



VAA-Information

# Statutes.

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Date: June 2024

# Statutes

## Section 1

The association is known as the "Association of Employed Academics and Executives in the Chemical Industry" (VAA). It was founded on 16 November 1948. Its headquarters are in Cologne.

## Section 2

As an independent trade union, the association aims to safeguard and promote the economic, social and legal interests of its members.

It is neutral on party political and ideological issues, committed to a free, democratic and social constitutional state and advocates equal opportunities and equal rights. This is independent of gender, age, origin, religion, ideology, disability or sexual identity.

It affords its members legal protection in all questions arising from their employment relationship in terms of labour law, protection of inventions and social security law. It also represents its members to the same extent in matters of civil service law. The details are regulated in special guidelines which are passed by the Executive Board.

## Section 3

Salaried employees and civil servants (Beamte) with a higher education qualification, and salaried employees who in their position regularly and primarily carry out important tasks necessary for the continued existence and development of the company, on their own responsibility and on the basis of their particular expertise and knowledge, are admitted as ordinary members.

Membership shall not be affected by discontinuation of employment.

Ordinary members who attain the position of legal representative of a legal entity may remain in the Association as ordinary members, provided that they do not have a material interest in the share capital of the company and do not perform any duties in an employer or company association which would enable them to have an impact on the members' legal, economic or social situation. Subject to the same conditions, legal representatives of a legal entity may become members of the VAA.

If the conditions set out in paragraph 3 are not met by members who become legal representatives of a legal entity, they may remain in the Association as extraordinary members.

Assistants and students at German universities may be admitted as extraordinary members.

Ordinary members who move their place of residence outside Germany as a result of working outside Germany for a period which is expected to last at least 12 months may apply for suspension of their membership for this period. All the rights and obligations of both parties will be suspended during this period. On the suspended member's return, ordinary membership status will be restored.

## Section 4

Membership in the Association is effected by means of a declaration of membership in text form. With the declaration of entry, the respective member recognizes the Statutes of the Association as binding for himself/herself.

Upon receipt of the declaration of membership at the office, the member becomes a probationary member as an ordinary or extraordinary member. Admission to the association as a probationary member may be terminated within three months without giving notice by decision of the Executive Board in text form to the member if there are objective

reasons. Upon becoming a probationary member, the probationary member shall have the rights and obligations of ordinary or extraordinary membership in accordance with these Articles of Association. Upon expiry of the period of three months from receipt of the declaration of membership, the probationary membership shall become ordinary or extraordinary membership without the need for any further legal action.

Persons who conflict with the values and principles described in § 2 of these Articles of Association may not be admitted

### **Section 5**

Membership expires when a resignation is submitted to the office in writing.

### **Section 6**

Membership can be withdrawn by resolution of the Executive Board with  $\frac{3}{4}$  majority if a member damages the interests or the reputation of the Association. Membership can be withdrawn in the same way if a member is more than six months in arrears with his or her fees despite the issue of two reminders. The decision is to be communicated to the member by registered letter. An appeal may be made to the Arbitration Tribunal against the decision of the Executive Board within four weeks of its announcement. However, such an appeal shall not suspend the withdrawal of membership.

If the Association has not been informed of the new address of the member in the event of a change of residence and if, for this reason, reminders or notifications of the decision cannot be brought to the attention of the member in accordance with paragraph 1, the decision of the Executive Board shall take effect within 4 weeks of the unsuccessful attempted registered letter delivery.

### **Section 7**

On resignation or exclusion from the Association, all membership rights expire. The Executive Board shall decide on any requests to resume membership.

### **Section 8**

All ordinary members have voting rights and eligibility for election, with the exception of members defined in Section 3 paragraph 3.

### **Section 9**

The membership fee shall be determined by the Delegate Conference. The method of payment shall be regulated by the Executive Board.

1. Fee for student members (Section 3 para. 5)
2. Fee for extraordinary members (Section 3 para. 4)

The amount of the membership fee is determined by the delegates' meeting. The Executive Board determines the due date and method of payment of the membership fee by resolution. The membership fee regulations are published in the membership fee regulations.

Up until the time that the income situation in the new federal states approaches that of the western federal states, different fees may be fixed within the individual fee categories.

