

valid from June 17th 2021



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Statutes of Trade Union

Nahrung-Genuss-Gaststätten

valid from June 17th 2021

The version taking precedence in case of discrepancies and for interpretation of the NGG Statues ist the orginial German version.

I. Name, registered office and scope

§ 1 Name and registered office

The trade union has the name: Gewerkschaft Nahrung-Genuss-Gaststätten [Food, Beverages and Catering Union], hereinafter referred to as „NGG“.

Its registered office is located in Hamburg.

It is a member of the Deutscher Gewerkschaftsbund („DGB“) [German Trade Union Confederation].

§ 2 Organizational scope

The organisation includes all employees

- a) of companies and businesses producing, handling, processing, packing, filling, picking and/ or selling food or beverages or their ingredients, including their administrative sectors, marketing- and sales organizations, their headquarters, research laboratories, market research institutes, advertising companies, their sales organisations and their distribution warehouses, commissioning areas, distribution and vehicle fleet organizations, points of sale and customer services;

- b) in management companies of the food and beverages enterprises, in businesses depending on manufacturing companies of the food and beverages industry with regard to capital or under company law and selling their products, in service companies which are legally outsourced and independent but economically and organisationally attributed to the food and beverages enterprises, e.g. in logistics, in organisational matters, educational institutions, service for hotels and/or restaurants, etc.;
- c) in the relevant import and export warehouses of the free ports;
- d) in lodging establishments and catering businesses, hotels, restaurants, cafés, railway gastronomy, and businesses depending on the above with regard to capital or under company law, also in service companies which are legally outsourced and independent but economically and organisationally attributed to the above mentioned, e.g. in logistics, in organisational matters, educational institutions, service for hotels and/or restaurants, etc.;
- e) in businesses selling gastronomic products prepared for immediate consumption or food and beverages to private customers;
- f) in lodging establishments, restaurants and canteen establishments or the respective production facilities at the allied armed forces;
- g) in cooperatives of the food and beverages industry and agriculture;
- h) in the housekeeping sector;
- i) who are placed by a temporary work agency for the performance of temporary work at businesses and/or companies (under lit. a) to lit. h) and the

catalogue of economic groups) that are included in the organisation of the NGG, and employees of temporary work agencies, which place temporary workers exclusively or primarily with businesses included in the organisation of the NGG.

The following economic groups fall within the organizational scope in particular:

1. Beverages:
breweries, beer traders, beer distributors, beer wholesalers, malthouses, wineries, sparkling wine producers, fruit presses and distilleries, monopolies, liqueur factories, spirit companies, mineral springs, mineral water companies, soft drink companies, beverage distribution organizations, yeast industry, production of baking extracts and essences, fruit juice production, raw ice factories.
2. Grain:
all types of mills, pasta factories, animal feed industry including feed additive production, coffee processing, coffee roasting houses, malt coffee and coffee substitute producers, nutriment producers, starch industry, baking industry and their sales outlets, bakeries, confectioneries.
3. Meat:
meat processing industry, butchers including all subsidiary enterprises, delicacies manufacturing facilities, skin and fur manufacturers, intestine producers, poultry slaughterhouses, dispatching slaughterhouses, cold storage warehouses, frozen meat halls, livestock dealers, slaughterhouses and cattle yards, insofar as the employees inside do not belong to the public service.
4. Fish:
the fishing industry with all subsidiary establishments, fish flour factories, companies processing scallops, protein factories, companies producing vinegar and mustard, salting houses.

5. Milk and fat:
companies and businesses handling and process milk, milk and dairy products, including production storage establishments, milk testing rings, milk trade organisations, enterprises and establishments which produce margarine, table and edible fats, fat melts, oil mills, as well as hardening and refining establishments, insofar as they produce mainly edible oils and fats.
6. Sugar:
companies and businesses producing sugar, manufacture rock sugar and molasses de-sugaring establishments.
7. confectionery products and biscuits:
Companies and businesses that, for example, produce, process or store biscuits, gingerbread, waffles, rusks, cocoa, chocolate shops, sugar products, beet juice, syrup, honey, artificial honey, marmalades, jams, ice cream, marzipan and/or the corresponding ingredients or raw pastes.
8. Fruit and vegetables:
companies and businesses handling and processing fruit, vegetables and potatoes, or producing jam, fruit syrup, fruit weed, instant meals, fruit and vegetable juices, or deep freezing foods of all types, as well as banana ripening facilities.
9. Tobacco:
companies and businesses producing cigars, cigarettes, smoking, chewing or snuff tobacco in semi-finished or finished products, including industrial tobacco fermentation companies, raw tobacco warehouses.
10. hotels, restaurants, cafés, public houses, catering:
Hotels, motels and service areas, restaurants, cafés, public houses, system and traffic gastronomy, bakeries and bakery shops as well as pastry

shops and confectionery branches with gastronomy offer, ice cream parlours, refreshment shops, sales kiosks of all kinds, amusement halls and recreational facilities, holiday and leisure parks, ferry companies, accommodation and kitchen operations of all kinds, canteens, casinos, factory kitchen operations and catering companies, as well as rail catering, the international and German sleeping car and dining car companies, sanatoriums, holiday homes, schools and holiday homes of the German Federation of Trade Unions, food and beverage delivery services.

11. companies for trade and production in the free public sector as well as agricultural cooperatives, regardless of their legal form: companies of the „co-op group“ as well as consumer enterprises (shops, markets, centers, self-service warehouses - even if the range of goods is not limited to food and beverages - warehouses, administrations and auxiliaries and their goods procurement center), and their legal successors or assignees. Plants and administrations of agricultural cooperatives and related businesses, in so far as they produce, distribute or sell in particular foodstuffs, luxury food and animal feed.
12. Housekeeping: employees working in the house-keeping sector.

