

<b>Module title</b>		<b>Abbreviation</b>
Employment Law		12-M-AFW-242-m01
<b>Module coordinator</b>		<b>Module offered by</b>
Dean of the Faculty of Business Management and Economics		Faculty of Business Management and Economics
<b>ECTS</b>	<b>Method of grading</b>	<b>Only after succ. compl. of module(s)</b>
5	numerical grade	--
<b>Duration</b>	<b>Module level</b>	<b>Other prerequisites</b>
2 semester	graduate	--
<b>Contents</b>		
<p>Contents: employment and labour law and works constitution law incl. collective agreement law</p> <p><b>Employment and Labour law</b></p> <p>Legal sources of employment and labour law</p> <p>Definitions, employment and labour law, employees</p> <p>The employment contract</p> <ul style="list-style-type: none"> <li>• Job application, permissible and impermissible questions in job interviews, consequences of lying, contesting the employment contract</li> <li>• General Equal Treatment Act, claims for damages by applicants</li> <li>• Conclusion of an employment contract, form, evidence under the Law of Proof of Substantial Conditions Applicable to the Employment Relationship</li> <li>• Contents of the employment contract, company practice, overall commitment, reservation of the right of voluntariness and revocation</li> <li>• General terms and conditions of business and control of terms and conditions of employment, invalid clauses and their consequences</li> <li>• Limitation of the term of the employment contract, fixed term employment contracts</li> </ul> <p>Rights and duties arising from the employment relationship</p> <ul style="list-style-type: none"> <li>• Primary and secondary duties</li> <li>• Employer's right to issue instructions, permissible and impermissible instructions</li> <li>• Sickness, obligations to report and provide evidence under the Continued Remuneration Act</li> <li>• Secondary employment, prohibition of competition, duty of confidentiality, occupational health and safety</li> <li>• Granting of holiday leave</li> <li>• Continued payment of wages in the event of illness, restrictions</li> </ul> <p>Severe disability, special rights and protection against dismissal</p> <p>Working hours and the Working Hours Act</p> <p>The warning, formal and material requirements, consequences</p> <p>Termination of employment</p> <ul style="list-style-type: none"> <li>• Termination agreement</li> <li>• Termination of employment</li> <li>• Formal requirements</li> <li>• Ordinary and extraordinary termination by the employer</li> <li>• Behavioral termination</li> <li>• Person-related (illness-related) dismissal</li> </ul>		

- Dismissal for operational reasons
- Special protection against dismissal

### **Works constitution law incl. collective bargaining law**

Legal sources of works constitution law

Definitions, company, works council, employee

The works council and its role

- Works council elections
- Start, end, duration of term of office
- Legal status of members, honorary office, leave of absence, special protection against dismissal
- Entitlement for training, works council costs
- Works meetings
- General works council, group works council, youth/apprentice representation

Material co-determination of the works council, participation

- Information rights (access to gross pay roll, expert advice)
- Consultation rights (consultation before each dismissal, right to object)
- Consultation rights (involvement of the economic committee, changes in operations)

Co-determination in the narrower sense

- Rights of consent and objection (staff questionnaire, selection guidelines, recruitment, transfers)
- Refusal of consent, legal proceedings Substitution of consent

Co-determination rights

- Enforceable co-determination, conciliation board, composition, procedure, decision
- Mandatory co-determination rights of works council, e.g. regarding
- Conduct of the workplace (smoking and alcohol bans, formalized sick leave talks, occupational integration management)
- Working hours, breaks, shift and flexi-time models, overtime, short-time work
- Holidays, company holidays
- Technical equipment for monitoring (time recording, access systems, video surveillance, telephone and internet use, skills database)
- Occupational health and safety
- Social facilities (canteen, company kindergarten)
- Company wage structure, remuneration (piece rates, bonuses)
- Company changes, reconciliation of interests and social plan

### **Collective bargaining law**

Definition, contractual and normative part, legal effect

Application of collective agreements, parties of collective agreements

Dynamic and static clauses referring to a collective agreement

Collective agreement and company agreements, blocking effect of collective agreement

Collective arbitration board in cases of compulsory works council co-determination

### **Intended learning outcomes**

**At the end of this course, students will have the following competences:**

Students gain solid basic knowledge of employment and labour law, the works council and its tasks and an overview of collective agreement law. At the same time, methodically and substantively sound legal knowledge is conveyed and practical relevance is established with case studies and current case law.

By working on an exam in the form of a legal opinion, the students are taught to solve a demanding legal issue with legal problems in a given time. Within a narrow thematic field and a time-limited framework, they are able to work on a legal issue in a well-founded and largely independent manner.

Within the framework of the term paper on a judgement of the Federal Labour Court, the students deal with a concrete case and the case law of the highest German labour court. They are familiarised with the methods of legal work and are enabled to work independently in a problem-solving manner. In addition to understanding the facts of the case and the legal problems, they will focus primarily on the consequences of the judgement for their practice. Here, the legal knowledge imparted will be implemented with a practical approach and the opportunity to creatively develop their own recommendations on how to deal with the judgement. In addition, the students present the case and their own conclusions for practice. In the group discussion, the other students have the opportunity to gather further knowledge and actively participate in the exchange of opinions on current judgements and case law.

The knowledge imparted is relevant for a wide range of professional fields of activity and is especially valuable for students who will work in the field of human resources or are interested in the field of employee management.

**Courses** (type, number of weekly contact hours, language — if other than German)

S (2)

Module taught in: German and/or English

**Method of assessment** (type, scope, language — if other than German, examination offered — if not every semester, information on whether module is creditable for bonus)

[a) written examination (approx. 120 minutes) and b) talk (approx. 30 minutes), weighted 60:40] or [a) written examination (approx. 120 minutes) and c) presentation (approx. 15 minutes) and d) written elaboration of presentation (approx. 10 pages), weighted 60:20:20]

Assessment offered: In the semester in which the course is offered

Language of assessment: German and/or English

**Allocation of places**

25 places.

WA1:

(1) Should the number of applications exceed the number of available places, places will be allocated by lot among all applicants irrespective of their subjects. (2) Places on all courses of the module with a restricted number of places will be allocated in the same procedure. (3) A waiting list will be maintained and places re-allocated by lot as they become available.

**Additional information**

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**Workload**

150 h

**Teaching cycle**

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**Referred to in LPO I** (examination regulations for teaching-degree programmes)

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**Module appears in**

Master's degree (1 major) Management (2024)

Master's degree (1 major) International Economic Policy (2024)

Master's degree (1 major) Economathematics (2024)