

30. September 2019

AN (EXTERNALLY HIRED) MANAGING DIRECTOR OF A GMBH ACTING AS AN EMPLOYEE?

TWO CURRENT DECISIONS ARE ADDRESSING THE QUESTION, WHETHER AN (EXTERNALLY HIRED) MANAGING DIRECTOR OF A LIMITED LIABILITY COMPANY [*GESELLSCHAFT MIT BESCHRÄNKTER HAFTUNG - GMBH*] CAN BE REGARDED AS EMPLOYEE. WHILE BEING DENIED BY THE FEDERAL LABOR COURT [*BUNDESARBEITSGERICHT - BAG*] IN ITS DECISION OF 21 JANUARY 2019 (FILE NO. 9 AZB 23/18), THE FEDERAL COURT OF JUSTICE [*BUNDESGERICHTSHOF - BGH*] GRANTS AN EXTERNALLY HIRED MANAGING DIRECTOR THE STATUS OF AN EMPLOYEE (DECISION OF 26 MARCH 2019, FILE NO. II ZR 244/17). NONETHELESS, THE TWO DECISIONS ARE NOT CONTRADICTORY. [\(more...\)](#)