentence 1 No. 1 from being treated differently from periods according to para. 1 sentence 1 No. 4 and 5.

## **12 Equal Opportunity Officer**

- (1) At UFZ, at least one Equal Opportunity Officer and at least one deputy should be appointed by the Executive Management from among the female employees following a secret ballot by the female employees. The deputy only has the same rights and obligations as the Equal Opportunity Officer when standing in for her.
- (2) For UFZ sites, a female liaison officer can also be appointed as a point of contact for employees and the responsible Equal Opportunity Officer, assuming there are at least 50 employees. Her responsibilities are limited to conveying information between employees and the responsible Equal Opportunity Officer.
- (3) With their consent, the Equal Opportunity Officer can also transfer tasks to her deputy or the liaison officer, which they then handle independently. Overall responsibility for task implementation remains with the Equal Opportunity Officer.
- (4) The Equal Opportunity Officer and her deputy are elected for a period of four years. They can be re-elected. The procedure for holding the election of the Equal Opportunity Officer and her deputy must be regulated by appropriate election regulations and published within UFZ. If no candidates come forward or if no candidate is elected after the election, the Equal Opportunity Officer is officially appointed from among the female employees; this requires the consent of the employee. Should the Equal Opportunity Officer resign from her post early or be prevented from carrying out her work on more than a temporary basis, a new election will be held. Until such time as a new Equal Opportunity Officer is appointed, the deputy will take over the Equal Opportunity Officer's responsibilities. If the deputy is prevented from carrying out her office for the reasons set out in sentence 5, a successor will be appointed for the remainder of the term of office.
- (5) The Equal Opportunity Officer and her deputy may not belong to any staff council and may only be concerned with personnel matters in the capacity of Equal Opportunity Officer.
- (6) As the performance of an Equal Opportunity Officer cannot be evaluated in the normal way, UFZ must provide an equivalent, notional evaluation (fiktive Nachzeichnung) of her professional development. When an individual's role as Equal Opportunity Officer comes to an end, she must be offered a post of equal value within the framework of the existing employment contract.

## **13 Consolidation, division and integration**

If entities that were previously managed and funded separately are consolidated to form a new entity, arrangements regarding the task areas of Equal Opportunity Officers and their deputies and their terms of office must be agreed conjointly by the entities, with the participation of the relevant funding providers.

## **14 Legal Status of the Equal Opportunity Officer**

- (1) The Equal Opportunity Officer is directly subordinate to the Executive Management in the exercise of her function. She is not subject to instructions in exercising her role and exercises her office without a reduction in her previous earnings or remuneration.
- (2) The Equal Opportunity Officer must be exempted from other professional activities as is required for the proper implementation of her tasks according to the nature and size of the entity. The necessary staff and facilities must be made available to her.
- (3) On request, the Equal Opportunity Officer must be exempted from other professional activities up to 100%. Such exemption cannot be implemented retrospectively. In



compensation, the Equal Opportunity Officer's organisational unit is provided with a post of the same qualification level (for the same duration as the exemption, limited to the duration of the appointment) to fulfil the Equal Opportunity Officer's previous professional responsibilities. The Executive Management will take the necessary measures in terms of staff and facilities to compensate for the cost arising.

- (4) The Equal Opportunity Officer, her deputy and the liaison officer must not be hindered in the fulfilment of their duties and must not be either disadvantaged or favoured in their professional development as a result of their roles. They participate in professional advancement to the same extent as they would have without filling this role. The Equal Opportunity Officer and her deputy are protected from dismissal, transfer and reassignment in the same way as members of the staff council.
- (5) Where a deputy is standing in for the Equal Opportunity Officer, the rights and obligations of the Equal Opportunity Officer as set out in para. 1 and 2 sentence 1 and in Clauses 15 to 18 also apply to deputies.
- (6) The Equal Opportunity Officer and her deputies must be given the opportunity at the beginning and throughout the duration of their term of office to attend further training, particularly in equal opportunity law, public service law, and employee representation, organisational and budget law.

## **15 Tasks of the Equal Opportunity Officer**

- (1) The Equal Opportunity Officer is responsible for promoting and monitoring the targets set out in § 1 para. 1 of the Implementation Agreement on Gender Equality and their implementation.

Under § 1 para. 1 of the Implementation Agreement on Gender Equality, the federal government and the federal states undertake to promote gender equality in the research institutions and projects jointly funded by them (within the meaning of the Administrative Agreement between the federal government and the federal states on the Establishment of a Joint Science Conference, hereinafter GWK Agreement) in accordance with the principles expressed in the equality laws of the federal government and the federal states. Their aim is to achieve equality between men and women, to eliminate existing disadvantages based on gender, in particular disadvantages for women, and to prevent future disadvantages, and to improve family friendliness and the compatibility of family, care and work activities for women and men.

- (2) She is involved in all personnel-related, organisational and social measures that relate to gender equality, the reconciliation of family and work, and protection against sexual harassment in the workplace. In this context she also fulfils an advisory and supportive role for individual employees.
- (3) The Equal Opportunity Officer can call at least one meeting per year, after notifying the Executive Management, and participate with the right to speak in employee meetings of the entities for which she is responsible as Equal Opportunity Officer, even if she is not a member of a particular entity.
- (4) In the case of measures according to para. 2, which are enacted by the Supervisory Board or which require its approval, the Executive Management will submit to the Supervisory Board the opinion of the Equal Opportunity Officer along with its proposed decision. The Supervisory Board must hear the Equal Opportunity Officer verbally at her request.

