



Judgment of the language in employment contracts

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GRP Rainer Lawyers Tax Advisors, Cologne, Berlin, Bonn, Dusseldorf, Hamburg, Munich, Stuttgart, Frankfurt www.grprainer.com elaborate: A recent judgment from the Rheinland-Pfalz labor court ruled that employers are not obligated to translate the employment contract into the respective mother tongue of the employee.

When a foreign national employee signs an employee contract formulated in German, then he is still bound by it even if the employee does not have a sufficient grasp of the German language to fully understand the contract. It is the court's opinion that the contract is valid, even if its contents were negotiated in advance in the mother tongue of the employee.

The Mainz Judges justified their ruling by giving the comparison of an employee who signs a contract without reading it.

Someone who is aware of making a legally binding declaration cannot afterward appeal to the fact that he/she was not fully aware of the complete picture. The contract signee should have gained knowledge about the contents of the contract before signing it, because the ignorance of its contents falls into his/her area of risk.

It is important to note that, a foreign employee would still be bound by a signed contract, as well as, any work contract exclusion clauses even if they were not formulated in the employees mother tongue. This could have effects on a huge number of contracts. However, it is not foreseeable if this legal view will generally assert itself.

Due to the importance of this judgment, the Rheinland-Pfalz labor court referred the case to the German Federal Labor Court.

The details are important in an employment contract. We provide water-tight employment contracts for our clients. We check your existing contracts for economic solutions and juridical details. Wherever problems appear, our lawyers will help in the solution. As clients you can expect the whole range of certified consultations for labor legislation from the offices of GRP Rainer.

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Anlage: Bild