In the event of unemployment or in cases of special hardship, fees may be waived in whole or in part, on application. In exceptional cases, fees may be decided by a meeting of delegates with a  $\frac{2}{3}$  majority.

## Section 10

In the event of the death of a member, the Association will voluntarily – i.e. without recognition of a legal entitlement – grant funeral allowances to surviving dependants in accordance with special guidelines.

## Section 11

The members are assigned to regional groups. They may join together to form works or site groups. The works, site and regional groups are each headed by an Executive Board elected by them. The Executive Board of a works group is to be elected at least once every five years. The Executive Group of a regional group is elected every three years, at the latest four weeks before the Major Delegate Conference (in accordance with Section 22 paragraph 6 of the Statutes). The detailed arrangements shall be laid down in rules of procedure issued by the works group or the regional group.

## Section 12

For the Delegate Conference, each works group has one vote for every 50 members or part thereof. The votes allocated to each works group shall be exercised by that works group's delegate(s) in accordance with paragraph 2, although no individual delegate may cast more than 12 votes in total.

The number of delegates for the works groups is broken down as follows:

up to	50 members	1 delegate
from	51 – 200 members	2 delegates
from	201 – 500 members	3 delegates
from	501 – 1000 members	4 delegates
from	1001 – 1750 members	5 delegates
from	1751 – 2800 members	6 delegates
from	2801 – 4200 members	7 delegates
from	4201 members	8 delegates.

Representation of members who do not belong to a works group shall be regulated by the regional group in accordance with paragraphs 1 and 2.

## Section 13

The bodies of the Association are:

1. The Executive Board of the Association
2. The Delegate Conference of the Association
3. An Arbitration Tribunal in matters relating to exclusion from the Association

## Section 14

The management and administration of the Association are the responsibility of the Executive Board, which consists of seven members. Elections to the Executive Board shall be held in accordance with special Election Regulations, which are an integral part of the Statutes.

The Executive Board receives remuneration for its activities.

The Executive Board elects the 1st Chairperson and 2nd Chairperson as well as the Treasurer from among its members.

The Executive Board can unanimously adopt Rules of Procedure which, in particular, regulate specific responsibilities.

The Executive Board members have the right to participate in all meetings of the association groups and their executive boards.

### **Section 15**

Two Executive Board members, who must include the 1st Chairperson, 2nd Chairperson or Treasurer, are jointly authorised to act for the Executive Board in legal matters.

### **Section 16**

Executive Board meetings may be held in person or as digital conferences. The Executive Board is quorate if at least four members participate in the meeting, one of whom must be the 1st Chairperson or 2nd Chairperson. Its resolutions shall be minuted.

### **Section 17**

The Executive Board is accountable to the Delegate Conference for the performance of its duties. In the event that confidence in the Executive Board or a member of the Executive Board is withdrawn by the Delegate Conference or by a referendum with a simple majority, that Board or Board member must resign.

### **Section 18**

To support the Executive Board in the management and administration of the Association, an Advisory Board shall be formed to which each regional group shall send a member of its Executive Board. The Delegate Conference must approve the members assigned to the Advisory Board.

### **Section 19**

The Executive Board may appoint specialist committees (commissions, working groups) to advise it. The specialist committee shall be heard when the Board discusses the results these committees' work.

### **Section 20**

The Executive Board shall appoint one or more Executive Directors and regulate their areas of responsibility and powers of representation.

### **Section 21**

The supreme body within the Association is the Delegate Conference.

The Ordinary Delegate Conference shall be convened by the Executive Board once a year in the first half of the year either in writing or electronically, stating the agenda and giving six weeks' notice. In urgent cases, the Executive Board may convene an Extraordinary Delegate Conference; it shall be obliged to do so if at least 4/5 of the Association's members request this. Besides the delegates, the members of the Association's Executive Board and the employees of the VAA office, only members and guests who are invited by the Association's Executive Board are entitled to participate in the Delegate Conference.

By resolution of the Executive Board, the Delegate Conference may be held as a digital conference without the partici-

pants being physically present at a meeting venue. In that case, the invitations must state that the Delegate Conference will be held as a digital conference.

