

Stay up to date with us

With our Employment Tracker we regularly look into the "future of labour law" for you! At the beginning of each month we present the most important decisions expected for the month from the Federal Labour Court (BAG) and the European Court of Justice (ECJ) as well as other courts. We report on the results in the issue of the following month. In addition, we point out upcoming milestones in legislative initiatives by politicians, so that you know today what you can expect tomorrow.

Upcoming decisions

With the following overview of upcoming decisions in the following month, you will be informed in advance about which legal issues will be decided shortly and what consequences this may have for legal practice!

Subject	Date/AZ	Remark/ note for the practice
Federal Labour Court		
Compensation under the AGG - Invitation to interview	27. 08. 2020 - 8 AZR 45/19 -	The Federal Labor Court decides on compensation under the General Equal Treatment Act which the plaintiff asserts on the basis of alleged discrimination due to his severe disability. After the interview, at which the representative body for severely disabled persons was not present, the plaintiff was not invited to the following assessment center. The Federal Labor Court will decide whether the lack of participation by the Representative Body for Severely Disabled Persons and/or the plaintiff's failure to receive an invitation to the assessment center leads to a claim for compensation.
Compensation under the AGG - Wearing a headscarf	27. 08. 2020 - 8 AZR 62/19 -	The Federal Labour Court decides on a claim for compensation under the General Equal Treatment Act on the basis of alleged discrimination on grounds of religion. The plaintiff applied to the defendant state of Berlin as a teacher. At the end of the job interview, during which the plaintiff wore a headscarf, it was brought to her attention that, according to the Berlin Neutrality Act, she was not allowed to wear visible religious symbols in class. She then declared that she would not take off the headscarf in class. She received neither a formal refusal nor was he hired.

European Court of Justice (judicial vacations from 16.07.2020 - 31.08.2020)

Legislative initiatives, important notifications & applications

This section provides a concise summary of major initiatives, press releases and publications for the month, so that you are always informed about new developments and planned projects.

Subject	Timeline	Remark/ note for the practice
<u>Income tax-free one-off payment due to corona crisis possible until 31.12.2020</u>	30.06.2020	<ul style="list-style-type: none">▪ With effect from 30.06.2020, the legislator has added para 11a to § 3 of the Income Tax Act (EStG). This gives employers the opportunity to pay their employees a one-off subsidy <u>free of wage tax</u> due to the Corona crisis. This option is limited in time until 31 December 2020 and may not exceed a one-time amount of EUR 1,500.00.▪ Prerequisites for the payment to be made as a wage tax-free benefit in accordance with § 3 No. 11a EStG<ul style="list-style-type: none">○ Payment must be made in addition to the salary already due○ The employer's commitment (e.g. a short one-page letter of allocation) should indicate that this is a payment to mitigate the additional burden of the corona crisis○ Payment must be recorded in the employee's payroll account <p>➔ To be noted: This "Corona premium" cannot be offset against top-ups to short-time work compensation</p>

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<p><u>The minimum wage increases</u></p>	<p>30.06.2020</p>	<ul style="list-style-type: none"> ▪ Next step: Submission of a minimum wage adjustment regulation to the Federal Cabinet for approval. ▪ The Minimum Wage Commission recommends increasing the minimum wage in several steps to € 10.45 by 1 July 2022 <ul style="list-style-type: none"> ○ as of 1.1.2021: € 9.50 ○ as of 1.7.2021: € 9.60 ○ as of 1.1.2022: € 9.82 ○ as of 1.7.2022: €10.45
<p><u>Proposal: Allow solo self-employed persons to benefit from better protection through improvements in unemployment benefit II</u></p>	<p>01.07.2020 Status: referred to the Committee on Employment and Social Affairs</p>	<ul style="list-style-type: none"> ▪ Essential content <ul style="list-style-type: none"> ○ ALG II is granted to solo self-employed persons who are unable to generate any income as a result of the corona crisis and do not receive emergency aid for their subsistence, even if they live with other people in a community of need. ○ Suspension of the intensive examination of assets for the application for ALG II for the group of persons concerned
<p><u>Enabling reconciliation of family and career in management floors through time off</u></p>	<p>03.07.2020 Status: Not yet discussed</p>	<ul style="list-style-type: none"> ▪ Reason: No possibility for members of the Board of Management to take a longer-term absence such as maternity leave, parental leave, illness or the care of relatives without resigning their mandate or remaining liable during their absence. ▪ Essential content <ul style="list-style-type: none"> ○ Creation of the possibility of suspending the mandate for a maximum of 6 months with prior notice without being held liable for this period ○ Proposal several cornerstones for this, including transparency in the commercial register ○ Examination of comparable regulations for members of supervisory bodies and for members of management bodies of other legal forms, such as managing directors of a GmbH

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Local presence: your contacts



Dr. Ulrich Fülbier

Head of labour and employment law

Prinzregentenstraße 22
80538 Munich
Tel. +49 89 3090667-62
ufuelbier@goerg.de



Dr. Thomas Bezani

Kennedyplatz 2
50679 Cologne
Tel. +49 221 33660-544
tbezani@goerg.de



Dr. Axel Dahms

Kantstraße 164
10623 Berlin
Tel. +49 30 884503-122
adahms@goerg.de



Burkhard Fabritius, MBA

Alter Wall 20 – 22
20457 Hamburg
Tel. +49 40 500360-755
bfabritius@goerg.de



Dr. Ralf Hottgenroth

Kennedyplatz 2
50679 Cologne
Tel. +49 221 33660-504
rhottgenroth@goerg.de



Dr. Christoph J. Müller

Kennedyplatz 2
50679 Cologne
Tel. +49 221 33660-524
cmueller@goerg.de



Dr. Lars Nevian

Ulmenstraße 30
60325 Frankfurt am Main
Tel. +49 69 170000-210
lnevian@goerg.de



Dr. Marcus Richter

Kennedyplatz 2
50679 Cologne
Tel. +49 221 33660-534
mrichter@goerg.de



Dr. Frank Wilke

Kennedyplatz 2
50679 Cologne
Tel. +49 221 33660-508
fwilke@goerg.de