



## **Employment Q & A for GERMANY (per October 2012)**

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### **Q1: Am I allowed to end the contract at any time?**

The employer and the employee are allowed to terminate the contract at any time by observing the notice periods. If the duration of such notice period has not been agreed upon in the labour contract, the statutory notice periods of § 622 para. 2 of the German Civil Code (BGB) or an applicable tariff agreement apply. Contracts for a fixed period of time can only be terminated if they include a clause which allows the termination during the term of the contract. Contracts of employees with special protection against termination (i.e. handicapped persons, pregnant women) are subject to special regulations.

### **Q2: Is anyone to be informed before firing an employee?**

The employer is obliged to inform the works council (if such exists in the company) by way of a formal hearing.

If an employee is handicapped, the employer needs the Integration Office's approval before the termination. If the employee is pregnant or on parental leave, the District President ("Regierungspräsident") needs to give his approval for the termination of the employment.

The employee does not have to be heard before the termination (with the exception of a termination based on the suspicion of a major contractual violation).

### **Q3: Is there a prescribed form for the termination of a labour contract?**

Yes, it must be in writing.

### **Q4: Are redundancy payments mandatory?**

No, they are not.

### **Q5: How can an employee fight the decision of dismissal?**

By taking legal action before the local Labour Court.

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