WHITE & CASE

Labor Law

Our expertise

36 offices around the world

Americas

Los Angeles
Mexico City
Miami
New York
Palo Alto
São Paulo
Washington, DC

Europe, Middle East and Africa

Abu Dhabi
Almaty
Ankara
Berlin
Bratislava
Brussels
Bucharest
Budapest
Doha
Düsseldorf
Frankfurt
Geneva
Hamburg
Helsinki
Istanbul
Johannesburg
London
Moscow
Munich
Paris
Prague
Riyadh
Stockholm
Warsaw

Asia

Beijing
Hong Kong
Shanghai
Singapore
Tokyo

Our expertise

We advise on all areas of labor law.

Labor law is one of the sensitive legal fields. From the investor relations perspective labor law issues become increasingly important for a company's strategic orientation. Legally uncertain staff decisions involve risks, as they may jeopardize entrepreneurial goals and lead to a bad corporate image, both internally and externally.

Whether workforce restructurings, M&A transactions, privatizations, transfers of business operations, staff adjustments or outsourcing projects: In labor and employment law matters, White & Case provides legal advice and representation of the highest standard. Our experienced labor and employment lawyers represent your business interests in dialogue – or if necessary, in disputes – with the works council or trade union. We represent our clients before all labor courts throughout Germany, including the Federal Labor Court, as well as before corporate conciliation boards and in mediation proceedings.

With the help of our global network, all international labor law issues are solved promptly and efficiently, e.g. in the case of cross-border business relocations or secondments abroad. We have more than 100 attorneys from the various jurisdictions who are specialized in labor and employment law and are well versed in special features of their legal systems.

Our clients include local and international companies from all industries as well as public institutions.

Why White & Case

- Comprehensive service offering – we provide advisory services in all areas of the law.
- Long-standing expertise – we are a globally active law firm, steeped in tradition and with more than 150 years experience.
- Solid base of industry-specific know-how – we understand our clients' requirements.
- One-stop legal solutions – we bundle our knowledge and work as an integrated team in cross-border matters.
- Client proximity – we are represented everywhere through our global network.

Our services

An independent view

Among Top 20 Law Firms for Labor and employee benefits globally.

PLC Which Lawyer? Labor and employee benefits Super League 2008

One of the top ten global employment law firms.

PLC Cross-Border Quarterly, December 2005-2007

"Clients appreciate the longstanding relationships and find 'the team's level of service is extraordinarily high'. A strong feature is the 'availability without restrictions' and the team's 'social skills combined with experience and know-how'"

Legal 500 Europe Germany 2009

Post-merger litigation matters, restructuring and privatization are the practice's strengths.

Legal 500 Europe Germany 2008

"Clients praised Karl-Dietmar Cohnen's commercial approach: 'He understands the business and is an extraordinarily good lawyer. He is like one of us.'"

Chambers Europe 2008

"Frank-Karl Heuchemer in Frankfurt is respected by clients for his prompt and high-quality work and his handling of international matters."

Legal 500 Europe 2008

Restructuring/Reorganization

Corporate restructuring can generally only be successful if the client receives integrated legal advice on all restructuring measures required under labor and employment law. We advise clients during their entire restructuring process from the analysis of their restructuring needs to the implementation of the staff measures jointly developed with them. During implementation, we assist clients in preparing and conducting negotiations on a reconciliation of interests or social compensation plan with the works council, or represent them in negotiations concerning a collective bargaining agreement on reorganizational measures with the trade unions, or in connection with measures of industrial dispute. When staff adjustment measures are implemented, we also represent our clients' interests in labor courts and before the competent authorities involved.

Corporate Transactions/ Privatizations

In the event of major corporate transactions and the privatization of public enterprises we counsel clients not only on preparing their transaction, but assist them until their transaction or privatization has been fully completed and provide extensive legal advice on all issues concerning mergers, demergers or transfers of business operations. Our team of corporate and tax experts, in particular our lawyers who advise on Mergers & Acquisitions, provide seamless, globally-integrated legal advice.

