



Employment Law

Comprehensive advice – tailor-made solutions

Heuking Kühn Lüer Wojtek is a large independent German law firm. National and international clients trust in the competence and experience of our lawyers, tax consultants and notaries. We represent the interests of medium-sized and large companies from all industries. Associations, public corporations and distinguished private clients also make use of our expertise in a wide variety of legal fields.

Heuking Kühn Lüer Wojtek has eight offices in Germany and a Switzerland office in Zurich. Additionally, our firm maintains close contacts with selected international law firms in all major markets around the world, thus assuring qualified advice at all times and representation as well in international matters. The partnership is also embedded in an international network of law firms with which it cooperates on a “good friends” basis without being tied to exclusivity agreements.



Employment Law

The Employment Law Practice Group consists of a team of more than 30 highly specialized lawyers and certified specialist lawyers for employment law. Our activities focus on comprehensive advice and support of our clients in all matters of collective and individual employment law. As entrepreneurs, we are acutely aware of the requirements and requests of our employer clients, which is why we are offering practice-oriented and targeted solutions for day-to-day business operations.

In the case of larger projects, we cooperate in teams of specialists across several offices, where this is beneficial for the project and requested by the client – such as for clients with several locations, extensive reorganization cases, changes in the business or the support of company transactions under employment law. In order to obtain tailor-made solutions, we can also call on our tried and tested collaboration with expert advisors from the human resources and outplacement fields and we gladly collaborate with consultants, who are already working with our clients.

Below you will find a selection of questions, which we frequently encounter and potential answers to them.



“We do not want to make any mistakes in day-to-day operations.”

Business success requires smart strategic human resource decisions and the appropriate contractual basis, for which we will gladly provide advice and assistance. Whether it concerns the wording of (post-contractual) non-competition clauses, issues of cooperation with the works council, practical provisions on the use of company vehicles, email and internet matters or the advice on the alteration or termination of employment contracts, we provide quick and straightforward advice. We will gladly train your HR department and senior managers in all of the practice-relevant questions concerning employment law.

Works Council

Conditions of Employment

Bonus Schemes

Foreign Assignments

Internationalization

Supply of Temporary Workers

Employment Contracts



“We operate globally, which is why we need to be able to employ our executives on a worldwide basis.”

The staff of international corporations is often operating worldwide. To make sure that such foreign assignments go according to plan, generally a variety of legal issues need to be clarified in advance. We provide professional advice in this respect. The same applies to the recruiting of foreign employees. Topics range from reliably clarifying framework conditions under tax law and social security law to quickly obtaining necessary work and residency permits in Germany and in foreign countries. When required, we are able to obtain the reliable and qualified assistance of our lawyer cooperation partners in foreign countries.

„The economy is improving again – we require more staff.”

The selection of qualified staff requires great care. The contractual regulation of the collaboration should be performed equally carefully. This is why we support you in designing legally compliant employment contracts. The wording of standard contracts is part of our service portfolio as is the designing of group-related or company-wide uniform working conditions or the drafting of tailor-made individual employment contracts. Of course, we also take into account if employees are to be employed by several companies or even within the entire group. We will gladly inform you of alternatives to an employment relationship, such as the use of sales agents, temp workers or freelancers and of other opportunities of using third-party staff.



“We want to develop new markets and to acquire a company.”

Irrespective of whether your business expansion is motivated by market strategies, tax considerations, business opportunities or necessities: We support you right from the beginning so that your decisions correspond to the strategic expectations as best as possible. For this purpose, we carry out due diligence reviews on the target company and provide protection to you in planning, designing and implementing transaction-based transfers of operation. Due to the close collaboration with our peers specializing in insolvency law, we are well aware of particularities in connection with the acquisition of companies from insolvency or companies with liquidity constraints. After an acquisition, we provide advice on adapting working conditions and pay scale structures in the participating companies and thus assure that post-merger integration will succeed, forming a homogenous and motivated staff.

“Our structures are inflexible – we need to be able to quickly react to market requirements.”

Market laws are unrelenting. Business owners need to act quickly, flexibly and in a strategically clever way if they want to achieve their objectives and be successful in the long term. In times, in which work-life-balance and new working environments are demanded of managers, this applies particularly to HR policy. Only when optimizing your opportunities, you will remain competitive in the future as well and will be able to recruit and retain qualified employees. To do that, we will keep you informed of new legal developments, such as in the area of variable working time models, flexible compensation or innovative manufacturing methods and we will let you know how you can use those changes for the benefit of your company. We advise on reviewing whether outsourcing of tasks previously completed in-house or a combination of previously separate manufacturing processes (such as “just in time/sequence”, “lean production”, “manufacturing cells”) will lead your company to the desired target. Subsequently, we will implement such concepts in negotiations with works councils and trade unions, where necessary also in conciliation and arbitration boards.



“Our works council blocks everything – we need advisors, with whom we implement projects.”

Whether it is the introduction of ERP systems, the modernization of HR administration, the use and rules of social media, or the regulation of payment and working time systems, occupational pension schemes, participation programs, the implementation of (international) compliance programs or health protection – works councils always have rights of co-determination and sometimes use them to block measures. We assist you in negotiations and advise and support you in arbitration committee proceedings, in order to prevent a standstill and to preserve your ability to act. Of course, we can draw from experience with numerous arbitration committee chairpersons and can therefore also propose suitable individuals to you.