Participants in a Delegate Conference being held using electronic means of communication will dial in to a videoconference or other type of electronic communication with protected access which allows reciprocal exchanges in real time (digital conference). Access and authentication information for participating in such Delegate Conferences shall be sent to the participants in writing or by email to be received on the day before the Delegate Conference at the latest, unless these have already been supplied in the invitation. A timely message to the postal or email address most recently given to the Association will be deemed sufficient.

The Executive Board may state in the invitation that participation in a Delegate Conference being held digitally is conditional on participants registering by a specific deadline which is no more than 72 hours before the start of that Delegate Conference.

Participants are obliged to treat the access and authentication information as confidential and not allow third parties to access it.

Voting may be held electronically, even where Delegate Conferences take place in person. The Conference Leader is responsible for arrangements relating to this (Section 23).

## **Section 22**

The Delegate Conference takes decisions on economic, social, legal and other issues relating to the Association's work.

It decides on amendments to the Statutes and the Election Regulations. It determines the amount of the fees and decides on any contributions. On request, it will review resolutions of the Executive Board relating to withdrawal of membership. It determines the level of funeral allowances.

Each year, the Delegate Conference shall receive

1. the Annual Report of the Executive Board,
2. the Treasurer's Report on the previous financial year,
3. the Auditor's Report and
4. the budget.

If necessary, it shall hold by-elections to the Executive Board.

Every third year, in addition to the foregoing duties and rights, the Delegate Conference (Major Delegate Conference) shall

1. approve the budget accounts,
2. decide to discharge the Executive Board,
3. elect members of the Executive Board,
4. select two auditors to audit the management of the assets and to check whether the expenses are objectively correct, and to
5. approve the Advisory Board
6. and approve the Arbitration Tribunal.

The resolutions of the Delegate Conference shall be recorded in minutes signed by the 1st or 2nd Chairperson and the Secretary.

### **Section 23**

The Delegate Conference shall be chaired by a Conference Leader to be elected from the meeting.

### **Section 24**

Motions to the Delegate Conference must be submitted to the Executive Board via the VAA office at least 4 weeks in advance, in writing or in electronic form. The Executive Board must make these motions – as well as its own motions – known in an appropriate manner at least 2 weeks before the Delegate Conference.

Motions that are not submitted in due form and/or time shall require the approval of the Executive Board or, if this is not granted, the approval of the delegates in order to be dealt with at the Delegate Conference.

Motions of the Executive Board are admissible in all cases.

A written vote of the delegates on submitted motions is permitted subject to unanimous approval by the Executive Board.

### **Section 25**

Properly convened Delegate Conferences constitute a quorum. Decisions shall generally be made by simple majority. In the event of a tied vote, a motion shall be deemed rejected. A majority of 2/3 of the votes cast is required:

1. to amend the Statutes and the Election Regulations,
2. to raise special levies,
3. to uphold decisions of the Arbitration Tribunal and the Executive Board in relation to withdrawal of membership.

The provisions of Section 26 paragraphs 2 and 3 and Section 28 as well as the provisions of the Election Regulations shall remain unaffected.

### **Section 26**

The use of sanctions is permitted in economic disputes. If the Executive Board intends to impose sanctions, it must hold a full ballot of the entire Association or, in the case of a locally limited measure, of the group concerned. A majority of 4/5 of the votes cast is required to implement sanctions.

The Association groups may apply sanctions if 4/5 of their members agree and the consent of the Executive Board of the Association has been obtained.

### **Section 27**

At the request of at least 1/5 of the Association's members, the Executive Board shall allow the decision on motions to be taken by direct vote of the Association's members (referendum). The provisions in Sections 25 paragraph 2 apply analogously.

### **Section 28**

The dissolution of the Association may be decided by a full ballot with a ¾ majority.

The fulfilment of the Association's obligations shall be ensured prior to dissolution. Trustees shall be appointed to carry out the liquidation.

In the event of dissolution, the Association's remaining assets shall be distributed to the current members.

### **Section 29**

The Arbitration Tribunal shall decide on any petition put forward by the appellant to revoke a resolution of the Executive

Board to exclude him or her as a result of damage to the interests of the Association or its reputation.

### **Section 30**

(1) The appeal shall be lodged by filing a notice of appeal with the Arbitration Tribunal at the Association's office address.