By resolution of the Main Executive Board, the organizational scope may be extended to other further businesses, insofar as they employ members of the NGG. Agreements should be reached with the DGB trade unions, which may also be responsible, on the delimitation of the organisation.

The NGG recognises the statutory function of the DGB in clarifying organisational responsibilities between its member unions.

II. Purpose and functions

§ 3 Functions and objectives

The NGG Trade Union, while maintaining its independence from companies, governments, administrations, political parties and religions, in particular has the task of promoting the economic, social, professional and cultural interests of its members.

This is to be achieved primarily by means of the following:

1. Unionisation of all employees within the organizational scope for common action. As trade union members, they have the right to free, objective expression of opinions in all trade union matters and the obligation to campaign for the NGG and its goals, excluding all party-political, religious and racial tendencies.

Membership in the NGG is irreconcilable with right-wing and left-wing extremist group affiliation;

2. Standing up for human rights and for the preservation of peace in freedom;
3. Commitment to environmental protection;
4. To promote the development of the social and democratic rule of law;
5. Combating all anti-democratic influences and aspirations;
6. Influencing legislation on economic, social and socio-political issues;
7. Participation in the application of the Works Council Constitution Act and in the enforcement of co-determination;
8. Achieving good wages, salaries and working conditions by concluding labour agreements;

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9. Promoting equal rights and opportunities for women and men. Special protection and promotion of women and young people in economic and socio-political terms, and under bargaining policies;
 10. Trade union representatives, senior citizens, women and youth work in accordance with the guidelines adopted by the Main Executive Board. Training of good young trade unionists, promotion of youth care and solidarity, influence on the school and education system;
 11. Promotion of the democratic awareness and trade union knowledge of the members, training and education of the works councils and representatives;
 12. Cooperation with the German Trade Federation (DGB) and the trade unions united in the DGB;
 13. Active involvement in shaping European and international trade union policy - in particular within the framework of the work and tasks of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) and the European Federation of Food, Agriculture and Tourism Trade Unions and Related Sectors (EFFAT);
 14. Publication of a journal for NGG members and other communication and information;
 15. Legal protection in all disputes arising from the employment and social insurance;
 16. Supporting members in labour disputes and special cases;

III. Membership

§ 4 Joining

1. Employees, who are employed in a company or establishment belonging to the organisational scope, who are employed as temporary workers or who work for a company that exclusively or primarily provides temporary workers to businesses, which are included in the organisational scope of the NGG, or who are receiving relevant educational training.

The regional board decides on the admission of employees who are in employment similar to that of an employer/employee relationship with a company or enterprise in accordance with the guidelines of the central executive board.

The admission of unemployed persons and students shall be determined by guidelines of the Main Executive Board in agreement with the Deutsche Gewerkschaftsbund (DGB).

The recognition of the statutes, the resolutions of the trade union bodies and the German Federation of Trade Unions is a prerequisite for membership. A further condition is the payment of the statutory membership fee.

2. Members of other trade unions, who are active in companies or businesses covered by our organisational scope, will be transferred to the NGG, taking into account their previous membership, paid fees and support received.
3. Membership is acquired by submitting a declaration of joining.
4. Membership begins at the earliest from the 1st of the month in which membership has been applied for.

5. The Regional Board or the Managing Executive Board may refuse membership, in particular if a member excluded in accordance with § 10 declares his rejoining or if there is a justified concern based on facts that the member is clearly acting contrary to the objectives and purposes of the NGG through his conduct and, actions or, if the member cannot demonstrate the conditions of membership set out in Section 1.

The rejection shall be accompanied by a written statement of reasons. The applicant may lodge an appeal against the rejection with the Main Executive Board within fourteen days of receipt of the notice from rejection. The Main Executive Board will make the final decision.

6. The member will receive a membership card after joining.
7. All rights are bound to the fulfilment of the obligation to pay the fees according to number 1.

§ 5 Data processing

NGG collects, processes and uses personal data of the member in compliance with the applicable European and German data protection regulations for the purposes of establishing and managing the membership.

Within the scope of these purposes, the member data will be passed on to the special representative in this respect and be used exclusively for the fulfilment of the union tasks.

The data will be transferred to third parties takes place only with separate consent of the member.

§ 6 Readmission of members after an interruption of employment

1. Members who interrupt their employment and membership in a DGB trade union for family reasons are entitled to the rights acquired through earlier payment of membership fees upon the resumption of the employment and the membership.
2. Membership may not be suspended for more than seven years.

§ 7 Suspension of membership

1. Membership will be suspended:
 - a) on conscription for basic military service;
 - b) for recognized conscientious objectors who are called up for alternative service;
 - c) for non-recognised conscientious objectors who, on the basis of their conscientious decision, do not comply with an existing conscription and are thus prosecuted or imprisoned under criminal law;
 - d) if you participate in the federal voluntary service (Berufsfreiwilligendienst BFD), the voluntary social year (Freiwilliges Soziales Jahr FSJ) or the voluntary ecological year (Freiwilliges Ökologisches Jahr FÖJ).
2. All rights and obligations arising from §§ 13 to 19 shall be suspended with the except for the provision of legal protection in social and labour law in special cases.

§ 8 Deregistrations and registrations

The responsible regional office must be informed immediately by the member in the following cases:

1. upon every change of residence, apartment or business; also for changes of telephone numbers and e-mail addresses as well as in the case of payment of contributions by direct debit if the bank account is changed;
2. if members interrupt their membership according to § 6 or resume their gainful employment. In such cases, the re-registration must take place within six weeks;
3. in all cases membership suspension according to § 7.

