

Martin Maties

Arbeitsrecht

8. Auflage

Mit Fällen und
Aufbauschemata

Arbeitsrecht Martin Maties

Ian Pickup



Arbeitsrecht Martin Maties:

Der Arbeitnehmerbegriff im europäischen und deutschen Arbeitsrecht Michael Müller, 2010 Masterarbeit aus dem Jahr 2009 im Fachbereich Jura Zivilrecht Arbeitsrecht Note 16 P sehr gut Bayerische Julius Maximilians Universität Würzburg Sprache Deutsch Abstract Am 22. November 2006 hat die Europäische Kommission ein Grnbnch f r ein moderneres Arbeitsrecht vorgelegt. Dessen Zweck lag nach Meinung der Br sseler Beh rde darin, eine ffentliche Debatte dar ber einzuleiten, wie mit Hilfe des Arbeitsrechts Fortschritte bei der Flexicurity Agenda erzielt werden k nnen und damit das Entstehen eines gerechteren, reaktionsf higeren und integrativeren Arbeitsmarktes gef rdert werden kann. Der dazu beitr gt Europa wettbewerbsf higer zu machen. Flexicurity ist dabei als ein Ansatz zu verstehen, der darauf abzielt, das Spannungsverh ltnis zwischen m glichst flexibler Gestaltung der Arbeitsverh ltnisse und gr tm glicher Sicherheit f r die Besch ftigten aufzul sen. Bereits kurz nach dessen Ver ffentlichung wurde das Grnbnch teils heftig kritisiert. Insbesondere wurde der Kommission vorgeworfen, eine schleichende Kompetenzverlagerung auf die europ ische Ebene voranzutreiben bzw. gar die Schaffung eines einheitlichen europ ischen Arbeitsvertragsgesetzbuchs zu erw gen. Formulierungen wie Weiterentwicklung des Arbeitsrechts, Notwendigkeit, die arbeitsrechtlichen Vorschriften anzupassen bzw. die Frage nach der Erforderlichkeit eines Grundstocks an Vorschriften lie en Bef rchtungen aufkommen, die Kommission erw ge Legislativvorsch lge mit dem Ziel eines vereinheitlichten europ ischen Arbeitsrechts. Zwar konnte die Kommission ihre sch rfsten Kritiker mittlerweile beruhigen; in der Folgemitteilung zum Grnbnch hei t es, dieses sei von Anfang an nicht als Grundlage f r die Konzeption legislativer Ma nahmen gedacht gewesen. Die Diskussion um die aufgeworfenen Fragestellungen h lt jedoch an. Insofern ist es mit dem Grnbnch zumindest gelungen, Denkanst sse zu liefern und damit die Debatte um die Zukunft des Arbeitsrechts in Europa neu in Gan

Selbstbestimmungsrecht der Kirche im Arbeitsrecht Sharlin Casmer, 2023 Das Selbstbestimmungsrecht der Kirche, das in der Bundesrepublik verfassungsrechtlich verankert ist, f hrt nach den Ma st ben der Rechtsprechung des BVerfG zu einer Modifikation des staatlichen Arbeitsrechts. Die vorliegende Arbeit untersucht die Einstellungen und Loyalit tsanforderungen der Katholischen und Evangelischen Kirche in Deutschland. In der j ngsten Vergangenheit hat es infolge der europ ischen Rechtsprechung in Bezug auf dieses gesch tzte Statut der Kirchen im Arbeitsrecht bedeutende Einschnitte gegeben, deren Konsequenzen f r die Kirchen als Arbeitgeber zu untersuchen waren. Direito do Trabalho - I - Direito europeu Dogmática geral Direito Coletivo António Menezes Cordeiro, 2023-06-23 O Direito do trabalho procura uma bisettriz ambiciosa entre a prote o dos trabalhadores e a dimens o empresarial. Sem abdicar dos seus valores, ele integra uma realidade din mica em evolu o permanente. A presente obra visa o p blico universit rio e ainda os pr ticos do Direito da gest o das empresas e dos movimentos sociais. Apoiada na jurisprud ncia e na mais recente bibliografia, ele disponibiliza a exposi o atualizada das evolu es jur dico laborais do Direito europeu e do Direito coletivo do trabalho. **The Oxford Handbook of Comparative Law** Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The

Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

On the Fourth Industrial Revolution: Legal Perspectives from Germany and South Africa Thomas M.J. Möllers, Kathleen Van der Linde, 2024-10-30 Based on collaboration between the law faculties of the University of Augsburg and the University of Johannesburg this book focuses on legal developments relating to the Fourth Industrial Revolution in South Africa and Germany and the European Union more broadly Written in the aftermath of the Covid 19 pandemic which has given impetus to digital and other technology driven innovations it pays particular attention to the aspects of digitalisation artificial intelligence and data protection in various contexts including international sales law labour law medical law and environmental law The chapters reflect critically on legal and other developments to determine their appropriateness impact and long term viability in the digital age Other significant topics covered in this book include human rights in an increasingly globalised world of business climate change and the war between Russia and Ukraine Focusing on legal aspects and applicable frameworks the chapters dealing with these topics clearly encourage an appreciation for the ideals of accountability fairness peace and security Undoubtedly this book is a timely and appropriate collection of research on fundamental developments and problems facing our world today It is recommended reading for those interested in legal perspectives on important developments in the era of the Fourth Industrial Revolution

