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Themenplan

Introduction to Labour Law 1: Establishment of the Employment Relationship

Basic terms: What is labour law? (civil/contract law, differentiation from other areas of law)

History of labour law

Legal sources of labour law: Hierarchy of norms (especially the significance of the collective agreement), excursus on collective bargaining law, practical work on a sample collective agreement

Working with legal texts and commentaries (group work on case studies featuring selected laws)

Differentiation between individual and collective law

Employment contract:
- Differentiation from other contracts; definition of the term "employee"
- Rights and duties under the employment contract
- Employer's right to issue instructions under Section 106 of the Trade, Commerce and Industry Regulation Act (Gewerbeordnung)
- Amendment of contractual conditions, notice of termination
- Contents of the employment contract under the Evidence Act

Establishment of the employment relationship:
- Application and interview costs
- Freedom of employment and its limits (legitimacy of certain questions during interviews, prohibition of discrimination, excursus: personality rights in the employment relationship)
- Data protection (using the example of application documents)
- Involvement of the works council
- Probation period

Temporary suspension of the employment relationship:
- Definition of suspension, clarification of terms and examples
- Effects on pay and other benefits

Brief overview on the participation rights of the works council regarding the establishment and suspension of the employment relationship