(2) The notice of appeal shall contain the declaration that an appeal is being lodged against the decision of the Executive Board and shall state the grounds for this in writing.

(3) The Arbitration Tribunal shall treat the appellant and the Executive Board equally. Each party shall be granted the right to a fair hearing.

Article 1036 of the German Code of Civil Procedure (ZPO) shall apply analogously to the proceedings.

Article 1037 (2) and (3) of the ZPO shall apply with the exception of Article 1037 (2) sentence 2 second alternative. Furthermore, Article 1039 (1) of the ZPO as well as the provisions of the fifth section of the 10th Book of the Code of Civil Procedure (Articles 1042 - 1050 of the ZPO) shall apply analogously.

(4) The Arbitration Tribunal shall decide by a majority of votes.

(5) The arbitration ruling shall be made in writing and signed by the arbitrators. Grounds must be given for the arbitration ruling.

### **Section 31**

(1) If the Arbitration Tribunal confirms the exclusion, an Ordinary Delegate Conference may be called within 4 weeks of the arbitration ruling being issued.

(2) In this case, the rapporteur of the Arbitration Tribunal shall report to the Delegate Conference. The report must contain the substance of the arbitration ruling and the supporting reasons for the decision. Finally, the rapporteur shall then propose that the Delegate Conference decide to uphold the ruling.

### **Section 32**

The Advisory Board shall elect three arbitrators from among its members. The office of the arbitrator begins with obtaining confirmation of the Arbitration Panel from the Ordinary Delegate Conference. A simple majority of the delegates is required for confirmation.

The arbitrator's term of office is three years. If an arbitrator leaves office prematurely, a by-election shall be held by the Advisory Board. The term of office for this newly elected arbitrator begins with his or her election. The newly elected arbitrator shall be reappointed for the remaining term of office at the next Ordinary Delegate Conference.

### **Section 33**

#### **Transitional arrangements**

The Advisory Board shall elect the first Arbitration Tribunal in 2008. The normal term of office for the arbitrators on the first Arbitration Tribunal shall begin with their election and end with the Delegate Conference in 2011. The first Arbitration Tribunal will be approved for the first time at the Delegate Conference in 2009.

# Election Regulations

For the purpose of preparing and conducting the election of the Executive Board by the Delegate Conference (Section 14 para. 1 of the Statutes), the Association of Employed Academics and Executives in the Chemical Industry (VAA) hereby adopts the following Election Regulations:

## Section 1

With the exception of the cases regulated in Section 6, the term of office for the members of the Executive Board shall be three years. They shall remain in office until new elections are held.

Re-election is permissible.

## Section 2

In a year of elections to the Executive Board, the current Executive Board shall by 31 January forward to all regional groups a nomination list comprising at least as many candidates as the number of Board members to be elected.

The candidates are to be listed in alphabetical order with surname, first name, date of birth, academic qualifications, occupation and employer.

Each regional group has the right to add to the list of nominations proposed by the Executive Board a further candidate, who need not belong to this regional group. The amended list of nominations must be received by the current Executive Board by the following 31 March (cut-off date).

The candidates' consent both to be included in the list of nominations and to accept office in the event they are elected must be obtained in advance.

At the end of the above period, the current Executive Board shall draw up the final list of candidates, which shall be announced to the delegates in good time.

## Section 3

The election shall be managed by an Election Committee consisting of three members. The Election Committee is appointed by the delegates by acclamation in line with the proposal of the current Executive Board; it elects a Chairperson from among its members and makes decisions by a simple majority of the members. Candidates for election to the Executive Board may not be members of the Election Committee.

## Section 4

The Executive Board shall be elected by a secret ballot of the delegates. The delegates are not bound by instructions and may exercise up to twelve votes for each Board member to be elected in accordance with Section 12 of the Statutes.

The number of votes held by each delegate is ascertained by a vote check at the polling location and is noted on the delegate's ballot paper.

A ballot paper is invalid if more candidates are ticked than the number of Board members to be elected.

If the number of candidates does not exceed the number of Board members to be elected, the Board shall be elected by acclamation.

**Section 5**

The candidates with the highest number of votes are elected.

In the event of a tied vote, a runoff ballot shall be held if the vote concerns admission to the Executive Board. Counting votes is the responsibility of the Election Committee, which may call in employees of the VAA office if necessary.