Cost Cutting

Restructuring

Staff Reduction Plant Closure Transfer Company Collective Bargaining

Outsourcing

Litigation



“Our results are poor – we need to cut costs.”

You need to reorganize your company in order to reduce costs? The possibilities are manifold: They range from classic outsourcing and “offshoring” (relocation of production to foreign countries) to the “escape from collective labor agreements”, the designing, changing, outsourcing, and terminating of corporate pension schemes up to company shut downs.

We advise on preparing and implementing these concepts and support you in necessary negotiations with trade unions and works councils. We assist in the quick and legally compliant implementation of staff reduction measures, including by setting up and using transfer companies. At the same time, we also manage the cooperation with public institutions, if required. Of course, we also implement these measures on an individual law basis, including litigation before all German labor courts. Do not hesitate to contact us so that we can jointly find the fastest, most effective and accordingly best way for you.



“I need advisors, who implement my strategy, if need be in court.”

The successful implementation of corporate strategies often depends on personnel policy and the relationship with trade unions and works councils. We in our Practice Group Employment Law understand this very well. Our experience from many companies helps us to adopt the best possible strategy towards works councils and trade unions and also to implement these successfully in court. Due to our nationwide presence, we know the characteristics of most of the courts and can use this experience for you.

“Our team should participate in the company’s success.”

Oftentimes, incentives for employees represent useful and successful contributions to the positive development of a company. From our advisory practice, we know a variety of proven and tested performance-oriented and result-oriented compensation models. Thanks to our litigation experience, we are also aware of the legal and economic limits of such concepts - such as in regulated areas or in board compensation. You can use this expertise when drafting and implementing your bonus, profit, and commission payment provisions. We will also gladly support you in introducing and applying participation models, including option plans or the granting of profit participation rights, which need to be harmonized with your individual circumstances in an optimum manner.



“We require reliable regulations with performance incentives for our executives.”

Able and motivated executives are a significant success factor of each company. Accordingly, it is important to offer to executives reliable regulations including performance incentives. We will gladly advise you in these matters, irrespective of whether it concerns the drafting, revising or executing of employment contracts with executive board members, managing directors or senior executives. We also provide support as competent counsel with respect to developing and implementing innovative forms of compensation geared to the particularities of your company.

“Our employees are concerned about their financial status after retirement – we want to use that to recruit employees and to bolster employee retention.”

Occupational pension schemes offer many advantages for employees and companies. Commitments to employees also involve substantial financial, tax, and labor law risks for companies, however. Even more important is the diligent advice in the initial creation of such retirement plan models – whatever implementation method is to be used – and in modifying pension schemes. Our Practice Group includes several specialists with extensive expertise in this specialist field and is assisted – for example, in the design of trust models – by our colleagues from tax law.

Staff Retention

Remuneration Models Incentives

Employment Contracts

Company Pension Schemes

Employee Representative

Co-Determination

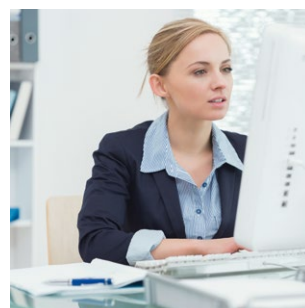


“The union is pushing for the conclusion of a collective bargaining agreement and is organizing strikes against us.”

Labor disputes place high demands on the internal organization of the client and on his advisors. Everything must be done rapidly, there is rarely time for comprehensive research work and yet strategic and tactical follow-up questions must always be considered. We have already provided advice and support to numerous clients in comparable situations and can therefore effectively assist you both in defense against strikes as well as in negotiations with the trade union.

“Our company has a supervisory board subject to co-determination – with which our advisor must be able to deal.”

Many of our clients have supervisory boards subject to co-determination. We are thoroughly familiar with the issues associated with them, for instance, the selection of the employee representative on the supervisory board, the remuneration of the supervisory board members or their secrecy. We prepare, however, also companies for this situation, which as a result of growth, mergers with other companies or changes in legal form, are confronted with such questions of corporate co-determination for the first time.



“The protection of employee data is important to us – but we also want to protect our interests.”

There is increased awareness of data protection both on the part of companies and employees as well as supervisory authorities. Data protection requirements must be observed not only in everyday life of all employment relationships. Special questions also arise in the course of data collection and processing across the group, in connection with transactions and outsourcing projects or in event-related investigations, for instance in the investigation of crimes. Our experts in compliance advice check with you to see whether your data protection concept complies with the applicable laws and carry out data protection audits for you. In the case of cross-border questions (for example, safe harbor agreements, binding corporate rules, data transfer to non-European foreign countries) we have extensive experience and an established network of cooperating lawyers.

“We would like to be informed of current legal developments.”

Employment law is continuously changed by new laws, in particular caused by legal developments in the European Union and court decisions. We are aware of the judgments and legal innovations and always keep you up-to-date with our regularly issued newsletters, informational events and in-house seminars. This allows you to early and proactively adapt to all changes.



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