Inhaltskontrolle im nationalen und Europäischen Privatrecht Karl Riesenhuber, Ioannis K. Karakostas, 2009 In einem Privatrecht dessen fundamentales Prinzip die Privatautonomie ist wirft die Inhaltskontrolle grundlegende prinzipielle Fragen auf In den vergangenen Jahrzehnten zeichnete sich eine Tendenz ab die Inhaltskontrolle in geradezu allen Bereichen des Privatrechts zu intensivieren Deutlich sichtbar geworden ist diese Tendenz insbesondere in der Rechtssetzung der Europäischen Gemeinschaft Mit Verabschiedung der AGB Richtlinie war zwar die legislatorische Entwicklung zu einem vorläufigen Abschluss gekommen die Inhaltskontrolle

von Individualvereinbarungen war nach eingehender rechtspolitischer Kontroverse abgewendet worden nicht aber die rechtspolitische Diskussion Vor diesem Hintergrund er rtern die Autoren in diesem Band aus rechtsvergleichender Perspektive Grundlagenfragen wie die historische Entwicklung das Verh ltnis von Auslegung und Inhaltskontrolle und die grundrechtliche Gewährleistung sowie Aspekte der Inhaltskontrolle in einzelnen Rechtsgebieten Arbeitsrecht Erbrecht IPR sowie in Einzelfragen *Betriebliche Altersversorgung - Fallbearbeitung im Arbeitsrecht* Martina Beier,2012-03-14

Inhaltsangabe Einleitung Der dieser Bearbeitung zugrunde liegende Sachverhalt wurde im Mai 2009 als 4 Wochen Hausarbeit von dem Oberlandesgericht JPA D sseldorf ausgegeben Im Wesentlichen werden folgende Themen behandelt Kündigungsschutzklage Anforderungen an eine Abmahnung und deren Funktion Voraussetzungen einer betrieblichen Anwartschaft auf betriebliche Altersversorgung infolge betrieblicher Versorgung Voraussetzung an ein Widerrufsrecht der betrieblichen Altersversorgung Ab nderung einer individualvertraglich vereinbarten betrieblichen Altersversorgung durch eine Betriebsvereinbarung Drei Stufen Modell des BAG kollektives G nstigkeitsprinzip Sachverhalt Die MarX GmbH X ist ein mittelständisches Produktionsunternehmen In ihrem D sseldorfer Betrieb in dem ein Betriebsrat besteht besch ftigt sie mehr als 350 Arbeitnehmer Aufgrund einer internen Anweisung der Geschäfts f hrung an die Personalabteilung war es bei X bereits seit dem Jahre 1972 blich den Werkmeistern nach f nfj hriger Betriebszugehörigkeit eine schriftliche Versorgungszusage zu erteilen Die an die Werkmeister berreichten Schreiben lauteten blicherweise wie folgt Sehr geehrte r Frau Herr wir freuen uns Ihnen mitteilen zu k nnen dass Sie im Falle des Erreichens der Altersgrenze von uns eine monatliche betriebliche Altersrente erhalten werden Die Einzelheiten unserer Versorgungszusage entnehmen Sie bitte dem beigef gten Informationsschreiben Bitte betrachten Sie diese von uns freiwillig erteilte Versorgungszusage als Zeichen unserer Anerkennung f r Ihre Arbeit Wir hoffen dass Sie auch in Zukunft Ihre ganze Einsatzkraft dem Fortkommen unserer Firma widmen werden Ihre MarX GmbH PS Eine Kopie dieses Schreibens wird dem Betriebsrat zur Kenntnisnahme bermittelt Ausweislich des beigef gten Informationsschreibens sagte die X den Werkmeistern eine Gesamtversorgung mit einer Bruttogesamtversorgungsobergrenze zu Bei Abfassung des Informationsschreibens im Jahre 1972 f hrte die Bruttoversorgungsobergrenze beim maximal m glichen Versorgungsgrad zu einer Versorgung von etwa 90% des Nettogehaltes eines aktiven Werkmeisters Das Versorgungsschreiben enthielt auch die folgenden Hinweise Die Firma beh lt sich vor die Leistungen zu k rzen oder einzustellen wenn die bei Erteilung der Versorgungszusage ma gebenden Verh ltnisse sich nachhaltig so wesentlich ver ndert haben dass der Firma die Aufrechterhaltung der *Arbeitsrecht* Hans Brox,Bernd Rütters,Martin Henssler,Clemens Höpfner,2024-12-04 Das Buch wendet sich an alle die eine knappe klare zuverl ssige und in einfacher Sprache gehaltene Einf hrung in das deutsche Arbeitsrecht erhalten wollen also nicht nur an Studierende und Rechtsreferendare sondern ebenso an Wirtschafts und Sozialwissenschaftler Besch ftigte in Personalabteilungen sowie F hrungskräfte in allen Bereichen von Wirtschaft und Verwaltung Neben dem Individualarbeitsrecht ist auch das kollektive

