

The management of _____ and the works council of _____ conclude the following works agreement.

Section 1 Subject and scope

This agreement governs the introduction and use of the system for recording working time electronically. It applies to all employees of the business except executive staff under section 5 (3) BetrVG.

The basis for recording is the employer's duty to introduce a system for recording working time (Federal Labour Court, decision of 13 September 2022, 1 ABR 22/21, on section 3 (2) no. 1 of the Occupational Safety and Health Act, ArbSchG).

Section 2 Data recorded

The start and end of daily working time, the start and end of rest breaks and absences by type (holiday, sickness, training, time off in lieu) are recorded. Location is not recorded, no biometric data is captured and the pace of work is not analysed.

Section 3 Purpose limitation

The data recorded is used only to meet the statutory recording duties, for payroll, to keep the working time accounts and to comply with the Working Hours Act. The conduct or performance of individual employees is not monitored.

Section 4 Access

- ☐ Employees can see all of their own data at any time.
- ☐ Managers see the data of the employees assigned to them, as far as this is needed for approval and planning.
- ☐ The HR department sees the data of all employees.
- ☐ On request, the works council receives anonymised reports to carry out its duties.

Section 5 Corrections

Later changes to recorded times are permitted if they are justified and logged. The system records who changed which value and when. Employees are informed about changes to their data.

Section 6 Retention and deletion

The records are stored for the statutory retention periods, at least two years under section 17 (1) MiLoG where it applies. They are then deleted unless tax or commercial law retention periods require otherwise.

Section 7 Reports

Reports on balances, absences and compliance with maximum working time are permitted. Rankings of individual employees, automated ratings and reports on the punctuality of individual people are excluded.

Section 8 Rights of employees

Rights under the General Data Protection Regulation, in particular to access, rectification and erasure, remain unaffected. The contact is the company data protection officer.

Section 9 Entry into force and termination

This agreement enters into force on _____. It may be terminated with three months' notice to the end of a month. After termination it continues to have effect until it is replaced by a new agreement (section 77 (6) BetrVG).

Note: introducing and using technical equipment that is capable of monitoring conduct or performance is subject to co-determination under section 87 (1) no. 6 BetrVG; the start and end of daily working time and its distribution across the days of the week under section 87 (1) no. 2 BetrVG. This template is a starting point and is not legal advice. This English version is provided for convenience. German law applies, and the statutes cited are German law. Where a German version is signed as well, the German version prevails.

Place, date, management

Place, date, works council