§ 9 Termination of membership

1. Membership will end by death, exclusion, after a notice period and by and striking from the membership list
2. A cancellation must be declared by the individual member to the responsible regional office at least six weeks before the end of each quarter. It shall be effective only if it is made by means of a signed letter. Electronic or text form is not sufficient.
3. Members are obligated to pay contributions until their membership is terminated.
4. Members, who are more than twelve months in arrears with their statutory contribution, may be struck by the competent regional office after an unsuccessful request for payment of the contribution, without the need for a corresponding notification.

5. Upon termination of membership, all rights and claims against the NGG shall lapse.

§ 10 Exclusion procedure

1. Members who have demonstrably harmed the interests of the NGG trade union
 - a) in minor cases, may be warned or reprimanded by the Managing Executive Board. The disapproval, warning or complaint must be made in writing and recorded in a protocol;
 - b) may lose their membership through exclusion.
2. Exclusion proceedings shall commence upon the Managing Executive Board's receipt of the request for exclusion submitted by the Regional Board or an Arbitration Board pursuant to §§ 6 or 7 above. The exclusion procedure shall move before if begin with a resolution proposal of the Managing Executive Board to the Main Executive Board, if the exclusion procedure is carried out in accordance with § 9. For as long as the exclusion procedure is pending, all membership obligations and rights will be suspended.
3. The application for an exclusion procedure may be submitted by any member to the regional office responsible for the applicant. It must be submitted in writing and must be duly substantiated.
4. After receipt of the application, the regional board shall take a decision on the initiation of the procedure at its next meeting, to which the members of the regional board shall be invited in writing stating the agenda. If the person concerned is a member of another region, the application must be forwarded without delay to the state district board or to the Managing Executive Board.

5. If the Regional Executive Committee has decided to initiate the procedure, the member concerned must be given the opportunity to make a personal statement at the meeting of the Regional Executive Committee. The member concerned must be invited by registered letter at least seven days before the meeting, stating the reason and including the statutes.

Minutes must be taken of the meeting, which must be signed by all attending members of the board. The member concerned shall receive a copy of the minutes. If it has been decided to file an application for exclusion, the regional board shall send this together with the minutes to the Main Executive Board without delay. The Main Executive Board will decide on the application.

6. If the initiation of exclusion proceedings against a member is requested by a member of a region to which the member concerned does not belong, an arbitration board shall be set up by the competent state district board for the initiation of the proceedings, if the two regions concerned are organised within the same state district. This arbitration board shall be composed as follows:

- a chairperson and
- respectively two board members from the region to that has the member concerned belongs and the membership region which requested the initiation of exclusion proceedings.

The boards of the two regions concerned shall each elect their own representatives for the arbitration board. Substitutes shall be nominated.

The responsible state district chair shall be the chair of the arbitration board.

The chair of the arbitration board shall determine the date of the meeting, to which he/she shall invite the assessors in writing within four weeks. The meeting shall take place at the headquarters of the region of the member concerned. The member concerned shall be invited by the chair in writing by registered letter, at least seven days before the meeting, stating the reason and enclosing the statutes.

The member concerned must be given the opportunity to make statements in person during the arbitration meeting.

A transcript shall be prepared of the meeting of the arbitration board, which must be signed by all members of the Arbitration Board.

The member concerned shall receive a copy of the transcript from the chairman of the arbitration board.

If the application for exclusion is adopted by the Arbitration Board, it and the transcript shall be sent directly to the Main Executive Board which will decide on it.

7. If the participating regions are located in different state districts, the Managing Executive Board is responsible for the formation of an Arbitration Board. A member of the Managing Executive Board, who is to be delegated by resolution of the Managing Executive Board itself, shall then chair the Arbitration Board in accordance with the above provisions.
8. An application for exclusion may only be made by a Regional Executive Board or by an Arbitration Board if a corresponding majority resolution was passed. No member of the Executive Board or the Arbitration Board may abstain from voting on this resolution.

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9. A member can also be excluded by resolution of the Main Executive Board without a motion if he or she
- a) is guilty of acts which result in gross damage to the NGG trade union or its interests;
 - b) does not obey or contravenes the instructions of trade union bodies, insofar as these are justified based on the statutes;
 - c) has obtained membership through incorrect information or concealed material facts when acquiring membership.
10. A member may be excluded by a resolution of the Managing Executive Board of the Region following a statement by the Regional Board and the responsible state district chair, even without an application:
- a) in case of any damage to the NGG trade union through fraud, misappropriation of trade union funds, breach of strike or embargo, or
 - b) in case of membership in or activity for opposing or extremist organisations, where membership according to DGB resolution or § 3.1 of these statutes is incompatible with membership in a DGB union.
11. Each exclusion decision shall be sent to the person concerned with an instruction on the right to appeal by registered mail.
12. A member, who has been reprimanded, warned or excluded by resolution of the Main Executive Board or the Managing Executive Board has the right to appeal to the Central Executive Committee.

Any appeal shall be addressed to the chair of the

Central Executive Committee and be declared by registered letter within four weeks of receipt of the resolution.

Legal action can only be taken within one month from the conclusion of the exclusion procedure.

13. Excluded persons can apply for a new admission. The application must be submitted through the responsible region to the Main Executive Board. The Main Executive Board shall make its decision after hearing the opinion of the Regional Board where which the applicant was a member at the time of his/her exclusion. The Main Executive Board also will also decide on the recognition of earlier rights after the Regional Board has given its opinion.

