

Version up to and including 31/07/2022	Version with effect from 01/08/2022 <sup>1</sup>
<b>§ 2 Obligation to provide evidence</b>	<b>§ 2 Obligation to provide evidence</b>
(1) The employer shall set out in writing the essential terms and conditions of the employment relationship no later than one month after the agreed commencement of the employment relationship. The transcript shall include at least:	(1) <b>The employer shall set out in writing the essential terms and conditions of the employment relationship within the time limits set forth in sentence 4; sign the transcript and subsequently hand it over to the employee.</b> The transcript shall include at least:
1. Name and address of contracting parties,	1. Name and address of contracting parties,
2. Date of commencement of employment relationship,	2. Date of commencement of employment relationship,
3. in case of fixed-term employment relationships: expected duration of employment relationship,	3. in case of fixed-term employment: <b>final date or</b> expected duration of employment relationship,
4. place of work or, if employee is expected to work not only at one specific location, indicate that the employee may be employed at various locations.	4. place of work or, if employee is expected to work not only at one specific location, indicate that the employee may be employed at various locations <b>or may choose his/her place of work.</b>
5. a short characterization of the activities to be performed by the employee,	5. a short characterization or description of the activities to be performed by the employee,
	6. <b>if agreed, duration of probationary period,</b>
6. composition and amount of remuneration, including bonuses, allowances, premiums and special payments, as well as other components of remuneration and their due dates,	7. composition and amount of remuneration, including <b>overtime pay</b> , bonuses, allowances, premiums and special payments, as well as other components of remuneration <b>each of which must be indicated separately</b> , and their due date and method of payment,
7. agreed working time,	8. agreed working time, <b>agreed rest breaks and rest periods as well as in case of shift work: shift system, shift rhythm and the requirements for a change of shift,</b>
	9. <b>In case of work on call pursuant to § 12 the Part-Time and Fixed-term Employment Act (TzBfG):</b> a) <b>agreement indicating that employee shall perform his/her activities according to workload,</b> b) <b>minimum number of hours to be remunerated,</b> c) <b>time frame, determined by reference days and reference hours</b>

<sup>1</sup> The overview contains only an excerpt from the Evidence Act as it has been and will be amended. It is not binding. Changes in the text of the law are marked in red.

		which is set for the performance of the work, and d) period within which the employer must communicate the working time in advance,
		10. if agreed, the possibility of ordering overtime and its conditions,
8. duration of annual leave,		11. duration of annual leave,
		12. any entitlement to training provided by the employer,
		13. if employer promises employee an occupational pension through a provident fund, indicate name and address of pension provider; obligation to provide evidence does not apply if pension provider is obliged to provide such information,
9. periods for terminating employment relationship		14. procedure to be followed by employer and employee when terminating employment relationship, requirement of written form and periods for terminating employment relationship, as well as time limit for bringing an action for protection against dismissal; Section 7 of the Dismissal Protection Act (KSchG) shall also apply in the event that the time limit for bringing an action for protection against dismissal is not properly demonstrated,
10. general reference to the collective agreements, works and service agreements applicable to the employment relationship.		15. general reference to collective agreements, works or service agreements applied with regard to the employment relationship, as well as regulations of commissions with equal representation, which on the basis of church law determine working conditions for the area of church employers.
		The employee shall obtain the transcript containing information pursuant to sentence 2 no. 1, 7 and 8 no later than on the first day of employment; the transcript containing the information pursuant to sentence 2 no. 2 to 6, 9 and 10 no later than on the seventh calendar day after the agreed commencement of employment; the transcript containing the other information pursuant to sentence 2 no later than one month after the agreed commencement of employment relationship.
<sup>3</sup> Providing evidence of the essential terms and conditions of an employment contract in electronic form is not accepted.		Providing evidence of the essential terms and conditions of an employment contract in electronic form is not accepted.