Outsourcing and Insourcing

Successful outsourcing or insourcing requires thorough preparation and targeted negotiations with the service providers involved in outsourcing or insourcing.

We develop jointly with our clients a customized concept, which may also include strategies to avoid the implementation of the outsourcing or insourcing by way of a (partial) transfer of business operations according to Sec. 613a German Civil Code (BGB), upon request, and advise them on all measures required to implement the outsourcing or insourcing.

Insolvency/ Corporate Reorganization

In the event of an obvious risk of our client's business being endangered, or in the event of the acquisition of a company out of insolvency, we counsel clients on all labor and insolvency law issues jointly with our renowned colleagues of White & Case Insolvenz GbR.

We analyze the need for reorganization required to ensure the continuation of our client's business and prepare a customized reorganization concept jointly with our client. When implementing the reorganization concept, we represent our clients in negotiations with the works council or trade union and in the proceedings before the competent authorities involved which relate to the reorganization.

In case of the acquisition of a company out of insolvency we conduct the legal due diligence on behalf of our clients and develop an acquisition concept jointly with them, represent our clients in the sales negotiations with the liquidator and counsel them on the integration of the company acquired into their own corporate structure and any restructuring measures required to this end.

International personnel deployment

The services we offer cover all the labor law issues in the context of international personnel deployment. They include advising on appropriate contractual arrangements as well as tax aspects and assessing issues of social security law. We also provide solutions for issues of immigration law. Thanks to our global network and our presence in virtually all the world's business centers we can offer you a one-stop shop for advice at an international level which is at the same time characterized by local competence.

Compliance

Being integrated into an interdisciplinary compliance team, we may assist our clients in developing and implementing suitable instruments for monitoring the compliance with legal standards of different areas as well as with internal company guidelines. The conduct of in-house seminars and training for employees and executives in the field of discrimination, inter alia with regard to the General Equal Treatment Act (AGG), is a central element of our service range.

Individual and Collective Labor Law

Corporate success depends to a large degree on a competent and efficient staff management.

The lawyers of our Labor and Employment Practice provide extensive legal advice on all national and cross-border issues concerning individual and collective labor law. Counseling also includes any issues that may arise from adjoining practice areas, e.g. social security law, corporate or tax law.

We represent clients in any dispute brought before the labor, civil and social courts or any competent authorities involved in the individual legal case. Given our long-term litigation expertise acquired throughout Germany, we are very conversant with the practices of the local labor courts and the Higher Labor Courts as well as the Federal Labor Court.

Furthermore, we offer in-house seminars at any time as well as individual training for your executives, upon request.

Our legal advice on individual labor law issues particularly includes

- all issues in connection with staff recruitment (e.g. employee background screening, General Equal Treatment Act);
- the drafting of employment contracts with members of an executive body;
- the drafting of employment contracts with executives and other employees;
- the development and revision of compensation systems and Employee Share Ownership Plans;
- the development and implementation of flexible working hours schemes;
- the implementation and restructuring of Company Pension Schemes;
- all issues in connection with labor law compliance and employee data protection;
- all issues of cross-border assignments;
- preparing the termination of employment contracts by mutual agreement and negotiating corresponding termination and settlement agreements;
- preparing and implementing dismissals and mass dismissals.

Our collective labor law practice includes advising and representing clients

- on all national and international issues under the Works Council Constitution Act (BetrVG). Our legal advice particularly includes the negotiation on a reconciliation of interests, on social compensation plans and works agreements (e.g. concerning the company's pay structure, the assignment of employees in the enterprise, the introduction of short-time working, the definition of principles of employee appraisal and employee monitoring and control). Furthermore, we assist clients in their cooperation with the works council, e.g. in connection with works council elections, the training of works council members or issues concerning the violation of obligations of the works council under the Works Council Constitution Act;
- on the conclusion of collective bargaining agreements and in all areas of the law on industrial disputes;
- on all issues of national and international corporate codetermination, e.g. in case of a SE or within the scope of cross-border mergers.

