



Labour law: Avoiding pitfalls in labour law

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GRP Rainer Lawyers and Tax Advisors in Cologne, Berlin, Bonn, Düsseldorf, Frankfurt, Hamburg, Munich, Stuttgart and London - www.grprainer.com/en conclude: One current example from the wide field of labour law is the subject of the minimum wage. Which rules employers must observe in this context, when the minimum wage must be implemented or permissible exceptions are aspects that have to be taken into account when drawing up the employment contract. Remuneration is essentially only one of the points which need to be regulated in the employment contract. This concerns not only the basic salary, but also additional performance-related or fixed bonuses.

The employment contract regulates all the fundamental issues in the relationship between employer and employee. In doing so, it should define the activities as precisely as possible. Another crucial aspect is working hours: It is not only the weekly working hours that can be determined, but also both the obligation to work overtime and corresponding compensation. Holiday entitlement, the place of work or a probationary period are additional arrangements that are defined in the employment contract.

If, having regard to collective wage agreements, these points remain relatively clear, there are aspects which can be of decisive importance especially in the event of a dispute. This applies, for instance, to a breach of contract, restraints on competition or secondary employment.

Termination is also a very important topic. As a rule, the employment contract specifies within which timeframes the employment relationship can be cancelled. It is with regard to the topics of termination and written warnings that most mistakes occur in labour law. At the same time, questions pertaining to severance payments or termination agreements are also relevant. It is advisable to find a solution based on mutual agreement. If this is not possible, these arguments frequently end up in front of a labour court, at which point a clever negotiating strategy and detailed know-how is required.

Many legal disputes can be avoided by means of precise provisions in the employment contract. Lawyers with a high level of competence in the field of labour law can be of assistance in drafting the contract. Of course, this also applies in the event that disputes do emerge at a later stage. Since time limits in the field of labour law are generally short, legal counsel ought to be obtained as soon as possible in order to defend one's own interests.

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Anlage: Bild

