



Press Release

SEPARATE TELEPHONE AND INTERNET CONNECTION FOR WORKS COUNCIL MEMBERS?

Munich, 19 April 2016 – Tomorrow the Federal Labour Court is dealing with the question whether a works council member is entitled to demand from his employer a separate telephone and internet connection (Case Number: 7 ABR 50/14). In the particular case "only" an own extension within the telephone system of the company had been assigned to the works council member. Furthermore, the employer had provided the works council member with an internet connection which, however, could also "only" be used through the company server. Certain websites, such as e.g. Youtube, had been blocked. The works council member feared that the telephone and internet connection data would be controlled by the employer and demanded separate connections and with regard to the internet an unrestricted connection. The previous instances, however, dismissed his respective applications filed in court.

"If the employer is prepared to agree with the works council member, for example, on a number suppression, thus, providing for the member's telephone being uncontrolled upon recording, then the costs for a separate telephone connection are not necessary", said *Wolfgang Lipinski*, labour lawyer with the international law firm of BEITEN BURKHARDT, who is an acknowledged expert in works constitutional matters. "That has already been correctly established by the Regional Labour Court as previous instance. The same applies to a separate internet connection. Moreover, a separate internet connection would cause an unnecessary security gap, since the e-mail correspondence between the employer and the works council member contains confidential information which would then remain no longer in the corporate intranet. Therefore, it is very likely that the Federal Labour Court will approve the correct reasoning of the Regional Labour Court", Mr. Lipinski continued.

According to the works constitutional law the employer has to bear the costs incurred by the activity of the works council member. For the day-to-day business management the company has to provide information and communications technology – according to the law, however, only to the extent required. What is required and what is not required constitutes a popular controversial issue between employers and works council members. However, any disputes can be avoided by entering into trustworthy arrangements and appropriate agreements", said



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Mr. Lipinski.

Dr. Wolfgang Lipinski is specialist lawyer for labour law and Partner with BEITEN BURKHARDT Rechtsanwaltsgesellschaft in Munich.

He will be available for further information, statements and guest commentaries.

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