



LEGISLATION

FEDERAL CABINET DECIDES TO ABOLISH „GELBEN SCHEINS“

The Federal Cabinet has launched a draft law „to relieve the bureaucracy of the medium-sized economy in particular“. Among other things, this provides for the introduction of an electronic certificate of incapacity to work from 2021. The reason given for this is that the previous manual processing effort associated with the paper health insurance certificate is no longer up to date in view of the advancing digitalisation. An electronic registration procedure is now to replace the submission of the health insurance certificate. In the future, the health insurance will inform the employer electronically on demand of the beginning and duration of the incapacity to work of his statutory insured employee as well as the time of the expiry of the continued payment of wages.

also of interest...

- Federal Labour Minister Heil presents package proposal to increase flexibility of work. Innovations in home office and working time accounts, among other things, are planned.

CASE LAW

ACCIDENT INSURANCE PROTECTION ALSO ON THE „TRIAL WORKING DAY“

If a jobseeker injures himself while performing a trial working day in a company, he is statutorily insured against accidents as a „like-employee“ pursuant to § 2 (2) sentence 1 SGB VII. That has been decided by the BSG (Urt. v. 20.08.2019 - B 2 U 1/18 R). The jobseeker is during the sample work due to lack of integration into the enterprise not considered an employee according to § 2 exp. 1 No. 1 SGB VII, § 7 exp. 1 SGB IV but in any case as a like-employee. On the trial working day, he performs an activity of economic value serving the enterprise and corresponding to its will, which is similar to a dependent employment relationship. The activity was not only carried out in the employee's own interest, but also helped the company to select a suitable applicant.

also of interest...

- The average duration of the proceedings completed by the BAG in the 2018 financial year was 7 months 23 days, which means that the duration of the proceedings is slightly more than 0.5 months shorter than in the 2017 financial year.

UPCOMING...

- Oral hearing before the BAG on 20.11.2019: Does the agreed irrevocable release in a court settlement also cover the settlement of working time credits?

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