

Legal Update Labor Law

No right on the part of a works council to a training course with a "feel-good factor"

Dr. Frank Wilke

Cologne, 19 May 2015

Decision

The Trier Labor Court (3 BV 11/14) held on 20 November 2014 that an employer may reject a request from its works council to be permitted to attend an external training course if an in-house seminar with the same content would be more economical. The works council had decided to send four of its members at the employer's expense to an external training event lasting several days that would involve overnight accommodation and meals. Instead of acceding to this wish, the employer obtained an offer for an in-house event with the same content from the same organizer. Since this was about 40% cheaper, the employer offered the works council members the in-house seminar and refused to allow them to attend the external event.

It is not unusual for organizers of seminars for works councils to advertise events at attractive tourist locations ("Conference hotel with a high feel-good factor", "Right in the middle of the beautiful Lüneburg Heath, you will find peace and comfort", "The ideal starting point for discovering the cultural highlights of the town"). Finally, since "hotel invoices can be billed directly to the employer", these kinds of offers are understandably very popular. The Trier Labor Court's decision provides a very simple method of putting a stop to "seminar tourism". Where the quality of the training course is the same, the employer may direct the works council to a less expensive – albeit not as attractive from a tourist's perspective – alternative. Since almost all seminar organizers also offer in-house seminars, employers should obtain an alternative bid for holding an in-house seminar with the same content where the external seminar offered is too expensive and too touristy.

Relevance in legal practice

Note

This overview is solely intended for general information purposes and may not replace legal advice on individual cases. Please contact the respective person in charge with GÖRG or respectively the author Dr. Frank Wilke on +49 221 33660-544 or by email to fwilke@goerg.de. For further information about the author visit our website www.goerg.com.

Our offices

GÖRG Partnerschaft von Rechtsanwälten mbB

BERLIN

Klingelhöferstraße 5, 10785 Berlin
Phone +49 30 884503-0, Fax +49 30 882715-0

COLOGNE

Kennedyplatz 2, 50679 Köln
Phone +49 221 33660-0, Fax +49 221 33660-80

ESSEN

Alfredstraße 220, 45131 Essen
Phone +49 201 38444-0, Fax +49 201 38444-20

FRANKFURT AM MAIN

Neue Mainzer Straße 69 – 75, 60311 Frankfurt am Main
Phone +49 69 170000-17, Fax +49 69 170000-27

HAMBURG

Dammthorstraße 12, 20354 Hamburg
Phone +49 40 500360-0, Fax +49 40 500360-99

MUNICH

Prinzregentenstraße 22, 80538 München
Phone +49 89 3090667-0, Fax +49 89 3090667-90

Legal Update