§ 11 Membership of the NGG in the DGB

The NGG trade union is a member of the German Trade Union Confederation (DGB); it must comply with its statutes and implement its resolutions. Withdrawal from the DGB can only take place if it is decided by a two-thirds majority at a trade union conference.

If the withdrawal from the DGB is discussed at a trade union conference, representatives of the DGB are entitled to participate with full rights to participate in the discussion.

§ 12 Dissolution of the NGG

1. The dissolution of the NGG trade union can only be decided by a two-thirds majority at a Trade Union Conference.
2. The Trade Union Conference shall decide on the use of the assets available at the time of dissolution.

§ 13 Membership fees

1. The financial resources required to fulfil the trade union tasks are raised through membership fees.
2. The minimum fee is:
 - a) for full-time employees, part-time employees and members in apprenticeship, one percent of the collectively agreed gross pay or apprenticeship wage;
 - b) for employees in partial retirement, one percent of the income from collectively agreed pay and the respective collectively agreed and statutory top-up amount;
 - c) for members, who have temporarily or permanently retired from active working life (e.g. unemployed persons, persons on parental leave, persons on disability at the end of their entitlement to continued pay), the minimum contribution is €2.60 per month;
 - d) for members drawing a pension: €5.50 per month. If these members receive benefits below the level of the basic insurance, the minimum contribution is €2.60 per month;
 - e) for members in private insolvency, €2.60 per month for the duration of the insolvency proceedings.
3. A higher fee can be paid.
4. In exceptional cases, the Main Executive Board may decide to levy special contributions for a limited period.
5. The contributions are to be paid as follows:
 - in the case of monthly payment, at the latest by the 15th of the respective calendar month,

- in the case of quarterly payments, at the latest by 15 February, 15 May, 15 August and 15 November for the quarter in question,
- in the case of biannual payments, at the latest by 15 March and 15 September for the half-year in question,
- in the case of annual payment, at the latest by 15 March of the respective year for the respective year.

The contribution is a debt to be paid. The following method of payment shall be used for the payment of the membership fees:

- a) cash-free by direct debit or bank transfer from a member's account;
- b) by deduction from the member's wage or salary;
- c) by cash payment at the regional office.

The NGG trade union is authorised to collect the contribution within the framework of the specified method of payment, in the amount resulting from Item 2 at and at the dates specified by it.

The fee receipt to be issued on request and printed out by means of data processing or the individual account statement shall apply as proof of the fee membership.

6. The obligation to pay contributions shall be suspended:
 - a) in the case of imprisonment and serving a sentence caused by defending the interests and objectives of the NGG trade union;
 - b) in all cases of § 6 (2) and § 7 (1).

7. The period in which no fee is owed shall, in the

cases referred to in paragraph 6, be counted towards the average contribution, which shall be calculated from the contributions paid in the last three months before the suspension of the obligation to pay contributions.

8. The member is obliged to participate in determining the correct amount of the contribution. Changes in the member's status (e.g. higher grade, unemployment) that lead to a change in the contribution must be reported to the Regional Office without delay.

In the event of unemployment or illness after expiry of the entitlement to continued payment of remuneration, suitable evidence (e.g. unemployment benefit notices, notice of receipt of sickness benefit) must be submitted without delay. A reduction of the membership fee to be paid in the future can be made in the case of unemployment and illness for a maximum of 6 months in each case. Any reason for reducing the membership fee beyond this period must be documented again before the end of the 6-month period.

Excessively high contributions will be refunded for a maximum of three months as by crediting toward future contributions. The Regional Executive Board shall decide on exceptions upon request.

9. The place of jurisdiction for disputes arising from the obligation to pay contributions is Hamburg.

IV. Benefits

§ 14 Benefits

The NGG trade union grants its members, upon fulfilment of the conditions laid down in the statutes, the following benefits

- legal advice and legal protection,
- strike support,
- support for reprimanded members,
- leisure accident insurance,
- support in special cases.

All support is voluntary. A legal claim is not established. All support and benefits of the NGG trade union are generally only granted if the contribution is duly paid.

Upon request, the aforementioned benefits may also be provided to members of other trade unions in the European Trade Union Confederation (ETUC) who are employed for a temporary period (max. 12 months) at a company or business belonging to the aforementioned organisational scope.

§ 15 Legal Advice and legal protection

1. The members are entitled to legal advice and legal information in all matters of labour and social law. Legal advice is provided regardless of the duration of the membership.
2. Legal protection may be granted upon request. It extends only to the costs of representation and court fees, and it can be provided:
 - a) in all disputes arising from members' defence of their trade union rights, strikes and lock-outs;

- b) in disputes arising from the employment relationship or social security legislation;
 - c) in case of conscientious objection of military service;
 - d) for the survivors of a fatally injured member;
 - e) for survivors in cases resulting from the employment relationship of the deceased member or the social insurance laws.
3. Legal protection can be granted in the case of para 2 a) without regard for the duration the membership. In all other cases, union membership of at least three months is required. The Managing Executive Board shall decide on exceptions.
 4. Every application by the member for legal protection must be submitted to the responsible regional office. It will decide on the granting of legal protection in proceedings before the labour courts or in proceedings before the social courts in accordance with the binding guidelines of the Main Executive Board.
 5. The Managing Executive Board shall decide on the granting of legal protection in all other proceedings, e.g. in decision-making procedures, criminal cases, complaints, appeals on points of law and requests for preliminary rulings by the courts of highest instance, and on obtaining expert opinions. Its powers in this respect are transferable.
 6. Legal protection will be granted for proceedings before one instance and it must be requested separately for proceedings before the court of the respectively higher instance.
 7. Payments may only be made if an application for

legal protection has been approved. They are exclusively controlled by the Managing Executive Board. Only the Managing Executive Board may agree on fees. This right may be delegated by it.

