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Request arbitration between trainee and training company

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/218749390/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99019017104000, 99019017104000
Leistungsbezeichnung I	Request arbitration between trainee and training company
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Berufsbildung (019)
Verrichtungskennung	Anmeldung (104)
SDG-Informationsbereich	Bildungswesen in einem anderen Mitgliedstaat, einschließlich der frühkindlichen Betreuung, Bildung und Erziehung, der Primar- und Sekundarschulbildung,

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	der Hochschulbildung und der Erwachsenenbildung
Lagen Portalverbund	Berufsausbildung (1030200), Außergerichtliche Verfahren und Streitschlichtung (1150100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	20.12.2023
Fachlich freigegeben durch	
Handlungsgrundlage	https://www.gesetze-im-internet.de/arbagg/_111.html https://www.gesetze-im-internet.de/arbagg/_111.html
Teaser	If you as a trainee have disputes with your company or as a training company have disputes with your trainees, you can apply for arbitration and thus avoid proceedings before the labor court.
Volltext	<p>The body responsible for vocational training (e.g. Chamber of Industry and Commerce, Chamber of Crafts or other chamber) can, at your request as a trainee or training company, conduct an arbitration procedure for the out-of-court settlement of serious disputes in vocational training, provided that an arbitration committee has been set up at the competent body. For this purpose, there is a dispute resolution committee that deals with the case and attempts to find a solution.</p> <p>Before the hearing, a detailed preliminary discussion is usually held in person or by telephone with the training advisor at the relevant office.</p> <p>You must submit your application to the office responsible for the training relationship; it can also be submitted verbally for the record. If you are a minor, a legal representative must give their consent.</p> <p>The aim of arbitration is always to continue the training relationship until it is successfully concluded. Only after an unsuccessful hearing before the conciliation committee can you file a complaint with the labor court.</p>

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	<p>You do not have to hire a lawyer for the conciliation procedure. However, if you decide to hire a lawyer, you will generally have to bear the costs yourself.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • As a company: Relevant documents from the trainee's personnel file (e.g. written agreements, warnings, cautions, etc.). • If you are represented at the hearing, for example by a lawyer, you must issue appropriate powers of representation. • If further documents are required, you will be informed of this during the consultation prior to the hearing.
Voraussetzungen	<ul style="list-style-type: none"> • As a trainee, a training relationship must exist at the time of the arbitration. • As a training company, a training relationship must exist at the time of arbitration. • However, under certain circumstances, arbitration is also possible if it is doubtful whether the vocational training relationship has been terminated. Clarification is provided by the arbitration committee.
Kosten	<p>The arbitration procedure is generally free of charge for the parties to the dispute.</p>
Verfahrensablauf	<p>You must first contact the office responsible for your training relationship in writing, verbally, by telephone or online and request the conciliation procedure.</p> <ul style="list-style-type: none"> • The requirements, details and further steps of the conciliation procedure are then clarified in a personal meeting with the responsible advisor. • It will also be clarified in advance whether a formal conciliation procedure is necessary or whether an alternative dispute resolution is possible. • The arbitration hearing takes place before an arbitration committee in the personal presence of company representatives and trainees. • The two appointed arbitrators work on a voluntary basis. There is always one representative from the employer's side and one from the employee's side acting as arbitrators. • At the end of the hearing, either an amicable settlement is reached between the trainee and the company or - in the event of irreconcilable differences -

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a so-called "verdict" is issued by the arbitration committee.

- The company and trainee must both accept the agreed settlement or the decision of the arbitration committee within a specified period. The arbitration is thus successfully concluded.

The result cannot be accepted by either side. In this case, it is simply stated that no agreement could be reached.

If the result of the conciliation is not accepted by only one of the two sides, the trainee or the company can file a complaint with the competent labor court. In this case, the conciliation procedure is also terminated.

Bearbeitungsdauer

- It usually takes less than two months from the application for arbitration to the hearing before the arbitration committee
- Additional time may be required to clarify the facts of the case and for advice from the competent body before the formal application is submitted.

Frist

- You must apply for arbitration before the end of the training relationship. There is an exception if it is doubtful whether the vocational training relationship has been terminated by notice.
- You must adhere to the date of the conciliation hearing, otherwise the conciliation committee will issue a "default decision", which may be to your disadvantage if you do not appear.
- Once the conciliation hearing has been held, the result must be formally accepted or rejected by both parties within a set period.
- After this period, the arbitration procedure is concluded.

weiterführende Informationen

Hinweise

Rechtsbehelf

If the result of the mediation is not accepted by either side, the trainee or the company can file a complaint with the competent labor court. labor court.

In this case, the conciliation procedure at the IHK is terminated.

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Kurztext	<ul style="list-style-type: none"> • Request arbitration between trainee and training company • Formal arbitration between company and trainee • The competent body for training (e.g. Chamber of Industry and Commerce, Chamber of Crafts or other chamber) can carry out dispute resolution. • The prerequisite is that a training relationship exists. • A preliminary discussion in person or by telephone with the training advisor at the relevant office is recommended. • The aim of mediation is to reach an agreement. • Arbitration is a prerequisite for appealing to the labor court. • The Chamber of Industry and Commerce, the Chamber of Crafts or another chamber are responsible
Ansprechpunkt	
Zuständige Stelle	The Chamber of Industry and Commerce, the Chamber of Crafts or other chambers are responsible.
Formulare	<ul style="list-style-type: none"> • Forms: According to the specifications of the responsible office • Online procedure possible: no • Written form required: As specified by the competent authority • Personal appearance required: yes
Ursprungsportal	Schlichtung zwischen Auszubildenden und Ausbildungsbetrieb beantragen, Request arbitration between trainee and training company