Representative matters

Restructuring/Reorganization

ABX Logistics
Advising the German subsidiaries of the worldwide operating logistics company on the implementation of a Germany-wide restructuring project.

Aleris
Advising the German group of companies of the international aluminum manufacturer in connection with restructuring measures.

Barry Callebaut
Advising one of the leading chocolate manufacturers on labor law issues in connection with restructuring.

Dematic
Advising the world's leading provider of warehousing technology, materials handling and intelligent logistics on its exit from collective bargaining agreements, averting industrial action and on a complex restructuring project.

Deutscher Ring
Advising the client on labor law issues in connection with the restructuring of its German insurance business.

Dresser Europe
Restructuring of the German subsidiary of the US manufacturer of gas pumps and gas station accessories.

Europe Arab Bank
Advising and representing the client in connection with international restructuring.

Federal-Mogul
Providing a leading worldwide automotive supplier with comprehensive labor law in connection with restructuring projects, especially with regard to a plant closure and the extensive restructuring of another plant accompanied by personnel adjustment measures.

HVB/UniCredit
Strategic labor law advice in connection with the comprehensive restructuring following on from the group-wide reorganization at UniCredit Group.

Janssen-Cilag
Advising the leading pharmaceutical enterprise engaged in research on diverse restructuring issues.

Motorola
Advising one of the world's leading providers of communications solutions on labor law issues relating to an internal restructuring and to the planned outsourcing of its mobile user devices business.

ProMarkt
A restructuring of the network of stores taking several years and a substantial reduction in staffing levels from 3,600 to 500, including numerous cases before the Federal Labor Court, which led to several leading decisions on protection against dismissal and default of acceptance.

Stollwerck
Advising the chocolate and confectionary manufacturer in connection with restructuring issues.

Tipp24
Advising Tipp24 AG on all labor law issues in connection with its conversion into a European stock corporation (Societas Europaea, SE) by way of a cross-border merger of the Austrian subsidiary Egela Beteiligungsverwaltungs AG into Tipp24 AG.

Trelleborg Automotive
Advising the Swedish automotive supplier in connection with restructuring and relocation projects.

Corporate Transactions/ Privatizations

Adecco
Providing Adecco Group, the world's leading provider of temporary labor and HR solutions, with labor law due diligence and advice in connection with its acquisition of Tuja-Gruppe, formerly one Germany's largest temporary employment agencies.

B2X Care Solutions
We advised B2X Care Solutions in all labor law matters, especially in connection with avoiding transfer of undertakings in their deal to take over mobile phone warranty services from BenQ in Europe, Middle East and Africa and Latin America.

China Development Bank
Labor law due diligence and labor law advice in connection with the bank's plans at the time to acquire Dresdner Bank AG.

EDEKA
Labor law advice and support for EDEKA's acquisition of the business of Plus Warenhandels GmbH and for integrating the business into Netto OHG. Take over of more than 20,000 employees and reorganization of a company with over 50,000 employees.

Free and Hanseatic City of Hamburg
Advising the City of Hamburg on labor law matters in connection with a PPP project and the awarding of contracts for renovation and facility management at 15 Hamburg schools, including the negotiation and conclusion of a collective wage agreement for transfer of personnel and strategic support in connection with the preparation of the transfer concept.

Nordwind Capital
Comprehensive labour law consultancy for the client in the acquisition of the ISE Group with more than 3,000 employees as the result of insolvency.

Sonic Healthcare
Providing Sonic Healthcare Ltd., the world-leading Australian provider of medical diagnostics systems, with labor law due diligence and advice to accompany its acquisition of two laboratories in Hamburg und Berlin.

City of Lübeck
Labor law support to accompany the privatization of Entsorgungsbetriebe Lübeck and its disposal to a private investor; conclusion of a staff transfer agreement; providing support for the transfer of operations and communication towards employees and politicians; maintaining the co-determination rights of the staff council.

