



German Employment Law

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German Labour and Employment Law

Module 1: General introduction

In Module 1, the general introduction helps to understand the structure of the German labour and employment law by highlighting the current German labour market and its economic correlations. Given their fundamental significance, the conception and key vocabulary of employee and employer is described in definitions, facts and figures alongside the roles of the trade unions and works councils. To complete the overview, the particularities of conflict resolution such as the special, exclusive jurisdiction of the German labour courts are explained. Since the majority of labour court cases are terminated by settlement, the culture of conciliation, the possibility of a conciliation procedure and the solution-oriented approach are covered in detail.

Module 2: Recruitment & Conclusion of the Employment Contract

The legal implications during the process of hiring, from advertising to the conclusion of the contract including the works council's rights, will be explained in Module 2:

Freedom of contract

- Principle of free choice
A private employer might in principle employ whom he likes, however there is a
- Prohibition to discriminate
on grounds enumerated in the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz, AGG)
- Advertisement
should be neutral regarding in particular age and gender. Possible platforms include advertising via inhouse, public, work agencies and recruitment agencies.

Sources of information

- Interview & questionnaires
Invitation and pre-selection must be discrimination-free, allowed and forbidden questions as well as the consequences in case of misconduct will be clarified
- References
Module 2 will show their importance and how to read them
- External information sources
Permissibility of the collection of potential employees' data from social networking platforms, violations of statutory data protection law, Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG)

Conclusion of the contract

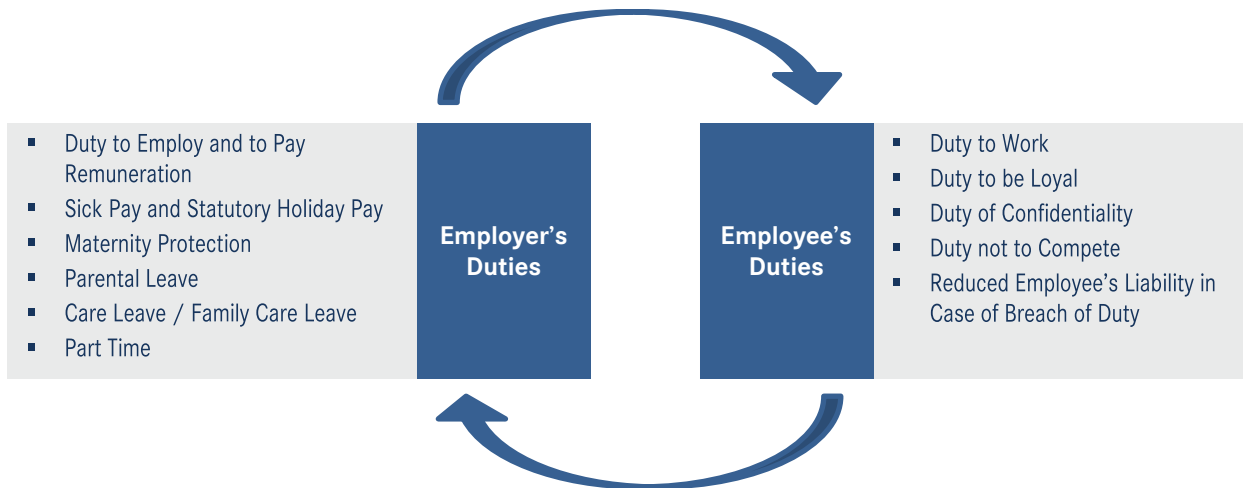
- Material and formal conditions
Requirements of the Civil Law Code (Bürgerliches Gesetzbuch, BGB) as well as
- The new Evidence Act (Nachweisgesetz, NachwG)
- Further possible contract contents
Such as fixed-term and non-fixed-term contracts or temporary work contracts

Works council's rights regarding hiring

- Obligation to inform works council
On envisaged hiring, there is the necessity of consent to employ the hired person
- Questionnaires and/or selection directives
Necessity of consent, in addition works council may request works agreement on the topic
- Resolution of possible conflict
Managing problems related to refused consent, possibilities of provisional employment