## **16 Participation and support of the Equal Opportunity Officer**

- (1) UFZ involves the Equal Opportunity Officer at an early stage, particularly in the case of:
  1. Personnel matters; this relates to preparation and decisions on
    - a) The awarding of training places,



- b) Recruitment and the reassignment, relocation and transfer of employees for more than three months,
  - c) The further training and professional advancement of employees,
  - d) Written warnings,
  - e) Termination, contract termination agreement, dismissal, retirement and comparable decisions,
2. Organisational and social matters
  3. The drafting of evaluation guidelines and meetings to ensure the consistent application of these guidelines at UFZ
  4. Procedures to appoint members of committees, if no organisational unit for gender equality has been established within the entity
  5. Processes for conversion to continuing employment and appointment processes
  6. Preparation and evaluation of the staff development concept
  7. Preparation and evaluation of the equal opportunity plan.
- (2) In the case of participation according to Paragraph 1, any restrictions resulting from applicable legal provisions, such as the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz) or data protection legislation, must be observed. The same applies to existing internal agreements.
- (3) Early participation in accordance with Paragraph 1 is deemed to exist if the Equal Opportunity Officer is able to exercise her right to participate from the beginning of the decision-making process on the part of UFZ and the decision or measure is still able to be modified.

## **17 Cooperation and information**

- (1) The Equal Opportunity Officer must be given prompt and comprehensive information for the performance of her duties. In particular, the documents required for her to carry out her duties, especially application documents, comparative overviews and selection comments, must be submitted to her as promptly as possible and the requested information must be supplied. In the context of her role, she has the right to inspect those sections of personnel files which are relevant to decisions.
- (2) The Equal Opportunity Officer has both the right and the obligation to report directly to the Executive Management, and is supported by the Executive Management in the performance of her duties. On all issues in which her participation is required, the Equal Opportunity Officer has a right of initiative. Her regular participation takes the form of a written opinion that must be placed on file. If UFZ does not act in accordance with the Equal Opportunity Officer's opinion, it must notify her of the reasons in writing if requested to do so.
- (3) The Equal Opportunity Officer is notified of procedures to fill a vacant post by the personnel department and is entitled to inspect application documents. Following consultation with the head of the administrative or scientific unit, she has the option of participating in interviews.
- (4) The Equal Opportunity Officer is given the opportunity to participate as a guest in meetings of the Scientific and Technical Council (WTR), the departmental managers' meeting (ALS), the 'Information from Executive Management' meeting and the Executive Management meeting.
- (5) The Equal Opportunity Officer must be heard verbally by the Supervisory Board at her request. She reports personally to the Supervisory Board at least once a year.

- (6) The Equal Opportunity Officer, her deputy and the liaison officer undertake, by signing a written agreement, to maintain secrecy with respect to the personal circumstances of employees and other confidential matters at UFZ from the time of their appointment and after their appointment comes to an end.
- (7) If necessary, the Equal Opportunity Officer can receive support from the secretarial unit of the relevant administrative or scientific unit. The Equal Opportunity Officer has her own web page as part of UFZ's online presence.
- (8) At UFZ there is an equal opportunity working group in which colleagues from as many hierarchy levels, occupational groups and UFZ sites as possible, as well as the Works Council, are represented on a voluntary basis. The task of this working group is to support the UFZ Equal Opportunity Officer on all issues.

## **18 Cooperation in the event of conflicts**

- (1) In the event of infringements of the principles set out in this Agreement or other regulations on gender equality, the Equal Opportunity Officer has the right to make a formal objection to the Executive Management. The objection must be submitted in writing to the Executive Management within one week of becoming aware of the infringement. The objection has a suspensive effect. In especially urgent cases, for example where other legally binding deadlines are affected, the deadline for submitting the objection may, as an exception, be shortened to three working days.
- (2) The Executive Management should make a decision on the objection within one month of receiving it. If it judges the objection to be justified, the measures and their consequences must be rectified and the results of the objection must be taken into consideration in other, comparable cases. If the Executive Management does not judge the objection to be justified, it must explain this in writing to the Equal Opportunity Officer. The suspensive effect ceases to apply once the written explanation is received. The Equal Opportunity Officer reports annually to the Supervisory Board on her activities.
- (3) For measures enacted by the Supervisory Board or requiring their approval, Clause 15 para. 4 applies.

## **19 Reporting/Equal opportunity plan**

- (1) To establish the current situation, identify targets and evaluate the implementation of equal opportunity, once a year at her request the Equal Opportunity Officer is provided with statistical data valid as at 31 December that contains at least the following information: Areas (science, administration, technology/infrastructure), committees/representative bodies/commissions, staff selection procedures (applications, interviews, appointments), gender, working hours, periods of parental/care leave, pay /salary group, permanent or temporary nature of employment, career level, management level, nationality.
- (2) To achieve the objectives of this agreement, UFZ will describe in an equal opportunity plan concrete targets and measures including the corresponding responsibilities, time frames and success indicators.

## **20 Transition agreement**

- (1) The currently elected Equal Opportunity Officer will remain in office until the end of her current term (31 December 2020). She exercises the rights and obligations of an Equal Opportunity Officer as defined in the Implementation Agreement on Gender Equality of 22 April 2016 in addition to her existing duties.
- (2) The Executive Management undertakes to report on the implementation of the necessary adaptation regulations at the next meeting of the Supervisory Board. Thereafter it will

report annually – as previously – on the continuation of measures to promote equal opportunity.

- (3) This report will be supplemented by a brief report from the Equal Opportunity Officer on the exercising of the rights and obligations of an Equal Opportunity Officer. The supervisory bodies retain the right to request the Equal Opportunity Officer to deliver a verbal report at the meeting.