MODULE 2 CASE STUDY · GERMANY

The pattern nobody agreed to

Nordlicht Services, Paderborn. One situation, four national versions. This is the Germany version.



The situation

You are the only HR person at a company of about forty people. Customer support is covered by five people working fixed hours from Monday to Friday. The operations manager wants to move them to a staggered pattern — two early, two standard, one late, rotating monthly — so that the working day is covered for customers in every country the company sells to.

She has asked you to "send something out this week" and to "keep it simple, it is only a small change".

Of the five people affected: two work compressed hours across four longer days; one has a fixed non-working Wednesday for childcare; one has told you, in confidence, that she cannot work early starts because of a caring responsibility she has not disclosed to her manager; and one has said nothing at all about it.

What this case study is for

Everything in Module 2 meets a real constraint here. The channel you choose, the order you do things in, what you can and cannot write down, and who has to be consulted before anyone is told anything. The same situation plays out differently in each of the four countries, and that difference is the point.

What is different in Germany

Before you use any of this

National detail below is a starting point for your own checking, not legal advice. Employment law changes, and thresholds differ by company size and by sector agreement. Verify the current position for your country before acting on any of it — Module 6 covers how to do that properly.

Employee representation: Betriebsrat (works council)

What to check	Why it matters here

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Is there a works council?	If so, this is not a consultation. Under the Works Constitution Act the works council has genuine co-determination rights over the start and end of daily working time and the distribution of hours across the week. Without its agreement, the change does not happen.
Is a works agreement needed?	A Betriebsvereinbarung is the usual instrument for a shift pattern. Drafting and agreeing one takes weeks, not days — plan the timetable backwards from that.
What does the applicable Tarifvertrag say?	Collective agreements are widespread and may fix the pattern directly, overriding what the company would prefer.
Does the Working Time Act constrain the new pattern?	Rest periods between shifts and limits on daily working time are statutory. A staggered pattern with an early and a late shift can breach the rest requirement without anyone noticing.
Is anyone in Elternzeit or on a Teilzeit arrangement?	Part-time and parental arrangements are legally protected and are not adjusted to suit a new pattern.

How the communication itself differs

- Announcing a change before the works council has agreed it is the single most damaging thing you can do here, and it is a common mistake made by companies headquartered elsewhere.
- Expect detailed, documented questions. Vagueness that would pass elsewhere will be challenged, and the challenge will be in writing.
- The works council is a partner in the communication, not an audience for it. Agree together who tells the staff, and when.

Who to ask (draft, for partner review)

- The Betriebsrat (works council), before anything is announced
- Whoever holds the applicable Tarifvertrag
- A specialist employment lawyer (Fachanwalt für Arbeitsrecht) or the employer association on the works agreement
- Your data protection officer about what may be recorded

What you are asked to do

1. Decide the order of events. What has to happen before anything is communicated at all?
2. Decide what is written, what is spoken, and what is neither.
3. Plan the consultation: who is involved, in what forum, and on what timetable.

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4. Draft the announcement that eventually goes to the whole company.
5. Decide what you do about the confidence you were told, without disclosing it and without letting it be ignored.

Questions to answer

- The operations manager wants something sent this week. Is that possible in your country? If not, what do you say to her, and in what words?
- Which parts of this can be handled asynchronously, and which cannot?
- What would you put in a channel, what in a direct message, and what only in a conversation?
- The person who has said nothing may be the one most affected. How do you find that out without singling her out?
- If the change goes ahead, what is written down afterwards, and where does it live?

Read one other country's version

When you have finished, read the version for one country other than your own and answer this: what would you have to do differently there, and which of those differences is legal rather than cultural? Write your answer in your own notes. If you want to, share it in the module forum and read another learner's answer, but this is optional.

Before you finish

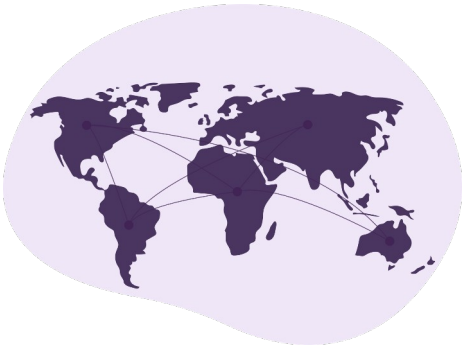
☐ You established what must happen before anything is announced, and it is not the same in every country

☐ Your timetable is realistic for the representation route where you are

☐ You said what you would tell the operations manager, in words

☐ The confidence is protected and its effect on the decision is still accounted for

☐ You read one other country's version and identified one legal and one cultural difference



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