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GÖRG successful in resolution proceedings to dissolve the works council of DURA

The Iserlohn Labor Court granted the motion to dissolve the works council for the joint operations of DURA Holding Germany GmbH (DHG) and DURA Automotive Body & Glass Systems GmbH (B&G). GÖRG partner Dr. Frank Wilke, who is conducting numerous dismissal protection proceedings for DURA in connection with the plant closure, represented the automotive supplier in the proceedings.

The Iserlohn Labour Court justified its decision by citing gross violations of duty by the works council, which now only exists in the remaining mandate. The works council had sent numerous documents and information on the legal situation existing from the works council's point of view to the litigants who were involved in the dismissal protection proceedings on the employee side. By making the data available and providing legal advice to support the proceedings directed against the employer, the works council had massively exceeded its competences under works constitution law. In the view of the Court, there had been a serious violation of the principle of cooperation based on trust in § 2.1 of the Works Constitution Act and thus a gross breach of duty which justified the dissolution of the works council. This also applies even though there is only a remaining mandate and a successor works council for any tasks that may still arise – such as the negotiation of a social compensation plan – cannot be elected any more.

Advisors DURA Automotive Body & Glass Systems GmbH / DURA Automotive Plettenberg Leisten und Blenden GmbH

GÖRG Partnerschaft von Rechtsanwälten mbB

Dr. Frank Wilke, Partner, Labour Law, Cologne

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About DURA Automotive

DURA Automotive is an internationally operating supplier for the automotive industry. The headquarters of the company is located in Auburn Hills, Michigan, USA. DURA is present at 35 locations in 15 countries worldwide and employs around 11,000 people with a turnover of approximately 1.3 billion euros.

With about 1,000 employees, the location in Plettenberg was the largest single production site within the DURA Group. Until its closure at the end of April 2019, it was the centre of panel and trim production for the international automotive industry.

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About GÖRG

GÖRG is one of Germany's leading and independent business law firms.

With 290 lawyers and tax advisors in Berlin, Cologne, Frankfurt am Main, Hamburg and Munich, we advise well-known domestic and foreign businesses from all areas of industry, banking, real estate, trade, media and services on all core areas of business law.

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