The Election Committee determines the result and the proper conduct of the election. The delegates shall confirm the results by acclamation. Such confirmation shall make the results legally binding. The above procedures shall be recorded in the minutes of the Delegate Conference.

**Section 5a**

Where a Delegate Conference is held as a digital conference, compliance with the provisions in Sections 3-5 of the present Election Regulations must be ensured. The VAA office shall ensure that the vote check mentioned in Section 4 (2) is performed electronically.

**Section 6**

In the event of the resignation of a member of the Executive Board during the term of office, a new member of the Executive Board shall be elected for the remainder of the term of office at the next Delegate Conference following the resignation of that member of the Executive Board. Section 2 of these Election Regulations applies analogously.

**Section 7**

Amendments to these Election Regulations may be adopted by the Delegate Conference, but only with effect for the next Delegate Conference.

On the basis of authorisation in accordance with Section 14 (3) of the Statutes of the Association as amended on 19.04.2008, the Executive Board unanimously adopted the following

## Rules of Procedure for the Executive Board

in a decision dated November 12, 2010.

These Rules of Procedure can be amended or rescinded at any time by the Executive Board. Involvement of other Association bodies is neither envisaged nor necessary.

### Section 1 General

(1) The Executive Board consists of the Management Committee as defined in Section 14 (2) of the Statutes (1st Chairperson, 2nd Chairperson and Treasurer) and four further members of the Board. The Executive Board represents the Association in judicial and extra-judicial matters as defined in Article 26 (2) of the German Civil Code (BGB) in accordance with Section 2 (1) of these Rules of Procedure.

(2) In its management of the Association, the Executive Board in its entirety and each individual member of the Executive Board shall scrupulously observe the provisions of the German Civil Code, the Statutes of the Association and the guidelines issued for this purpose as well as these Rules of Procedure.

### Section 2 Representation/management

(1) The power of representation of the Executive Board derives from Section 15 of the Statutes of the Association. According to this, two members of the Executive Board, who must include the 1st Chairperson, 2nd Chairperson or Treasurer, are authorised to represent the association.

(2) The Management Committee manages the Association's business internally. In individual cases, management activities may be transferred to other Board members.

(3) Resolutions are passed by all members of the Executive Board with joint responsibility.

### Section 3 Chair

The 1st Chairperson coordinates the work of the Executive Board and is responsible for steering the work of the Executive Board. He or she may be represented by the 2nd Chairperson, who in turn may be represented by the Treasurer.

The 1st Chairperson represents the Executive Board and the Association to the public. In the event that he or she is unable to do so, the 2nd Chairperson or Treasurer will do this.

Together with the 2nd Chairperson and Treasurer, the 1st Chairperson, in agreement with the Executive Board as a whole, determines the strategy of the Association as well as the principles of the Association's policy. In doing so, he/she shall make use of the Association's office, which shall fully support him/her and his/her representatives in all matters.

### Section 4 Allocation of responsibilities

(1) Areas of responsibility shall be allocated without prejudice to the Executive Board of Management's overall responsibility. Each member of the Executive Board acts on his or her own responsibility in the area assigned to him/her but is obliged to subordinate the interests of that specific area to the overall well-being of the Association.

(2) The Executive Board shall allocate responsibilities within the Executive Board in the schedule of responsibilities attached as an annex to these Rules of Procedure.

(3) The members of the Executive Board who manage their own areas of responsibility in accordance with the schedule of responsibilities shall keep the Executive Board informed of their work on an ongoing basis.

(4) If individual members of the Executive Board disagree on the division of responsibilities, the Executive Board as a whole shall decide.

### **Section 5 Overall responsibility**

Irrespective of the allocation of responsibilities, all members of the Executive Board will continuously monitor all facts and processes vital to the well-being of the Association in order to help avert imminent threats at all times.

### **Section 6 Executive Board meetings**

(1) The Executive Board normally makes its decisions at Executive Board meetings. Meetings should take place on a monthly basis. In urgent matters, the Management Committee shall convene a meeting of the Executive Board without delay. The Management Committee may exceptionally order that a decision be taken by circulated document.