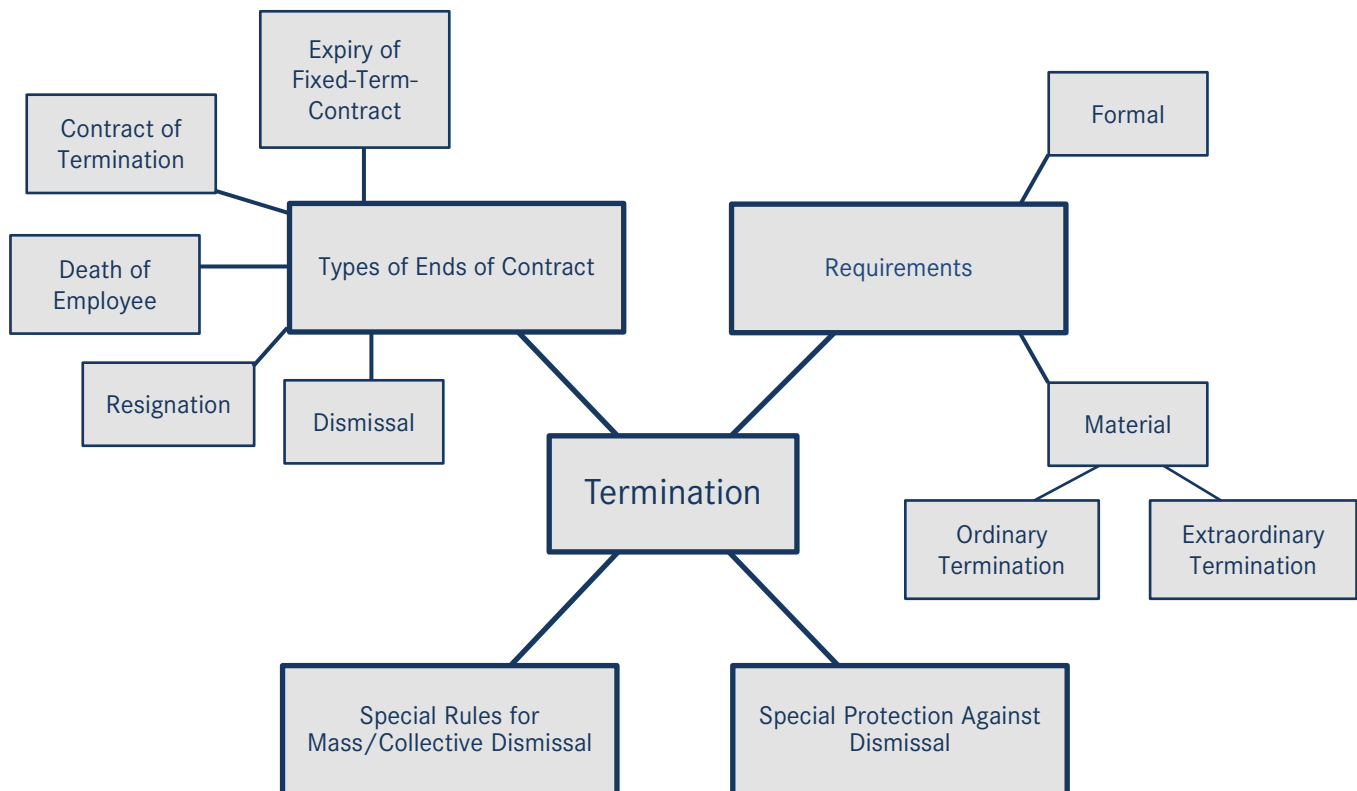
Module 3 & 4: General Principles, Employer's and Employee's Duties

Alongside the rules governing the employment relationship, such as EU law, federal statutory laws, works agreements and individual rules originating from contracts and collective grants by the employer, Modules 3 and 4 cover the main and secondary obligations of both contracting parties in light of the latest court decisions.



Module 5: Termination of the Employment Relationship

Module 5 concludes the program with information on all the specifics in regard to terminating the employment:



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