

21. September 2018

THE FEDERAL CONSTITUTIONAL COURT HAS RULED: THE RESTRICTION OF “PREVIOUS EMPLOYMENT” BY THE FEDERAL LABOR COURT IS NOT COMPATIBLE WITH THE GERMAN CONSTITUTION

THE YEARS OF CRITICISM OF THE CASE LAW OF THE 7TH SENATE OF THE FEDERAL LABOR COURT [*BUNDESARBEITSGERICHT - BAG*] BY THE REGIONAL LABOR COURTS AND THE LITERATURE HAVE SHOWN THEIR EFFECT: ON 6 JUNE 2018, THE FEDERAL CONSTITUTIONAL COURT [*BUNDESVERFASSUNGSGERICHT - BVERFG*] OVERRULED THE BAG'S PREVIOUS CASE LAW ON THE PROHIBITION OF PRE-EMPLOYMENT IN THE CASE OF UNFOUNDED TIME LIMITS, LEAVING LEGAL UNCERTAINTY BEHIND. THE THREE-YEAR LIMIT DEVELOPED AND APPLIED BY THE BAG CONTRADICTS THE CONSTITUTION, ACCORDING TO THE BVERFG. ([more...](#))