8. The approval of legal protection can be revoked if the member makes false statements or he/she has concealed essential facts. The same applies if the member leaves the NGG union within twelve months from the conclusion of the legal protection proceedings. In such cases, the member shall reimburse the costs incurred by the NGG.
9. The NGG trade union shall not be liable for damages incurred by the applicant as a result of negligence on the part of the persons entrusted by him/her with the exercise of legal protection.
10. Legal protection is not granted:
 - a) in trials between members;
 - b) in trials the matter in dispute of which has arisen prior to the joining of the NGG.

§ 16 Assistance during strikes

1. Assistance during labor disputes will be paid to members, who have approved the strike petition or assistance payment, when the Managing Executive Board has approved the strike petition or assistance payment.
2. Assistance will be paid during labour disputes; it will be paid in the below amounts per week, after payment of the membership fee for a period of at least:
 - a) three months, 12 times the average monthly fee
 - b) twelve months, 16 times the average monthly fee

The calculation base is the average contribution of the last three months.

If the industrial action lasts less than a week, the assistance per day is 1/5 of the weekly assistance. The entitlement to assistance will begin on the first day of the strike.

3. In the event of extensive strike campaigns, the Main Executive Board may adopt special regulations.
4. Members ceasing work without the consent of the Managing Executive Board or resuming work before the end of a labour dispute are not entitled to assistance.

§ 17 Support for reprimanded members

1. Members, who are dismissed because they support the working conditions recognised by the NGG trade union or due to their trade union activity and become unemployed as a result, may receive support upon application.
2. The amount of the support shall be determined in accordance with the provisions for the payment of assistance in the event of a strike.
3. Applications for support shall be submitted by the Regional Executive Board to the Managing Executive Board.
4. The Managing Executive Board will decide in all cases on the approval and duration of the support. As a rule, it shall not be paid for more than 26 weeks.
5. The support shall be paid back in full or in part if salary or other compensation is paid to the member through judgement or agreement.

§ 18 Leisure time accident insurance

1. For members who have been in the NGG trade union for at least twelve months, the NGG trade association takes out a leisure accident insurance policy. If the member does not comply with the obligation to pay the statutory premium, all claims under insurance law will expire.
2. The insurance conditions and benefits are based on the group insurance contract concluded with the insurer.

§ 19 Assistance in special cases

Members, who have paid at least twelve monthly dues and who are experiencing in a state of emergency, may receive a one-off assistance payment on request, which shall be decided, the amount of which shall be decided on a case-by-case basis.

Applications must be submitted in writing to the relevant regional office.

Trade union representatives may receive a one-off assistance payment, regardless of the duration of membership.

V. Labour disputes

§ 20 Labour disputes

1. The initiation and execution of labor disputes requires the consent of the Managing Executive Board. The Managing Executive Board may make its decision dependent on the result of a member survey (initial vote) and repeat such survey on the willingness to fight at any stage of the labour dispute.
2. An unauthorised labour dispute can be taken over by the NGG trade union by resolution of the Managing Executive Board and be supported by appropriate measures.
3. The termination of an industrial action shall be decided by the Managing Executive Board or its representative. It shall also be carried out contrary to the opinion of the group involved in the industrial action, if the circumstances have rendered the continuation of the labour dispute pointless or if it might have a damaging effect on the NGG trade union.
4. The Main Executive Board is authorized to adopt supplementary guidelines for the conducting of industrial disputes.

VI. Structure and bodies

§ 21 Structure and bodies

1. The NGG trade union is divided into:
 - a) regions-, or regions with local offices,

- b) state district administrations,
 - c) headquarters.
2. Its bodies are:
- a) assemblies of members or delegates
 - b) regional executive boards,
 - c) state district conferences,
 - d) state district boards,
 - e) main executive board,
 - f) audit committee,
 - g) central executive committee,
 - h) advisory board,
 - i) trade union conference.
3. As a rule, conferences and meetings of the bodies and elections to bodies shall be held in person. In exceptional cases, they may be held solely by means of electronic communication (e.g. video and telephone conferences) or in combination with a face-to-face meeting.

The main executive board shall issue a guideline on this which shall be binding on all bodies. Exceptions to this are the Rules of Procedure of the Main Committee pursuant to § 27 no. 3 and the Guidelines for the Audit Commission pursuant to § 26 no. 5.

The guideline of the main executive board regulates in particular whether, under which conditions and by which electronic means the meetings and conferences are to be conducted by means of electronic communication. The main executive board shall ensure by means of the guideline that secret ballots and elections can be conducted and how they are to be conducted.

§ 22 Elections to the bodies

1. The members of the bodies are elected at assemblies of members or delegates.
2. All members who have been members of the NGG for at least three months are entitled to vote.
3. Only those members are eligible for election who:
 - a) have no contributions in arrears;
 - b) have been in the NGG trade union for at least one year;
 - c) have been members of the NGG for at least five years if they are running as delegates for the trade union conference, the Main Executive Board, the Central Executive Committee or the Advisory Board.

Exceptions from c) require the approval from the respective bodies responsible for the election.

The membership in governing bodies will end if when it is established that no membership fee in accordance with the statutes has been paid.

4. By election, honorary functions may also be conferred upon the employees of the NGG if the provisions of these Statutes do not conflict with this.
5. The gender in the minority in the respective organisational unit must be represented at least in proportion to its membership in the bodies.