Veolia
Providing the environmental services division of leading French utility company Veolia Group with labor law advice and due diligence in support of its acquisition of various waste disposal companies from the SULO Group.

Outsourcing/Insourcing

Allianz-ASIC
Advising the client on the outsourcing of the IT areas Desktop, Network, and Telecommunications Services to Fujitsu Services GmbH and the implementation of such measure; advising and assisting the client in connection with international projects involving the pooling of European IT activities.

Bertelsmann/arvato
Advising arvato with respect to the takeover of all global sales activites for an international publishing house as well as call center activities for an international airline and an electronic company.

DB Real Estate Investment (RREEF)
Advising the client on labor law issues in connection with the outsourcing of a real estate portfolio to Hochtief.

Deutsche Bank
Advising the client on labor law issues in connection with the outsourcing of services.

Toyota Material Handling
Advising the client on the reintegration of several dealers into the Toyota group.

T-Systems
Advising the client on a transnational IT outsourcing project.

Insolvency/ Corporate Reorganization

Gallaher
Advising the cigarette manufacturer in connection with the closure of its Munich branch.

Hertie
Providing the department store chain and its insolvency administrator with comprehensive support in labor law matters throughout the course of both preliminary and actual insolvency proceedings, including for the negotiation and implementation of reconciliations of interests with regard to the closure of 19 branches and the streamlining of the company's headquarters in Essen.

Schieder Möbel Gruppe
Advising the major European furniture manufacturer so far in connection with the group's insolvency including several closure and staff adjustment projects.

Representative matters

International personnel deployment

Bertelsmann/Arvato
Providing various Bertelsmann group companies with labor law advice in cross-border matters in cooperation with various other offices of the White & Case global network in 13 jurisdictions.

Dassault Aviation/Dassalut Falcon Jet
Advising the French airplane manufacturer on a range of labor law issues in connection with its deployment of employees to the USA.

Linde
Ongoing provision of advice to Linde AG in matters relating to executive staff both nationally and internationally as well as in connection with the implementation of a new system of remuneration at Linde AG's international subsidiaries. Advising on issues of labor law, taxes and social security law related to staff postings and general deployment abroad.

Nordzucker
Advising Europe's leading sugar producer, Nordzucker AG, on the employment contract and social security law aspects of staff deployments, in particular to Russia.

Reutax
Advising Reutax AG, the leading recruiting firm for IT and engineering experts, on aspects related to employment contracts and social security law in connection with employee secondments.

STILL
Advising STILL GmbH, a leading supplier of intelligent intralogistics control systems, on aspects related to employment contracts and social security law in connection with employee secondments, in particular to countries in Eastern Europe.

T-Systems
Advising T-Systems Enterprise Services GmbH with regard to cross-border labor law issues, in particular in connection with the staff transfers involved in outsourcing measures in a number of countries as well as establishing and terminating employment relationships in numerous different countries, including questions of tax and social security law.

Compliance

International Group
Preparing an international background screening system – a mechanism for examining the background of a certain person – in several European countries for an international player with regard to the appointment and promotion of leadership figures.

Telecommunications company
Advising an international telecommunications company on the introduction of a German whistleblowing hotline and related negotiations with the group works council.

Cigarette manufacturer
Advising one of the world's leading cigarette manufacturers on labor law and data protection aspects of implementing procedures for notifying and investigating violations of a groupwide code of conduct (whistle-blowing rules). Preparation of legal opinion on occupational pension law aspects of the company pension scheme.

Conducting **numerous in-house seminars** and training classes on discrimination issues for employees and executives, in particular the German General Equal Treatment Act (AGG).

