

September 2023

## Effects of the intended Bureaucracy Relief Act on the Practice of Labor Law

Dear Reader,

We are back from our "summer break" with a brief overview of the changes planned in labor law as a result of the Bureaucracy Relief Act.

According to the most recent intention of the German legislator legal transactions are to be simplified and digitized as far as possible. The numerous written form ("wet ink") and signature requirements that currently exist are to be abolished or replaced by text form requirements. The written form is to be retained only as a substitute form. Where the written form requirements continue to apply or the written form is chosen as a substitute form, it should be possible to use digital technologies as a support and bridging technology. The special features of labor law are to be taken into account. However, the draft bill is not yet more specific in this regard.

**Employment contracts** do not currently have to be drawn up in writing. However, the Evidence Act, which was only passed last year, provides for special features with regard to the obligation to provide evidence for a written employment contract. In the future, these will also apply to an employment contract in a legal electronic form that replaces the written form. The same is to apply to amendment agreements concluded in electronic form in the event of changes to material contractual terms and conditions. However, the economic sectors and branches of industry in accordance with Section 2a (1) are to be excluded. Illegal Employment Act, namely the construction industry, catering and accommodation industry,

passenger transport industry, forwarding, transport and related logistics industry, showmen's industry, forestry companies, building cleaning industry, companies involved in the construction and dismantling of fairs and exhibitions, meat industry, prostitution industry, guard and security industry.

In the future, the employer shall also satisfy the **posting obligations** under the Working Hours Act and the Youth Employment Protection Act if it makes the required information available electronically via the information and communication technology commonly used in the company or office, such as the intranet, provided that all employees have free access to the information.

In future, it will also be possible to issue **employer's references** (Section 630 of the German Civil Code (BGB), Section 109 of the German Trade Regulation Act (GewO)) in electronic form.

The written form requirement in the **Federal Parental Allowance and Parental Leave Act for applications for a reduction in working hours and their rejection** as well as the assertion of the entitlement to parental leave is to be replaced by text form.

Documents and records within the scope of the administrative procedure, which are to be drawn up in writing according to the Youth Employment Protection Act, are to be able to be created or sent electronically in the future.



## Labor law

September 2023

In addition to this comprehensive digitization, a reduction in information requirements should also help to ease the burden. To this end, the information requirements currently in place will be reviewed to determine whether they are up to date and whether they can be harmonized in the areas of energy law, foreign trade law, trade fairs and calibration, economic statistics, trade and crafts regulations, and industry- and profession-specific ordinances.

It remains to be seen how these very detailed plans will actually be implemented. The draft bill for the Bureaucracy Relief Act IV is to be presented before the end of this year. We will keep you informed about the legislative process and will provide you with information once the bill has been passed.

With kind regards from Heidelberg

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