

ОБЩЕСТВЕНИ КОМУНИКАЦИИ И ИНФОРМАЦИОННИ НАУКИ
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**CODE OF CONDUCT AS A TYPE OF COMPLIANCE REGULATION ILLUSTRATED
BY THE GUIDELINES OF DEUTSCHE VERMÖGENSBERATUNG AG**

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Abstract: *The English term ‘compliance’ is also used in German to describe a department that ensures adherence to rules and regulations within a company. In many cases, ‘compliance’ is understood as a guideline for behavioural regulations and is also intended to help hierarchical structures to adhere to legal regulations imposed outside the company. By putting such guidelines in writing, every employee can be reached and informed. The easy duplicability of a transcript is also helpful in making new colleagues familiar with existing rules. Such a document is referred to as Code of Conduct. The current publication illustrates compliance regulations based on two companies that (have to) deal with ‘compliance’ responsibilities differently. One of these is entitled ‘Mission Statement of Deutsche Vermögensberatung’ and is intended to illustrate the vision of the founders and members of the Executive Board to the partners of the company and serve as a guide. However, companies with a classic hierarchical structure are expected to provide more than just a Mission Statement, since it does not represent a direct Code of Conduct. An example of such type of company is Generali Group, which a co-operation partner of Deutsche Vermögensberatung AG (DVAG for short) and has published its own clear code of conduct. These two variants are compared and discussed as to why they (should) be handled differently.*

Keywords: *code of conduct, Deutsche Vermögensberatung AG, mission statement, compliance, Generali Group*

INTRODUCTION

When we talk about *compliance* in a company, we usually refer to laws and regulations that are an essential guarantee for the company’s adherence to legal requirements and its commitment to conveying these rules to its employees. However, as there are regular changes to be observed at the legal level, it is not possible for a company to regularly monitor and observe compliance and update it in the event of new legislation. For this reason, certain guidelines are used to communicate new regulations to the lower hierarchical structures; Gabler Wirtschaftslexikon defines such communicating practices as ‘voluntary self-commitment’ (Lin-Hi 2018).

This means that a separate department within a company is usually required to enforce and monitor compliance. Duplicability is ensured in that agreements are communicated unambiguously in writing. Such documents then constitute a so called Code of Conduct. The examples of Deutsche Vermögensberatung AG (DVAG for short) and Generali Group illustrate the difference between a Mission Statement and a Code of Conduct. As an exemplary illustration, the transcripts on dealing with colleagues are also compared.

The theoretical foundation in the next chapter ensures a basic level of knowledge so that the company examples that follows can be properly understood.

A definition of the terms ‘code of conduct’ and ‘compliance’, as well as an introduction to the company itself, should provide the readers with a basic understanding and enable them to comprehend the connections in the methodology.

The two transcripts from the sample companies then set the pace for the methodology.

Like any compact publication, this one can only highlight aspects and does not provide a fully comprehensive evaluation. For this reason, the final chapter provides not only a summary but also an outlook for the author’s forthcoming dissertation that will examine this area in greater depth.

DEFINITION OF ‘COMPLIANCE’

‘Compliance’ is “the claim to absolute conformity with regulations and strict adherence to laws and internal guidelines” (Carlesso 2024).

Should a company department be responsible for compliance with regulations, it is referred to as ‘compliance management’. This type of management supports the integration of regulations and laws into the company’s structure and in time communicates them to all employees and ensures that they are observed. The existence of compliance management within a company minimizes criminal and civil law risks and enhances the possibility of new contracts by public clients, which eventually strengthens the company’s competitive reputation. In addition, rules of conduct can create a more comfortable working environment, whereas organizational arrangements are set up to “monitor, evaluate and take appropriate action” (KMPG AG 2024).

DEFINITION OF ‘CODE OF CONDUCT’

To comply with legal requirements and to be able to replicate these in the lower hierarchical structures, many companies make use of the written form of all regulations in the form of a code of conduct. This is made publicly available to all employees and explicitly referred to. It is intended both to provide employees with specific guidelines and to prevent undesirable activities and changes. Business partners and suppliers are also informed about the code of conduct of a company to guarantee smooth process chains.

