

99046032058000

File a complaint with the labour court

Heruntergeladen am 25.06.2025

<https://fimportal.de/xzufi-services/6000746/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046032058000
Leistungsbezeichnung I	File a complaint with the labour court
Leistungsbezeichnung II	File a complaint with the labour court
Typisierung	10 - Verwaltungsinterne Leistung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • §§ 2 bis 4, 9 Absatz 2 Satz 2, 48 Arbeitsgerichtsgesetz (ArbGG) – Zuständigkeit • § 11 ArbGG – Prozessvertretung • § 12a ArbGG – Kostentragungspflicht • § 64 ArbGG – Berufung • § 46 bis 63 ArbGG – Verfahren • § 4 Kündigungsschutzgesetz (KSchG) – Anrufung des Arbeitsgerichts • § 5 KSchG – Zulassung verspäteter Klagen • § 17 Gesetz über Teilzeitarbeit und befristete Arbeitsverträge (TzBfG) – Anrufung des Arbeitsgerichts • Signaturgesetz (SigG) • Sächsische E-Justizverordnung (SächsEJustivVO)
Teaser	<p>The Labour Court is responsible for disputes that fall under the Labour Court Act. This primarily concerns disputes between employees and employers, but also disputes between work colleagues if the reason for the dispute is related to the employment relationship.</p>
Volltext	<p>The Labour Court is responsible for disputes that fall under the Labour Court Act. This primarily concerns disputes between employees and employers, but also disputes between work colleagues if the reason for the dispute is related to the employment relationship.</p> <p>Examples:</p> <ul style="list-style-type: none"> • An employee is dismissed and considers the dismissal to be unlawful (action for unfair dismissal). • An employee considers the agreed fixed term of the employment relationship to be unlawful (action for cancellation of fixed term). • An employee suspects discrepancies in payroll accounting. <p>There is no obligation to have a lawyer in proceedings before the labour court.</p> <p>Information on the competent authority</p>

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	<p>Jurisdiction is determined by the place of jurisdiction of the defendant. This is usually the registered office of the company. In addition, the labour court in whose district you regularly perform or last habitually performed your work also has jurisdiction.</p> <p>The Saxon State Labour Court based in Chemnitz has jurisdiction in the first instance for compensation claims due to excessive court proceedings before the Saxon labour courts or the Saxon State Labour Court.</p> <p>Tip: Further information can be found on the website of the Saxon State Ministry of Justice.</p>
Erforderliche Unterlagen	<p>If you submit your complaint orally for the record, you should bring along documents that are relevant to the content of your complaint, for example</p> <ul style="list-style-type: none"> • Letter of dismissal • Employment contract • Certificates of earnings
Voraussetzungen	none
Kosten	<ul style="list-style-type: none"> • Legal fees • in the event of losing: legal costs
Verfahrensablauf	<p>You can file your claim in the following ways:</p> <ul style="list-style-type: none"> • If you are represented by a lawyer, they will file the claim with the labour court on your behalf. • You can also submit the claim yourself by sending an informal letter to the court. <p>Your letter must contain at least the following information</p> <ul style="list-style-type: none"> • against whom you are bringing the action • what you want to achieve with the claim (e.g. cancellation of a dismissal) and • what you are claiming (e.g. because you were dismissed without notice and without giving reasons) • You can also file the action by sending an electronic document (with the minimum information mentioned above) if the document has a qualified electronic signature. Please note the following: Use an authorised

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format (ASCII, UNICODE, Microsoft RTF, Adobe PDF, XML, TIFF, Microsoft Word). Provide the document with a qualified electronic signature in accordance with the Signature Act (issued by a recognised certification service provider). Observe the current processing requirements (published on the Internet, see "Further information"). Send the document to the electronic mailroom of the court (accessible via the Internet, see "Further information").

- You can also contact the labour court directly to file a complaint and submit the complaint orally for the record. To do this, contact the legal application centre of the competent court. The clerk will put your claim into the correct form and then forward your claim.
- If you are a member of a trade union or employers' organisation, you can contact these institutions and ask them to file the claim on your behalf.

Service of the statement of claim / hearing

After you have filed your claim, the court will serve the statement of claim on the other party and set a conciliation hearing. This takes place before a professional judge and serves to discuss the facts of the case. If an amicable agreement is reached between the parties to the dispute, this ends the proceedings.

Note: The court can also suggest to the parties involved that out-of-court mediation be organised. Alternatively, it can refer the parties to a judge appointed for this purpose who is not authorised to make decisions (arbitrator) in order to attempt an amicable settlement. The arbitrator can use all methods of conflict resolution, including mediation.

If no agreement is reached in the conciliation hearing, a further hearing will be scheduled before the chamber. This hearing takes place before a professional judge and two honorary judges (one honorary judge from the group of employees, one honorary judge from the group of employers). The facts of the case are discussed again before the chamber and, if necessary, evidence is presented and witnesses heard. Even then, an amicable settlement is still possible.

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Delivery of judgement

If no agreement is reached before the chamber, the chamber decides on the basis of the evidence and facts of the case. The judgement is initially given orally and a detailed written statement of reasons is sent to the parties later.

Note: If your opponent does not want to pay the claimed amount (e.g. wages) despite a judgement in your favour, you must pursue compulsory enforcement.

Bearbeitungsdauer

Frist

- Actions for protection against dismissal: within three weeks of receipt of the written notice of termination •
- Actions for the cancellation of a fixed term: three weeks after the agreed end of the employment contract

If these deadlines are missed through no fault of your own, you can submit an application for retrospective admission of the action. In addition, you must also observe collective bargaining and employment contract preclusive periods, which are contained in some collective bargaining or employment contracts. Attention! If the preclusive periods are missed, the claims expire in any case, even if the failure to comply is not your fault. However, the preclusion periods only apply to collectively agreed claims if they have been agreed in the collective agreement.

weiterführende Informationen

Hinweise

You can generally appeal against judgements of the labour court (exception: for example, simple remuneration disputes up to EUR 600.00) to the regional labour court within one month of notification of the judgement.

However, you must be represented before the regional labour court by a lawyer or a representative of a trade union or employers' association.

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Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	