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## Germany

### New rules for temporary agency work

The German Act on *Temporary Agency Workers* (*Arbeitnehmerüberlassungsgesetz*) was revised with effect from December 2011. The new provisions have led to controversy as to when agency work can still be regarded as “temporary”.

The works council of BMW in Leipzig refused to give their consent to the hiring of 1,100 agency workers, claiming that with a permanent staff of 2,800 employees, the hiring of agency workers did not cover a temporary need but in fact replaced permanent workers. BMW argued that it needed flexibility in today’s unstable economy.

The court, in several decisions rendered in February and March 2012, did not take a stand on this issue, ruling instead that the law did not allow the works council to refuse its consent based on the above argument, regardless of its validity. The works council is currently appealing these decisions.

At the same time, unions are trying to – and succeeding in – include rules regarding temporary agency work into collective bargaining agreements. Several agreements, e.g. the Airbus agreement of February 2012 or the agreement for the metal industry of May 2012 include provisions on temporary agency workers regarding the conditions for hiring agency workers, their maximum number, as well as their working conditions.

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