Typical issues regulated by a code of conduct are:

- collegial interaction
- dealing with gifts and invitations
- dealing with information (data protection and internal company secrets)
- discrimination prevention
- ecological responsibility
- working conditions and minimum requirements.

The above lead to the following advantages as a result:

- stronger identification with the company as there is no discrimination and ethical values are recognized internationally
- improved external perception through the disclosure of the code of conduct on the homepage
- legally compliant process chains that prevent violations and penalties
- clear communication about breaches of the regulations takes place right from the start.

Should an employee violate the code of conduct, their penalty is imposed by the employer and not by the law, since disciplinary sanctions can be better understood by the employee and implemented by the employer, without having to expect consequences from a work union or the media (Hetzel 2024).

‘DEUTSCHE VERMÖGENSBERATUNG AG’ AND ITS MISSION STATEMENT

The company named in the acronym ‘DVAG’ describes in its mission statement the overarching version which partners should familiarize themselves with.

The fact that DVAG works with self-employed sales agents and thus promotes, among others, self-employed individuals, is not described in more detail below, but is nonetheless considered important since the self-employment of the investment advisors does not require a code of conduct on the part of the company. No sanctions are imposed, as the sales representatives set up their own sole proprietorship by registering their business.

It is therefore interesting to note that although no code of conduct is drawn up, all sales representatives are nevertheless orientated towards a common vision, clarified with the help of a written mission statement:

Everyone working for DVAG is voluntarily guided by the following mission statement:

DVAG’s three values are ‘performance-orientated, human, strong’, defined in the company’s transcripts and illustrated by a diagram. They reflect the vision of the company’s founder, Prof. Dr. Reinfried Pohl, who described it as follows: “In Germany, the concept of investment advice should be inextricably linked with Deutsche Vermögensberatung and the job of investment advisor should be brought closer to that of a general practitioner in the eyes of the public.” (DVAG homepage 2025).

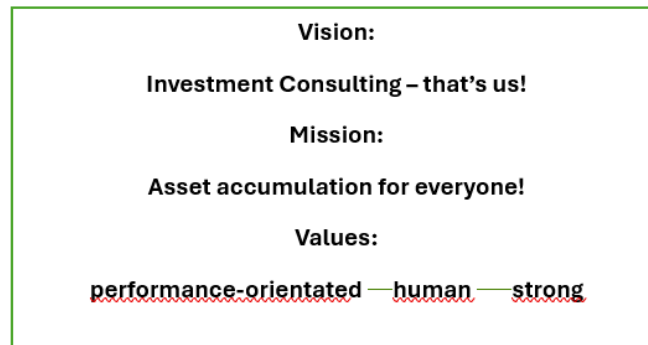


Fig. 1. Vision and model of 'Deutsche Vermögensberatung AG' (2024)

The value 'performance-orientated' describes the mission of small and medium-sized companies as well as private households to fulfil their individual financial wishes and goals with the help of wealth accumulation and protection through concept advice (DVAG 2018, 18). The value of 'human' is understood in two ways. Firstly, it refers to the principle of equal treatment of clients, regardless of their assets (DVAG 2018, 23). Secondly, 'human' also refers to internal cooperation: in this respect, DVAG addresses career opportunities that should be available to every person, irrespective of their gender or origin.

To emphasize the importance of a family community, the Group encourages exchange among colleagues and due to the second-generation management is called a 'family business' (DVAG 2018, 22). The value 'strong' refers to the already wide range of customers and the cooperation with successful financial institutions (DVAG 2024, 26). DVAG was the first financial services provider to position itself on the market with a so-called all-finance strategy and is still the strongest in the industry in terms of sales today, with around 18,500 advisors and commission income of up to €2.24 billion (cash-online 2023).

The Deutsche Vermögensberatung AG Mission Statement can be ordered in the internal shop and is presented to every new partner in a welcome box as soon as the commercial agency or employment contract is signed. It is intended to give career changers and young partners in particular a sense of belonging and to maintain respectability.

DVAG'S COOPERATION PARTNER *GENERALI GROUP* AND THE INFLUENCE OF ITS 'CODE OF CONDUCT' ON SALES REPRESENTATIVES

Owing to the long-time partnership between DVAG and the Generali Group, independent financial advisors work together with the insurance group. The traditional hierarchical structure of the company requires the employment of a large number of staff. There is also a works council and a code of conduct, which is publicly accessible (Generali Group 2024).