(2) The 1st Chairperson is responsible for fixing the dates of, convening and setting the agenda for Executive Board meetings, chairing these meetings and ensuring the minutes are taken; he or she makes use of the VAA office for this purpose. If the 1st Chairperson is unable to attend a meeting of the Executive Board, the meeting shall be chaired by the 2nd Chairperson. If he or she is also unable to attend, the meeting shall be chaired by the Treasurer.

(3) Each member of the Board has the right to add to the agenda, provided that this addition is communicated to the 1st Chairperson three days or more before the Board meeting. The 1st Chairperson shall inform the Board members about the addition to the agenda. Non-agenda motions are only admissible if no member of the Board present at the meeting objects, and the Board member with responsibility for the relevant area is present.

(4) The 1st Chairperson shall make the necessary documentation relating to the agenda items available to the other members of the Executive Board in sufficient time to enable suitable preparation by the Executive Board. The Chairman shall inform the members of the Executive Board of any items on the meeting agenda on which a resolution is to be passed, together with the necessary documents, no later than five working days before the meeting of the Executive Board. Exceptions to this five-day rule may only be made for urgent matters.

(5) The Executive Board shall strive for its resolutions to be made by consensus. Abstentions should be avoided as far as possible. If there is no agreement on a matter requiring a decision, the chair of the meeting shall decide whether a vote should be taken or whether passing the resolution should be deferred. If it is deferred, a resolution on the agenda item must be passed at the next Executive Board meeting. Resolutions that are not passed unanimously are marked in the minutes stating the number of votes for and against. A simple majority is required for votes, whereby abstentions do not count towards a majority. In the event of a tied vote, the proposed resolution shall be rejected. The Executive Board shall always present a united front to the outside world in relation to disputed decisions.

(6) Matters within the area of responsibility of an Executive Board member who is not present at the meeting shall only be discussed or decided if such discussion and the passing of a resolution cannot be postponed. The relevant Executive Board member shall be informed of the decision immediately.

(7) The Executive Board is quorate if at least four members are present, including the 1st Chairperson or 2nd Chairperson.

(8) Objections to the minutes of a meeting must be filed at least one week before the next Board meeting. If the 1st Chairperson does not remedy the situation, the Executive Board shall decide on the objection at its next meeting.

**Section 7 Mandatory decision-making authority of the Executive Board**

(1) The Executive Board in its entirety shall always decide on matters which are of particular importance and significance for the Association or its additional companies.

(2) The Management Committee shall decide on matters relating to the day-to-day administration of the Association and decisions relating to the execution of the budget in consultation with the Association's management team.

**Section 8 Personnel matters**

The Management Committee shall decide on personnel matters after consulting with the Chief Executive Officer. A member of the Executive Board with responsibility for the particular area may be called in, if necessary.

# Guidelines for the Provision of Legal Protection

The Association represents the interests of its ordinary members (including inactive members) in all legal questions relating to labour law, protection of inventions and social security law arising from their employment relationship. Furthermore, it represents its ordinary members to the same extent in questions of civil service law. The Executive Board provides

- a) advice
- b) legal assistance
- c) legal protection

in accordance with the following provisions:

## Section 1

Advice is provided from the office verbally or in writing and, possibly, with the involvement of the permanent legal adviser. Such information is non-binding.

Entitlement to the provision of advice starts one month after joining the Association. This waiting time does not apply in the case of contract advice for industry newcomers.

## Section 2

The Association provides legal assistance for its members in the event of disputes. This may be in writing or verbally.

Entitlement to the provision of legal assistance starts three months after joining the Association. The provision of legal assistance ends on amicable settlement of the dispute.

## Section 3

Entitlement to the provision of legal protection starts six months after joining the Association.\*

Legal protection shall also be provided in cases where a member is involved in court proceedings as a result of public advocacy in the interests of the Association.

Legal protection may also be provided in cases that do not relate to labour law, protection of inventions or social security law but whose settlement is in the general interests of the Association and that are at least indirectly linked to [the member's] professional activity.

As part of the legal protection provided, the Association shall give the member suitable free representation in the case of court proceedings and shall bear any costs imposed on the member. The Association shall decide on what is suitable representation at its discretion.

