



Industrial Regulations Fairness at Work

Code of conduct against discrimination, bullying and sexual harassment
based on partnership with respect

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Preamble

A corporate culture, which distinguishes itself by the recognition of human dignity and behaviour based on partnership at work, forms the basis for a positive internal work climate and thus, is an important prerequisite for the company's business success.

Discrimination based on origin, skin colour, nationality, descent, religion, gender, age, disability, illness, sexual orientation as well as sexual harassment and bullying represent serious interferences with the internal harmony at work.

Behavioural patterns, which offend others, i.e. harm their reputation, are not permissible. They create a restricted and degrading working and learning environment within the company and can also result in health problems. They are a violation of human dignity as well as an infringement of personal rights.

For this reason, these industrial regulations pursue the following objectives:

- Promotion of fair conduct at work based on partnership
- Prevention of bullying, sexual harassment and discrimination
- Sensitization of staff to these themes on all levels
- Establishing procedures and structures to cope with conflicts, which allow a quick, fair and comprehensible solution to the problem

1. Applicability

The industrial regulations apply to all employees at WestLb AG/domestic.

In cooperation with the spokespersons committee of managerial staff, an identical agreement is to be reached.

2. Definition of Terms

I. Discrimination

Discrimination is any form of bias and arbitrary treatment of others due to their descent, religion, nationality, origin, physical abilities, disabilities, political activities, sexual identity or because of their gender. This especially includes spoken or written statements.

II. Bullying

Bullying is a harassing action carried out by one or more persons against an individual or a group of persons and over a longer period. The actions are generally carried out with the intention of damaging the victim's reputation and to drive them out of their position. Examples of such acts are:

- Spreading rumours about others;

- Holding back information necessary for work or deliberately passing on wrong information;
- Insults and threats;
- Degrading treatment by superiors, e.g. assigning sick staff, pointless or no tasks at all as well as tasks, which cannot be completed, exclusion and systematic isolation in the form of ignoring.

III. Sexual Harassment

Sexual harassment at work comprises all sexual acts or innuendos, which those affected, clearly disapprove of. The disapproval can be expressed explicitly, but can also be expressed in the form of gestures and other dismissive or evasive behaviour. § 2 II “workforce protection law” also applies.

Examples of sexual acts are:

- Suggestive remarks or comments;
- Showing pornographic and sexual images;
- Physical contact;
- Demanding sexual acts;
- Illegal sexual behaviour and sexual acts.

In addition to the business premises, the workplace is every place in which members of staff pursue official activities. This includes business trips, seminars, events and meetings.

3. Preventive Measures

All members of staff are obliged to play their part towards creating a conflict-free working environment and to contribute towards a positive work climate. This especially includes showing consideration for others’ personalities and to respect their dignity and personal rights.

The responsibility of pre-empting discrimination, sexual harassment and bullying is incumbent upon the manager as a role model as well as mediating in cases of interpersonal or occupational conflicts and between staff.

The necessary measures to fight against or to prevent discrimination, sexual harassment and bullying comprise both the elucidation of staff as well as the remedying of arising shortcomings and problems during the work routine and operational business, which experience has shown quickly lead to personal disputes.

In particular, managers responsible for personnel are expected to pay attention to the observance of standard criteria concerning individual personnel issues (employment, transfer, setting salaries, promotion, further training, etc.). Here, specialized and personal qualifications are deciding factors regarding the professional requirements.

4. Effective Measures

Further training: The problems of discrimination, of sexual harassment and of bullying are integral parts of staff and managerial further training.

Information and elucidation: In the interest of a comprehensive information and elucidation campaign within personnel, the cooperative code of conduct will be made available to the staff in the form of a brochure or via the intranet. In addition, publications are issued from time to time, which comprise suggestions/advice regarding the improvement of the work climate.

5. Right of Appeal

Members of staff who feel they are being discriminated, mobbed or sexually harassed have the right to defend themselves. They should clearly point out to the party responsible what they disapprove of and ask them to change their behaviour. In persistent cases, this is best done in the presence of witnesses.

a) Contact

Should the personal reprimand be unsuccessful or seem to be inappropriate, the persons concerned can contact the following offices:

- their direct manager
- the workers' council
- the representative for the disabled
- the BU personnel
- the social representative
- the representative for equality of opportunities

b) Secrecy Pledge/ Welfare

The workers' council, the representative for the disabled and social representative are bound to observe professional secrecy and only initiate further measures with the consent of the person concerned.

Managers and BU personnel are obliged to investigate all indications and complaints voiced by those harassed and to take appropriate measures.

Furthermore, those concerned can also turn to confidants at any time. § 84 and § 85 of the industrial relations law regarding the general right to appeal remain unaffected.

c) Procedure

After being informed about the incident, the managers as well as the BU personnel representatives are responsible for - immediately – at the latest within one week

- advising and supporting those concerned,

- gathering and documenting the facts with those concerned, i.e. with the culprits, either in separate or in mutual discussions,
- informing the culprits about the actual connections and consequences of harassment at work, relating to the industrial anti-harassment law in the above-mentioned sense,
- proposing countermeasures and if necessary repercussions, relating to industrial law, to the committees responsible within the context of the existing proceedings,
- accompanying and advising, if requested, those concerned to the/all talks and discussions and to support them in their representation.

6. Sanctions

Depending on the gravity of the incident, sanctions are applied, which are directly connected to each other or can be implemented immediately:

- personal talks and instruction concerning the prohibition of the discrimination / bullying / sexual harassment
- verbal and written admonitions and their recording in the personal file
- written warning and threat of dismissal
- transfer to a different area / or to a different office, if necessary in connection with a notification of change in terms of employment
- the WestLB AG will press charges

These procedures will be carried out in accordance with the workers' council.

7. Confidentiality

All offices dealing with complaints are under legal obligation to maintain confidentiality and strict silence towards third parties, when dealing with third parties, which are not part of the proceedings.

8. Protection against Disadvantageous Treatment

Members of staff who defend themselves against disadvantageous treatment, bullying or sexual harassments according to these industrial regulations, should never be treated unfavourably by the bank.

9. Members of Third-party Companies and Contract Parties

The stipulated conduct of behaviour set down in these industrial regulations also applies to persons unrelated to the company for the duration of their occupation or when working on behalf of the company.

Violations of the behavioural conduct drawn up in these industrial regulations are to be sanctioned, i.e. the violation has to be pointed out to the contracting party and in case of a repeat violation, future contract awards will be endangered.

10. Final regulations

1. The industrial regulations come into effect on signing for an indefinite period. They can be terminated by each contract party within a three-month period at the end of a calendar year, however not before 31.12.2005.
2. Prior to the completion of the agreement or the termination by one party, the contract parties will enter into negotiations in order to reach a possible follow-up settlement. This settlement is to take the relevant conditions and legal regulations into consideration as well as the experiences gained to date.
3. During the talks according to figure 2, the parties agree on a continuation period of maximum 1 year should this agreement be terminated. The effective date is the receipt of the termination by the relevant other party. Should a follow-up settlement not be reached within the year, the terms of the agreement will be annulled without replacement.

Düsseldorf,

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