

# Content

List of Abbreviations — **XI**

Glossary — **XIII**

## Part 1

### Introduction to German Employment Law

- I. German Employment Market – Stats and Facts — **1**
  - 1. German Employment by the Numbers — **1**
  - 2. Flexible Types of Employment — **2**
    - a) On-demand Work — **2**
    - b) Employee Leasing (“Arbeitnehmerüberlassung”) — **2**
    - c) Fixed-term Employment — **3**
    - d) “One-Euro” Workers — **3**
    - e) Minijob workers — **4**
  - 3. Social Security System and the 50/50 Split — **4**
  - 4. Annual paid leave — **5**
- II. Specifics of German Employment Law — **6**
  - 1. Understanding the Basic Principles — **6**
  - 2. Individual Employment Agreements and Collective Bargaining Agreements — **7**
- III. Applying Foreign Law in the Light of German Constitutional Rights and Employment Law — **8**
- IV. Relationships and Roles in German Employment Law — **9**
  - 1. Employees — **9**
  - 2. Works Councils — **10**
  - 3. Unions — **11**
  - 4. Employers’ Associations — **11**
  - 5. Supervisory board — **12**

## Part 2

### 618 Frequently Asked Questions

- Chapter 1 Age | Alter — **13**
- Chapter 2 Anti-Competition Clause | Wettbewerbsverbot — **16**
- Chapter 3 Application for Employment | Bewerbung — **20**
- Chapter 4 Collective Bargaining Agreement | Tarifvertrag — **26**
- Chapter 5 Conclusion of an Employment Contract | Vertragsabschluss — **30**

Chapter 6	Disciplinary Warning   Abmahnung	37
Chapter 7	Dismissal   Arbeitgeberkündigung	41
	I. General Aspects	41
	II. Extraordinary and Ordinary Dismissal	44
	III. Protection against Dismissal	46
	IV. Obligations of the Employer in case of Dismissal	48
	V. Involvement of the Works Council and the Boards of Directors	49
	VI. En Masse Layoffs	50
	VII. Legal Action against Dismissal	50
Chapter 8	Employee Liability   Arbeitnehmerhaftung	52
Chapter 9	Fixed-term   Befristung	54
Chapter 10	Freelancer   Freie Mitarbeiter	55
Chapter 11	Home-Office   Heimarbeit	59
Chapter 12	Illness   Krankheit	68
Chapter 13	Job interview   Bewerbungsgespräch	73
Chapter 14	Labor Unions   Gewerkschaften	77
Chapter 15	M&A Transfer of Business   M&A Betriebsübergang	80
Chapter 16	Minijob   Geringfügige Beschäftigung	85
Chapter 17	Miscellaneous   Sonstiges	88
Chapter 18	Part Time   Teilzeit	90
Chapter 19	Permanent Establishment   Betriebsstätte	95
Chapter 20	Posting of Employees/Business Trips   Entsendungen/Dienstreisen	102
Chapter 21	Pregnancy/Parental Leave   Schwangerschaft/Elternzeit	107
	I. General Aspects	107
	II. Pregnancy	107
	III. Motherhood Allowance	109
	IV. Parental Leave	109
	V. Parental-leave Allowance	113
	VI. Part-time Work during Parental Leave	114
Chapter 22	Probationary Work   Probezeit	116
Chapter 23	Professional Schooling   Training/Ausbildung	119
Chapter 24	Protective Rights   Schutzrechte	122
Chapter 25	Reduced Working Hours (Short-time)   Kurzarbeit	126
Chapter 26	Reference (from Employers)   Zeugnis	130
Chapter 27	Restructuring – Dismissal due to operational reasons   betriebsbedingte Kündigung	134
Chapter 28	Retirement Plan   Altersversorgung	138
Chapter 29	Right of Residency/Residency Permit Allowing for Employment/Visa   Aufenthaltsrecht/Arbeitsgenehmigung/Visa	141
	I. General Aspects	141

- II. Visa — **143**
- III. Entrance to the German Labor Market — **145**
- IV. Residency Permit/Residency Permit with a Right to Work — **146**
- V. Work Permit — **147**
- Chapter 30 Severance Agreement | Aufhebungsvertrag — **150**
- Chapter 31 Severance Pay | Abfindung — **155**
- Chapter 32 Strike | Streik — **159**
- Chapter 33 Traineeship | Praktikum — **165**
- Chapter 34 Typical Employment Contract Content | Typische Arbeitsvertragsinhalte — **171**
- Chapter 35 Vacation | Urlaub — **179**
- Chapter 36 Wages | Gehalt — **187**
- Chapter 37 Working Hours | Arbeitszeit — **197**
- Chapter 38 Works Agreement | Betriebsvereinbarung — **205**
- Chapter 39 Works Council | Betriebsrat — **211**
  - I. General Aspects — **211**
  - II. Election of the Works Council Members — **219**
  - III. Rights and Responsibilities of the Works Council — **220**
  - IV. Works Meetings — **222**