

Lawsuit before the labor court

Practical information for Employees in Saxony

If you have asserted your claims to your employer and the employer refuses to fulfill its obligations and meet your requirements, you can turn to the responsible **labor court** and file a lawsuit there.

If you wish to file a lawsuit, you have three options:

- A lawyer will file the lawsuit for you. You can contact a lawyer to discuss the problem before filing a lawsuit. However, the costs resulting from this are to be covered by you and are not reimbursable.
- If you are a member of a German trade union, you are entitled to legal protection. Membership in a trade union is voluntary and after 3 months of membership, legal protection is free of charge.
- You can also file the lawsuit yourself - every labor court has a legal application office (Rechtsantragsstelle) that accepts lawsuits and applications. **Caution** - if you do not speak German, bring someone with you who can assist you with the language. An interpreter can be requested.

If you file the lawsuit yourself, you must appear in person for the hearing. When filing the lawsuit, you must be aware of preclusion periods. The

preclusion periods determine the time in which you can demand your claims from the employer or claim them in court. You can find the preclusion periods in your employment or collective agreement. You must assert your claims within this period. In most cases, the preclusion period is 3 months. **Caution:** Different preclusion periods may be agreed in the collective agreement.

Special preclusion periods apply in the case of a **dismissal** and **minimum wage**. If you receive a dismissal with which you do not agree, you can file a lawsuit **up to 3 weeks** after receiving the dismissal letter. The preclusion period for the statutory minimum wage is **3 years**.

In the first instance, the applicant side and the defendant side always bear their own costs. This means that there is no reimbursement of the expenses of the two parties. However, the court and attorney's fees may be paid in full or in part by the public funds if **legal aid** is granted.

If you have any questions, please do not hesitate to contact us. **Our advice is free of charge.**