The Main Executive Committee shall decide on election rules that are binding on all bodies for the execution of elections and for the application of the minority gender quota.

The gender quota among members, which is relevant for the elections, shall be determined on the basis of the number of members of the respective organisational unit on 31 December of the year preceding the respective elections.

6. Elections in the regions and state districts shall be held in a manner before the ordinary trade union conference. Re-elections are permitted.

§ 23 Regions and local offices

1. NGG-Regions are established according to the aspects of organizational expediency. The attribution of members to regions is based on their place of work. In cases of doubt, the Main Executive Board will decide on a directive.

The establishment of new NGG-regions will be organised on proposal of the State District Boards by the Managing Executive Board.

The Managing Executive Board may, in agreement with the State District Board and participation of the regional executive board concerned, dissolve or merge existing regions, if this is appropriate and necessary in the interest of the NGG.

2. The assembly of members or delegates is the highest body at the regional level.
3. The assembly of members or delegates adopts regional statutes to regulate all local matters. This may not contain any provisions that conflict with the federal statutes and the model statutes for regions adopted by the Main Executive Board. They shall also contain provisions on cooperation with local offices and their representation on the

Regional Board.

The regional statutes require the approval of the Managing Executive Board and come into force upon its approval. Within three months, the approval or rejection must be submitted to the Regional Board in writing, with a statement of the reasons.

The regional statutes must contain a calculation key if the delegate system is used, which shall state the basis for the delegate election by the members in the companies or by individual members.

The jungeNGG group may additionally elect three delegates at a meeting to be convened.

The local offices of the region shall be considered in the election of delegates according to the number of their members.

4. The general or delegate assembly elects the Regional Board in accordance with § 21 No. 3 and § 22 of the Statutes. The board consists of:
 - the chairman,
 - the vice-chairman,
 - the secretary,
 - the assessors.

Women and young people must be represented on the board when there are group committees. They hold the right to make proposals.

If there are no committees for groups of persons, the groups should be represented on the board as far as possible. The Regional Board may form a Managing Executive Board in accordance with the regional statutes.

5. The assembly of members or delegates elects an audit committee as the controlling body for the

audit of the cash and accounts of the region. It consists of at least three members who are not members of the Regional Board and who may not be employees of the NGG.

6. The Regional Board shall represent the NGG Trade Union in its area in accordance with the provisions of these Statutes. It is incumbent upon it to carry out trade union duties within the scope of these Statutes and in accordance with the instructions of the Managing Executive Board and the responsible State District Board, in particular:

- a) support of the members in every way required by the Statutes. This includes the formation of specialist groups in order to safeguard the professional interests of the members. They are chaired by the heads of the specialist groups reporting to the Regional Board.

A special division head shall be composed of

- a chair and
- a vice-chair;

- b) establishment and support of local offices and their dissolution;
- c) convening general or delegate assemblies;
- d) formation of groups of representatives in companies;
- e) holding meetings for works council members and representatives;
- f) conducting trade union training and education;
- g) implementation of measures for the recruitment of members;
- h) promotion of women's and youth work;

- i) cooperation with the DGB bodies in the region;
 - j) promotion of the work with senior citizens.
7. The business of a region is conducted by a full-time managing director. After discussion with the Regional Board and in consultation with the State District Board, the Managing Executive Board will appoint the candidate initially for a period of six months.

The approval of the Regional Board is required before this period expires.

When carrying out the tasks, the managing director is bound by the statutes and the decisions by the bodies. He/she is responsible for the proper administration of the contributions and their settlement with the treasury.

The regions receive 15 percent of their fee income to carry out their tasks, defined in the Statutes and Directives.

§ 24 State districts

1. The organizational territory is divided into state districts. The division is determined by the Main Executive Board in agreement with the competent State District Boards.
2. The district conference is the highest body at the district level. It takes place before each trade union conference and is convened by the State caps in accordance with the guidelines of the Main Executive Board for holding the district conference.
3. The district conference is composed of two parts:

- a) the members of the State District Board;
- b) the delegates elected at the Delegates' Meetings and Members' Meetings of the regions. One delegate shall be elected for every started 500 members;
- c) additionally, five delegates of jungeNGG who shall be elected at a meeting to be convened.

A substitute delegate shall be elected for each delegate.

- 4. The State District Conference receives the business and activity report of the State District Board, takes a position on the present motions and conducts the following elections:
 - a) the election of the State District Board,
 - b) the election of the Main Executive Board members of the state district,
 - c) the election of the Trade Union Advisory Board members of the district and their deputies.
- 5. Applications for the State District Conference may be submitted by:
 - a) the Regional Boards,
 - b) the State District Board,
 - c) the State District's Group Committees,
 - d) the assemblies of members or delegates,
 - e) the national conferences of groups.
- 6. An extraordinary State District Conference can only be convened by the State District Board in agreement with the Main Executive Board. It shall be convened in the event of the premature resignation of the State District Chair if a new election is required.

7. The extraordinary State District Conference is composed of the delegates or their deputies from the previous State District Conference and the members of the State District Board, provided that their mandate has not expired.
8. Necessary substitute elections for an extraordinary State District Conference are held in member or delegate assemblies of the regions in which delegates and deputies have been absent.
9. The State District Board consists of:
 - the paid Chair,
 - the Vice-Chair, and
 - assessors.

The number of its members may not exceed 15.

Its majority is composed of honorary officials who have to work at companies of organisation. Women and young people must be represented on the board.

The respective State District Committees have the right of proposal.