Arbeitsrecht enthalten das Werk umfasst damit alle für Praxis wichtigen Bereiche Zahlreiche Fallbeispiele leiten den Leser zur sachgerechten Lösung praxisrelevanter Probleme an Anschaulich und lebensnah wird der Leser in den Sinn und Zweck arbeitsrechtlicher Regelungen und in ihre historisch politischen Hintergründe eingeführt Die 21. Auflage berücksichtigt in besonderem Maße jene Themen die im Zuge der Covid 19 Pandemie an Bedeutung gewonnen haben Infektionsschutz Kurzarbeit Homeoffice Digitalisierung der Betriebsverfassung mitsamt Regelungen zu Künstlicher Intelligenz Daneben sind die Reform des Nachweisgesetzes die neuen Gesetze zum Hinweisgeberschutz zu Sorgfaltspflichten in Lieferketten und zur Unternehmensmitbestimmung enthalten Eingearbeitet ist zudem die neueste Rechtsprechung zum Arbeitszeit und Urlaubsrecht zur Entgeltgleichheit und Entgelttransparenz zum Datenschutz sowie zur Betriebsratsverteilung Im letzten Kapitel wird der Praxisrelevanz des Arbeitsrechts mit einer Anleitung zur Bearbeitung arbeitsrechtlicher Fälle Rechnung getragen

Die Integrationsfestigkeit des kirchlichen Selbstbestimmungsrechts im Rahmen der Kündigung von Arbeitsverhältnissen im Anwendungsbereich der Richtlinie 2000/78/EG Lisa Maria

Völkerding, 2021-03-26 Die evangelische Kirche zählt zu den größten Arbeitgebern in Deutschland Aus dem Anwendungsbereich des staatlichen Betriebsverfassungs- und Personalvertretungsrechts ist sie allerdings de lege lata herausgenommen Das von ihr selbst gesetzte und durch eine eigene Arbeitsgerichtsbarkeit kontrollierte Mitarbeitervertretungsrecht sieht allerdings nur einen unvollkommenen Rechtsschutz vor denn die zwangsweise Durchsetzung kirchengerichtlicher Entscheidungen also ein substantieller Rechtsschutz wird durch das MVG/EKD selbst aber auch durch das staatliche Gewaltmonopol ausgeschlossen Der kirchenrechtlich gewährte Rechtsschutz wird daher insbesondere von der Mitarbeiterschaft als Rechtsschutz zweiter Klasse empfunden Die vorliegende Arbeit geht der Frage nach ob ein substantieller Rechtsschutz trotz des kirchlichen christlichen Selbstverständnisses und des staatlichen Gewaltmonopols nicht nur möglich sondern aus rechtsstaatlichen und europarechtlichen Gründen sogar geboten ist Ausführlich wird erörtert auf welche Weise im Mitarbeitervertretungsrecht der evangelischen Kirche unter Einbeziehung der staatlichen Gerichte ein umfassender Rechtsschutz gewährleistet werden kann ohne dass dabei in das der Kirche von der Verfassung eingeräumte Selbstbestimmungsrecht eingegriffen wird

Zulässigkeit und Grenzen der Projektbefristung Marie-Katrin Schaich, 2023-12-19 Insbesondere im Umfeld des öffentlichen Dienstes werden Abschluss und Verlängerung von befristeten Arbeitsverträgen häufig davon abhängig gemacht dass Dritte dem Arbeitgeber zur Durchführung eines bestimmten Vorhabens Finanzmittel zur Verfügung stellen Arbeitnehmer werden dann nur für die Dauer des konkreten Vorhabens befristet und zwar unabhängig davon ob im Anschluss noch Beschäftigungsbedarf besteht Für diese sog Projektbefristungen hat das BAG eine eigene vom Wortlaut des 14 Abs 1 S 2 Nr 1 TzBfG abweichende Fallgruppe geschaffen Zulässigkeit und Grenzen dieser Befristungen sind Untersuchungsgegenstand der Arbeit Hauptergebnis ist dass die Fallgruppe mit dem Unionsrecht unvereinbar ist Die Grenze der Zulässigkeit von Befristungen wegen des vorübergehenden Bedarfs erschöpft sich

zudem in der ordnungsgemäß durchgeführten negativen Beschäftigungsprognose Die zur Vertretungsbefristung entwickelten Grundsätze einer zusätzlichen Missbrauchskontrolle sind nicht übertragbar

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