In issues involving employee inventions, the Association will represent its members without restriction before the arbitration board at the German Patent and Trademark Office. The Association is entitled to refer the member initially to arbitration proceedings. Free inventions and inventions that have become free are not covered by the VAA's legal protection. In situations where the issue is whether the invention is a free invention or a service invention, the VAA shall only provide legal protection if the member is seeking a declaration that the invention is a service invention. In issues involving legal proceedings relating to employee inventions, the legal protection of the Association is restricted, such that the Association shall reimburse costs incurred by the member (lawyer, court and other costs) up to a total of

\* Ordinary members with the position of legal representative of a legal entity shall only receive legal protection for disputes arising from the employment relationship if – notwithstanding the statutory jurisdiction of the civil courts – the labour court jurisdiction is expressly agreed.

€ 10,000, which covers all instances of the court system. Costs in excess of this amount shall be borne by the member him/herself.

Legal protection for members working outside the Federal Republic of Germany shall only be provided if the proceedings can be brought before a court of the Federal Republic of Germany.

#### **Section 4**

Legal assistance and legal protection shall be refused in disputes whose legal prosecution or defence offers an insufficient prospect of success or appears wilful. They can be refused for disputes that arose before the member joined the Association. In such cases the provision of advice may also be refused.

A dispute is considered to have arisen at the point in time at which the member, the opposing party or a third party has – or is said to have – infringed legal obligations or legal regulations. Legal protection can also be refused if it was removed from a member in earlier proceedings as per Section 7.

#### **Section 5**

Applications for legal protection must be made to the VAA office. In addition to evidence of payment of the membership fee, they must also contain a detailed description of the facts of the dispute enclosing all documents needed to assess the case (e.g. employment contract, work regulations, statutes of the social security body, correspondence with the opposing party etc.).

#### **Section 6**

The VAA office shall decide on the provision of advice and assistance. The Association Executive Board shall decide on the provision of legal protection. Such decisions shall be taken at the discretion of these bodies after due consideration. Any decision on the refusal to provide legal protection must be explained giving reasons. The provision of legal protection in cases as per Section 3 Paragraph 3 are at the discretion of the Association Executive Board.

The legal protection in each case covers one instance of the court system.

#### **Section 7**

Legal assistance and legal protection may be withdrawn if facts subsequently come to light that would have justified prior refusal. Legal protection can also be withdrawn if the member contravenes the instructions of the Association as per Section 8 or if his or her membership expires.

#### **Section 8**

Notwithstanding the personal responsibility of the member to perform the proceedings in a proper manner, legal protection issues must be conducted in accordance with the instructions of the Association or of the representative appointed by the Association. The conclusion of a settlement, withdrawal of a claim or consent to the withdrawal of a claim by the opposing party require the consent of the Association.

#### **Section 9**

Advice and legal assistance are provided free of charge. In legal protection proceedings where the opposing party reimburses costs, the member shall reimburse any sums provided in advance by the Association.

Otherwise, the member is only obliged to reimburse sums provided by the Association if legal protection is subsequently withdrawn from him or her as per Section 7.

If the member seeking legal protection has appointed a lawyer as his or her representative without the approval of the Association, these costs shall be borne by the member.

**Section 10**

The above provisions apply analogously to surviving dependants of deceased members.

**Section 11**

Notwithstanding the above provisions, extraordinary members as per Section 3 Paragraph 5 of the Statutes (student members) may receive advice as per Section 1 without a preliminary waiting time.

# Guidelines for the Provision of Funeral Allowances

## **Section 1**

In the event of the death of a member, the surviving dependants shall receive a funeral allowance, the amount of which shall be determined by the Delegate Conference for the relevant financial year, without recognition of any legal entitlement.

Surviving dependants are the spouse, children or parents, as well as other relatives of the deceased, if they have lived in the same household as the deceased. If several persons apply for the funeral allowance, it shall be granted to the person who paid the funeral expenses.

## **Section 2**

As a rule, the funeral allowance is only granted if the deceased member has been a member of the Association for one year and was not in arrears with his or her contributions for more than six months on the day of death.

## **Section 3**

Deaths must be reported to the Association within six months. Payment shall be made by the VAA office upon presentation of the death certificate.

## **Section 4**

In cases of doubt, the Executive Board shall decide.

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THE REPRESENTATIVE BODY  
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IN CHEMICALS AND PHARMACEUTICALS