

Overview	Legal Change
<p>Obligation to record employees working time</p>	<p>The German Federal Employment Court decided this month that there is an existing obligation on employers comprehensively to record employees working time.</p> <p>This has led to a great deal of new uncertainty.</p>
<p>Previous understanding</p>	<p>To date there has not been a clear legal obligation in Germany for employers comprehensively to record employee working time. It was thought that employers would only be required to record time once a specific law was in place with detailed rules.</p> <p>The Court decision was based on existing health and safety rules. However, these rules in respect of recording working time are very generic and not detailed.</p>
<p>Areas of new uncertainty</p>	<p>The Court decision leaves a number of practical issues unresolved:</p> <ul style="list-style-type: none"> - Working time based on employee trust - Types of time recording systems to be used - Consequences of failure to record - Can time recording be delegated to employees? - Can time recording be used to monitor performance?
<p>Action required</p>	<p>It is expected that employers will be required in due course to introduce comprehensive working time recording systems. Employers are therefore well advised to start anticipating this. However, it would be sensible to await clarification of the detailed requirements before implementing new recording systems, which may later prove inadequate.</p>

This is a high level general update only. Legal advice should be obtained on specific circumstances.

