

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 Arbeitsvertrags- inhalte —	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