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Legal certainty for mass dismissal notices: Luther obtains landmark ruling before the BAG

Frankfurt – Luther Rechtsanwaltsgesellschaft successfully represented the company of an American retail group before the Federal Labour Court (BAG). The appeal against rulings from the summer of 2021 was about necessary information in mass dismissal notices.

Luther partner Achim Braner and counsel Nadine Ceruti achieved an important milestone with the BAG's decision in connection with the case law on the effectiveness of mass dismissal notices. The decisions deal with a legal issue that had not been clarified by the highest courts until now and is of the utmost importance for practice.

With its rulings of June 2021, the Hessian Regional Labour Court had caused a considerable stir and uncertainty among employers when it deviated from the hitherto prevailing opinion in case law and literature and the lived practice in the labour administration: the court ruled that the target information pursuant to Section 17 (3) sentence 5 KSchG is mandatory content of the mass dismissal notice and its absence leads to the invalidity of the notice and thus also the dismissals. However, the forms of the Federal Employment Agency expressly provide that the required information does not have to be provided with the mass dismissal notice, but can be submitted later. The BAG overturned the decision of the Hesse Regional Labour Court and followed the legal opinion of the appellant.

On behalf of the appellant:

Luther, Employment: Achim Braner (Partner), Nadine Ceruti (Counsel)

Brief profile Luther Rechtsanwaltsgesellschaft mbH

Luther is a leading German commercial law firm that offers comprehensive legal and tax advice. The full-service law firm employs over 420 lawyers and tax advisors and is represented in ten German economic hubs as well as with ten of its own international offices in key investment locations and financial centres in Europe and Asia. Its clients include medium-sized enterprises and large corporations, as well as the public sector.

Luther works closely with other commercial law firms in all the prevailing jurisdictions. Luther is a founding member of unyer (www.unyer.com), a global organisation of leading professional services firms that cooperate exclusively with each other.

Luther Rechtsanwaltsgesellschaft mbH is a law firm with a business approach: our innovative awareness aspires us to provide our clients with customised legal advice that addresses individual needs and delivers the greatest possible economic benefit. All of Luther's lawyers and tax advisors have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. Luther has been named "Law Firm of the Year: Germany 2021" and also "European Law Firm of the Year 2021" by The Lawyer, one of the most well-known legal magazines worldwide. Further information is available at: www.luther-lawfirm.com

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