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With our GÖRG Employment Tracker we look into the "future of labour law" for you on a regular basis! At the beginning of each month, we refer to the most important decisions expected for the month from the Federal Labour Court (BAG) and the European Court of Justice (ECJ) as well as other courts. We also keep you informed on the respective outcome in the following month. In addition, we draw your attention to important upcoming legislative initiatives in employment law. As a result, you will know today what you can expect tomorrow.

Upcoming decisions

With the following overview on upcoming decisions in the month to come, you will be informed in advance about the legal issues to be decided shortly and the impact these may have for legal practice!

Subject	Date/AZ	Remark/ note for the practice
Federal Labour Court		
Does the right to information and surrender also exist under the DSGVO in the employment relationship?	24.06.2020 - 5 AZR 66/19 -	The Federal Labour Court will decide whether employees are also entitled to the rights to information and to the surrender of copies of stored documents vis-à-vis their employers as provided for in the DSGVO. It is eagerly awaited whether the Federal Labour Court - like the lower instance - will also affirm these claims in the employment relationship and to what extent they exist.
Can freelancers also request information according to the German law on transparency of remuneration?	25.06.2020 - 8 AZR 145/19 -	The Federal Labor Court will decide whether freelancers, as persons similar to employees, are also entitled to information under the German law on transparency of remuneration.

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When applying for several jobs with identical job profiles, are severely disabled applicants to be invited to an interview?	25.06.2020 - 8 AZR 75/19 -	The Federal Labour Court decides on the scope of the obligation of public employers to invite severely disabled applicants to an interview. Specifically, it must be decided whether, in the case of multiple applications by an applicant for jobs with identical job profiles, it is sufficient to invite the applicant to an interview and pass on the knowledge gained there internally, or whether the applicant is to be invited to an interview for each job. The LAG Berlin had considered a multiple invitation necessary if the selection committee is not composed of identical persons or if there are more than a few weeks between the selection decisions.
European Court of Justice		
Does an entitlement to special leave lapse without substitution if the day of the event is in any case free of work?	04.06.2020 - C 588/18 - <i>Fetico</i>	<p>The European Court of Justice decides on a reference from the National Court of Justice of Spain whether a right to special leave under collective agreements (e.g. due to marriage or death) may be lost without substitution if the event for which special leave is granted falls on a day for which rest leave has already been granted or on which there is no obligation to work anyway. If this were not the case, the employer would have to "make up" the special leave on another day.</p> <p>The Advocate General at the ECJ considers the absence of special leave without substitution to be unproblematic under European law, since Union law does not regulate paid special leave. The member states (and thus also the parties to collective bargaining agreements) are therefore free to make appropriate arrangements in this respect.</p>
What is the 30-day period for collective redundancies?	11.06.2020 - C-300/19 - <i>Marclean</i>	Upon referral by the Social Court of Barcelona, the ECJ will give its opinion on how to determine the 30-day period to be used to determine whether there is a notifiable collective redundancy. Specifically, one of the issues will be whether a notice of termination that has already been given can subsequently become invalid because the employer gives further notices of termination in the following 30 days which in total exceed the threshold for "mass dismissal".

Legislative initiatives, important notifications & applications

This section provides a concise summary of major initiatives, press releases and publications for the month, so that you are always informed about new developments and planned projects.

Subject	Timeline	Remark/ note for the practice
<p><u>Corona crisis: Green light for the "work of tomorrow law"</u></p>	<p>15.05.2020 Approval of the Bundesrat granted</p> <p>Next step: Supply line to the Federal President</p>	<ul style="list-style-type: none"> ▪ The Federal Government is authorised to extend the period of entitlement to the benefit (short-time working allowance) from 12 to 24 months in the event of exceptional circumstances until 2021. ▪ No crediting of additional earnings if the secondary employment taken up is a mini-job in a system-relevant area. ▪ Works councils can pass their resolutions by telephone or video conference until 31.12.2020; the same applies to youth and trainee representatives and conciliation boards. ▪ Until the end of January 2021, works meetings may be held via video conference. ▪ The regulations on short-time work compensation and company co-determination are to come into force retroactively as of 01.03.2020
<p><u>Corona crisis: Relief for parental allowance</u></p>	<p>15.05.2020 Approval by the Federal Council of the</p> <p>Next step: Supply line to the Federal President</p>	<ul style="list-style-type: none"> ▪ Parents who work in system-relevant branches/occupations are allowed to postpone their parental allowance months. ▪ No disadvantages for the parental allowance if parents receive a lower income due to the corona crisis, i.e. months with lower earnings due to the crisis, are not counted due to a so-called exclusion. ▪ The requirements for receiving the partner bonus will be relaxed if parents cannot keep to their planned working hours. ▪ The law comes into force retroactively as of 01.03.2020.

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<p><u>Social protection package II</u></p>	<p>15.05.2020 approval of the Bundesrat</p> <p>Next step: Supply line to the Federal President</p>	<ul style="list-style-type: none">▪ Increase of the KUG by 10 % from the 4th reference month; with children increase by 7 %; from the 7th month increase to 80 % or 87 % (valid until the end of the year).▪ Extended possibilities for additional income from 01.05.2020: in all professions up to the full amount of your previous monthly income (valid until the end of the year).▪ Extension of unemployment benefit for unemployed persons whose entitlement ends between 01.05. and 31.12.2020 You will receive unemployment benefit for 3 months longer.▪ New regulations regarding the procedures of the labour and social courts:<ul style="list-style-type: none">○ Video and telephone conferences are permitted (also for volunteer judges).○ The BAG and the SPA can decide in written proceedings against the will of the parties to the proceedings → The Federal Council expressed considerable reservations about this Resolution → was forwarded to the Federal Government
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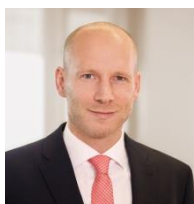
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