Your contacts

Karl-Dietmar Cohnen
Partner, Hamburg/Düsseldorf
Tel: + 49 40 35005 396
E-mail: kdcohnen@whitecase.com

Frank-Karl Heuchemer
Partner, Frankfurt
Tel: + 49 69 29994 1271
E-mail: fheuchemer@whitecase.com

Thomas Faas
Local Partner, Düsseldorf
Tel: + 49 211 49195 293
E-mail: tfaas@whitecase.com

Dr. Holger Meyer
Local Partner, Hamburg
Tel: + 49 40 35005 396
E-mail: hmeyer@whitecase.com

Dr. David Plitt, LL.M.
Local Partner, Hamburg
Tel: + 49 40 35005 371
E-mail: dplitt@whitecase.com

Klaus Sturm
Counsel, Berlin
Tel: + 49 30 880911 925
E-mail: ksturm@whitecase.com

Björn Theis, LL.M.
Local Partner, Munich
Tel: + 49 89 206043 740
E-mail: btheis@whitecase.com

Oliver Zöll
Local Partner, Frankfurt
Tel: + 49 69 29994 1271
E-mail: ozoell@whitecase.com

Our global network

Americas

Los Angeles
Mexico City
Miami
New York
Palo Alto
São Paulo
Washington, DC

Europe, Middle East and Africa

Abu Dhabi
Almaty
Ankara
Berlin
Bratislava
Brussels
Bucharest
Budapest
Doha
Düsseldorf
Frankfurt
Geneva
Hamburg
Helsinki
Istanbul
Johannesburg
London
Moscow
Munich
Paris
Prague
Riyadh
Stockholm
Warsaw

Asia

Beijing
Hong Kong
Shanghai
Singapore
Tokyo

White & Case is one of the leading international law firms, providing legal advice from 36 offices in 25 countries around the globe.

Using our global network, we offer legal expertise and in-depth knowledge of a wide variety of industries and markets throughout the world. Our lawyers are experts who represent our clients' interests with abundant know-how, commitment and enthusiasm. Our network transcends geographic boundaries, and we share our knowledge, experience and capabilities across jurisdictions and time zones.

Our clients benefit from these strengths, particularly where cross-border transactions are concerned. We offer comprehensive legal advice of the highest quality at all times.

White & Case was founded in 1901 in New York, which remains our headquarters. It was from here that White & Case started to grow into a leading commercial law firm with a network that now spans the globe.

Our lawyers practice in all of Europe's important commercial and financial centers. In London, our clients are advised by attorneys from more than 18 countries. Our Paris office – founded more than 80 years ago – stands for White & Case's long-standing European tradition.

In Germany, White & Case is one of the leading international full-service law firms with a tradition of more than 150 years. With our attorneys, tax consultants and certified public accountants spread across five offices throughout Germany – Berlin, Düsseldorf, Frankfurt, Hamburg and Munich – we live out one of our fundamental principles: proximity to our clients.

We also have a strong presence in Eastern Europe, including offices in Bratislava, Budapest, Bucharest, Moscow, Prague und Warsaw. As a result of our presence in these key locations, White & Case has become a valued partner for German investors.

Worldwide. For Our Clients. 36 Offices. 25 Countries.

Berlin
Kurfürstendamm 32
10719 Berlin
Tel: + 49 30 880911 0
Fax: + 49 30 880911 297
berlin@whitecase.com

Düsseldorf
Graf-Adolf-Platz 15
40213 Düsseldorf
Tel: + 49 211 49195 0
Fax: + 49 211 49195 100
duesseldorf@whitecase.com

Frankfurt
Bockenheimer Landstraße 20
60323 Frankfurt am Main
Tel: + 49 69 29994 0
Fax: + 49 69 29994 1444
frankfurt@whitecase.com

Hamburg
Jungfernstieg 51
20354 Hamburg
Tel: + 49 40 35005 0
Fax: + 49 40 35005 111
hamburg@whitecase.com

Munich
Maximilianstraße 35
80539 Munich
Tel: + 49 89 206043 500
Fax: + 49 89 206043 510
muenchen@whitecase.com

www.whitecase.com

GER0110031