



LEGISLATION

PARCEL COURIER PROTECTION LAW

After the construction and meat industries, subcontractor liability is also introduced in the Courier, Express and parcel industries. The Parcel Courier Protection Act, which came into force on 23.11.2019, obliges a company that involves a subcontractor in the processing of orders to be liable for social security benefits that have not been paid. Anyone who wants legal certainty only commissions subcontractors who can present a complete certificate of compliance (Unbedenklichkeitsbescheinigung). Who passes on an order to a company which can present such a certificate is exempted from liability for social insurance contributions, §§ 28e paragraph 3g, 28e paragraph 3f SGB IV.

also of interest...

- Annual Tax Act 2019: Vouchers will continue to be treated as non-cash benefits by way of exception.
- Draft law on exemption for occupational pensions approved by the Federal Council.

CASE LAW

CROWDWORKERS ARE NOT EMPLOYEES

According to the judgement of the LAG Munich dated 04.12.2019, it is not considered an employment contract if an order with a fixed content is offered via an Internet platform in accordance with the terms of a basic agreement and accepted without any obligation to do so. The fact that the plaintiff has earned a substantial part of his livelihood through the contracts and that it was important for him to continue accepting contracts in the future does not mean that the plaintiff is to be classified as an employee according to the existing legal situation. The basic agreement could therefore also be effectively terminated by e-mail as a mere framework agreement. The judgement is not yet final.

also of interest...

- BAG, 28.11.2019: Reimbursement of travel costs in the event of ineffective offsetting.
- BAG, 11.12.2019: Further illness during the continued payment period.

Save The Date

Forum Arbeitsrecht: Protection of trade and company secrets.

Berlin 04.03.2020 – Stuttgart 05.03.2020 – München 11.03.2020 – Frankfurt 12.03.2020

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