The present publication is limited to the sub-chapter 'Work, environment, diversity, equity and inclusion' of the third chapter 'Rules of Conduct'. The Group makes it clear that any kind of harassment and exclusion of employees is prohibited (Generali 2024, p. 11) and that every employee has the responsibility to treat colleagues kindly and work in cooperation. The definition of the company's code of conduct also included the sanctions that result from non-compliance with the guidelines. The example refers to serious consequences and how a witness who experiences or observes a violation should behave (Generali 2024, p. 12). A serious offence can lead to criminal prosecution (Generali 2024, p. 8).

Just as DVAG expects compliance with its mission statement, the Generali Group expects compliance with its code of conduct.

Sales representatives that cooperate with Generali Group are also affected by its code of conduct and, if necessary, receive sanctions. The Code points out right at the beginning that third parties who cooperate with the Group are also bound by its code of conduct (Generali 2024, p. 7).

RESULTS

In summary, it is important, especially for large companies, to establish separate departments for monitoring and compliance with regulations. The company's internal mission statement is made public on the company's website and in cases where a code of conduct is written down, it is also made accessible to the public.

On the one hand, a code of conduct can give the target group a notion about the way a company operates as well as attract new employees who share a similar or even identical work philosophy. The large number of legal requirements and guidelines, especially in the example of financial services, can necessitate the set-up of Intranet and subsequently a Cluster that can facilitate the understanding of the rules and guidelines for employees. In such a way, ignorance of the guidelines can also be avoided. Final questions can then be clarified with the help of a direct contact person within the formed departments.

CONCLUSION AND DISCUSSION

The present analysis describes the difference between a Mission Statement and a Code of Conduct of two large companies and therefore cannot provide an overall insight into the working practices of the Deutsche Vermögensberatung AG Company Group and the Generali Group. For this reason, the analysis of the companies is continued and deepened in a subsequent dissertation. The current publication is not intended to provide assistance in establishing respective codes of conduct or mission statements of companies but is purely for informational purposes. As a final point it can be argued that the DVAG mission statement is a representation of the company's expectations; in truth, however, the values formulated in it should be the guidelines of ethical behaviour of each member of the company. The same applies to the subchapter of the Generali Group AG code of conduct.

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КОДЕКСЪТ ЗА ПОВЕДЕНИЕ КАТО ВИД РЕГУЛИРАНЕ НА СЪОТВЕТСТВИЕТО, ИЛЮСТРИРАН ОТ НАСОКИТЕ НА DEUTSCHE VERMÖGENSBERATUNG AG

Резюме: Английският термин „compliance“ се използва и на немски език, за да опише отдела, който следи за спазването на правилата и разпоредбите в дадена компания. В много случаи „compliance“ се разбира като насока за поведенчески регулации, а също така има за цел да подпомогне йерархичните структури да спазват законовите разпоредби, наложени извън компанията. Чрез писменото представяне на такива насоки всеки служител може да бъде информиран. Лесната дублируемост на запис е полезна и за запознаване на новите колеги със съществуващите правила. Такъв документ

се нарича Кодекс за поведение. Настоящата публикация илюстрира правилата за съответствие въз основа на две компании, които (трябва да) се справят с отговорностите за „съответствие“ по различен начин. Едната от тях е озаглавена „Мисия на Deutsche Vermögensberatung“ и има за цел да илюстрира визията на основателите и членовете на Изпълнителния съвет пред партньорите на дружеството и да служи като ръководство. От дружествата с класическа йерархична структура обаче се очаква да предоставят нещо повече от „Представяне на мисията“, тъй като то не представлява пряко Кодекс за поведение. Пример за такъв тип компания е Generali Group, която е партньор за сътрудничество на Deutsche Vermögensberatung AG (накратко DVAG) и е публикувала свой собствен ясен кодекс на поведение. Тези два варианта са сравнени и обсъдени защо (трябва) да бъдат третираны по различен начин.

Ключови думи: кодекс на поведение, Deutsche Vermögensberatung AG, декларация за мисия, съответствие, Generali Group

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