The chairs of the State District Committees for Women and Youth and the Main Executive Board members elected in the state will participate in the meetings of the Board in an advisory capacity if they have not been elected to the State District Board.

The term of office of the State District Board members begins with the election of the members of the State District Board at the State District Conference and ends after the election of the State District Board members at the subsequent State District Conference.

10. The State District Board is responsible for carrying out the trade union tasks in the respective state district within the scope of these statutes and in accordance with the instructions of the Main

Executive Board, in particular

- a) advising, supporting and monitoring the NGG-regions;
 - b) convening the State District Conference;
 - c) convening conferences and workshops at the state district level for women and young people in accordance with the guidelines for group work;
 - d) convening business group conferences at the state district level, if the consent of the Managing Executive Board has been obtained;
 - e) by-elections in the event of early resignation of the representatives elected by the State District Conference in accordance with paragraph 4, with the exception of the State District Chair;
 - f) cooperation with the bodies of the DGB in the state district;
 - g) the election of the delegates of the state district and their deputies to the federal congresses of the DGB;
 - h) the election of the NGG delegates and their deputies to the State District Conferences of the DGB.
11. The management and conclusion of collective bargaining agreements in the state district is the responsibility of the State District Chair with the members of the collective bargaining commission in consultation with the State District Board and the Managing Executive Board or its representative/s.

The State District Board may delegate the management and conclusion of a collective bargaining action to other full-time officials.

The State District Board shall adopt its own by-laws for this purpose.

12. The costs of the State District Boards shall be borne by the treasury.

§ 25 Main executive board

1. The NGG trade union is headed by the Main Executive Board. Its members are elected or confirmed by the Trade Union Conference.
2. The Main Executive Board is composed of two members:
 - a) the Managing Executive Board, consisting of:
 - the Chair,
 - two deputy chairs.

Both genders must be represented in the composition of the Managing Executive Board;

- b) the State District Chair;
- c) 20 members, who must work as volunteer functionaries in companies in our organisational area. The Main Executive Board distributes the mandates over the state districts;
- d) respectively one representative of the women and one representative of jungeNGG, who must work as volunteers within our organisational scope;

the representatives of jungeNGG are proposed by the jungeNGG Federal Conference and the representative of women is proposed by the Women Federal Conference.

The term of office of the Main Executive Board begins with the election of the respec-

tive Main Executive Board members at the trade union conference and ends after the election of the respective Main Executive Board members at the subsequent trade union conference.

3. The chair or another member of the Central Executive Committee participates in the meetings of the Main Executive Board in an advisory capacity, in addition to the heads of unit and the central administration staff, if the object of their action requires their presence.
4. The Main Executive Board is responsible in particular for:
 - a) the fulfilment of all tasks arising for it from the statutes, the resolutions of the Trade Union Conference and the caps;
 - b) monitoring compliance with the Statutes;
 - c) giving instructions for business and cash management to the State District Chairs and the regions within the scope of the statutes;
 - d) adoption of resolutions on the principles of the collective bargaining policy;
 - e) adoption of guidelines, in particular for:
 - (aa) application for and authorisation of legal protection,
 - (bb) conduct of labour disputes;
 - (cc) group work,
 - (dd) assistance in special emergencies,
 - (ee) convening and holding meetings of the Advisory Board,
 - (ff) convening and implementation of the State District Conferences
 and,
 - (gg) audits of the regions;

- f) adoption of model statutes for local offices and regions;
 - g) decision on the confirmation of all voluntary and full-time officials not elected by the Trade Union Conference;
 - h) by-elections in the event of the premature resignation of a group representative elected to the Main Executive Board by the Trade Union Conference. The Federal Committee of the responsible group of persons has the right of proposal;
 - i) convening of the Trade Union Conference and adoption of an election order for the election of the delegates of the Trade Union Conference;
 - j) convening of meetings of the Advisory Board
 - k) reporting at the Trade Union Conference on its own activities and the development of the NGG trade union.
5. The business of the NGG trade union is conducted by the paid Managing Executive Board. It represents the Food, Beverages and Catering Union (NGG) both internally and externally. The Managing Executive Board is the executive body of the Main Executive Board.

In particular, it is entitled to:

- a) assert, in its own name and in its own right, all claims against debtors to which the Food, Beverages and Catering Union is entitled;
- b) assert in its own name the otherwise non-transferable personal rights of the Food, Beverages and Catering Union as a corporation, in particular the right to a name;
- c) manage and conclude collective bargaining

agreements if these extend beyond the area of a state district, together with the members of the collective bargaining commission. This responsibility can be transferred to other employees;

- d) the recruitment of employees and the conclusion of employment contracts with them.
6. The signature of two members of the Managing Executive Board is required for the conclusion of binding legal transactions and for the assertion of legal claims.

§ 26 Audit committee of the treasury

1. An audit committee shall be formed for the monitoring of and the auditing of the treasury.
2. It shall be elected by the Member or Delegate Assembly of the region in which the NGG-headquarters are located.
3. The audit committee shall consist of five members who may not be employees of the NGG trade union or members of the Main Executive Committee.
4. The legislative period of the audit committee goes from Trade Union Conference to Trade Union Conference. Their members may be re-elected.
5. The Central Executive Committee shall issue guidelines for the audit committee of the treasury.

§ 27 Central executive committee

1. In order to deal with complaints about the activities, decisions or actions of the Main Executive

Board, a committee must be set up consisting of seven members who may not be employees of the NGG trade union.

2. The Chair of the Central Executive Committee shall be elected by the Trade Union Conference. The six other members and three alternate members shall be elected during the meeting following the last Trade Union Conference, namely in the meeting of the State District Board of the State District and from the same state district to which the region responsible for the Chair of the Central Executive Committee.

The members of the Central Executive Committee may not be members of the State District Board.

3. The Central Executive Committee shall adopt its own bylaws.
4. The Central Executive Committee shall supervise the activities of the Main Executive Board, in particular to ensure that the statutes and other resolutions binding on the Main Executive Board are implemented.
5. The Central Executive Committee has the right to inspect all documents and request reports from all bodies of the NGG Union. The minutes of the meetings of the Main Executive Board and the Advisory Board shall be forwarded to the Chair of the Central Executive Committee.
6. The Central Executive Committee is authorized to audit the treasury and to examine the reports of the Audit Committee. They shall be submitted to the Central Executive Committee without being requested to do so.
7. Complaints against the Main Executive Board or the Managing Executive Board, their activities or

management, complaints rejected by them or appeals against exclusion resolutions of the Main Executive Board shall be addressed to the Chairman of the Central Executive Committee.

8. The Central Executive Committee shall decide on complaints and appeals after examining them.
9. Complaints against the decisions of the Central Executive Committee, with the exception of those in exclusion proceedings, shall be addressed at the Trade Union Conference.
10. The Executive Central Committee is not responsible for personnel matters.

Notwithstanding the foregoing, the central executive committee shall determine the principles governing the terms and conditions of employment of the members of the main executive board and the regional chairpersons.

§ 28 Advisory board

1. An Advisory Board shall be formed as the decision-making body of highest authority in between the Trade Union Conferences.
2. The Advisory Board consists of:
 - a) the members of the Main Executive Board,
 - b) a member of the Central Executive Committee,
 - c) 46 members, who must work as volunteer officials in companies in our organisational scope.
3. In the period between Trade Union Conferences, the Advisory Board shall carry out necessary

substitute elections of the Managing Executive Board or the Central Executive Committee Chair and urgent amendments to the statutes.

4. Amendments to the statutes require a three-quarters majority of the attending Advisory Board members.
5. The Advisory Board and the Central Executive Committee shall have joint power to suspend any member of the Main Executive Board from his/her function by a two-thirds majority of the members present if the conduct or management of the person concerned is contrary to the interests of the NGG.

§ 29 Trade union conference

1. The Trade Union Conference is the supreme body of the NGG trade union. It is held every five years and is convened by the Main Executive Board. The members must be notified of the Trade Union Conference taking place no later than six months before the event by a public announcement in the NGG trade union newspaper.
2. The delegates of the Trade Union Conference with voting rights are:
 - a) the delegates elected at regional assemblies of members or delegates. One delegate shall be elected for every 1,500 members. The number of delegates shall be calculated on the basis of the number of members recorded on 31 December of the calendar year preceding the trade union conference. Substitute delegates shall be elected for the delegates;
 - b) the members of the Main Executive Board;
 - c) additionally five delegates of the jungeNGG group, who are elected at the Federal Conference of jungeNGG.

Each delegate entitled to vote shall have one vote.

3. The members of the Advisory Board, the Central Executive Committee and the Audit Committee shall participate in advisory capacity if they are not entitled to vote as delegates.
4. Applications for the trade union conference can be submitted by:
 - a) the Regional Boards,
 - b) the State District Boards,
 - c) the Main Executive Board,
 - d) the Central Executive Committee,
 - e) the Federal Committees of jungeNGG and NGG women,
 - f) the General or Delegate Assemblies of the regions
 - g) the State District Conferences,
 - h) the Federal Conferences for jungeNGG and NGG women.

Applications to the Trade Union Conference must be submitted 14 weeks in advance and be sent to the delegates with statements from the Application advisory committee at least three weeks before the trade union conference takes place.

5. The Application Advisory Committee consists of the members of the Managing Executive Board and two honorary members of the Main Executive Board, who are nominated by the Main Executive Board and of one honorary representative for each of the State Districts, who are nominated by the State District Committee and who must be elected as Trade Union Conference delegates. The Applications Advisory Committee shall meet at the latest four weeks before the Trade Union Conference and discuss all pending applications and submit proposals to the Trade Union Conference.

The Main Executive Board also appoints the mandate verification commission, which is composed of one delegate from each of the state districts.

6. The Trade Union Conference shall constitute a quorum if more than half of the delegates entitled to vote are present. Resolutions amending the Statutes require the approval of two-thirds of the delegates attending at the vote. All other resolutions shall be adopted by simple majority. A parity of votes shall be deemed a rejection.
7. The Trade Union Conference constitutes itself. In particular, it shall have the following tasks:
 - a) acceptance of the annual and activity reports of the Main Executive Board and resolution on the discharge of the Main Executive Board;
 - b) acceptance of the report of the Central Executive Committee;
 - c) acceptance of the report of the Audit Committee;
 - d) opinion on the trade union situation;
 - e) adoption of resolutions on these applications and resolutions;
 - f) election of the members of the Managing Executive Board;
 - g) election of the honorary group representatives for the Main Executive Board;
 - h) confirmation of other members of the Main Executive Board;
 - i) election of the Chairman of the Central Executive Committee;
 - j) confirmation of the members of the Advisory Board elected in the state districts and their deputies.

§ 30 Extraordinary trade union conference

1. An Extraordinary Trade Union Conference shall be convened by the Main Executive Board if the Advisory Board decides to do so by a three-quarters majority.
2. The delegates or their representatives of the previous Trade Union Conference are also delegates of an Extraordinary Trade Union Conference, provided that their mandate has not expired. Necessary replacement elections shall be held by the delegate or member assemblies of the competent NGG-regions.