Guidelines for Sivantos/ WSA Audiology

Navigating Labor Disputes at the Erlangen Site in Accordance with Applicable Labor Law

This guide describes how employees should conduct themselves when participating in a strike and what rules they must follow.

Before the Strike

If a manager asks in advance, for planning purposes, whether an employee intends to participate in a strike, there is no legal obligation to provide a definitive answer. The decision on whether to participate in a strike can therefore remain open until the industrial action begins. Our recommendation in such situations is to provide a neutral response, such as:

- ✓ "I don't know yet; I'm still thinking about it."
- ✓ "I haven't decided yet."
- ✓ "I'll make that decision based on how the situation develops."

During the strike

Participation in a strike does not result in a deduction from your flexitime account. You are not "clocked out" for the duration of the strike. Working hours are recorded as follows:

Case Study 1

- Work took place between 7 a.m. and 12 a.m.
- The strike took place between 12 a.m. and 1 p.m.
- Entry in the time sheet: 7 a.m. to 1 p.m.

Case Study 2

- Work took place between 9 a.m. and 12 a.m.
- The strike took place between 12 a.m. and 1 p.m.
- Break from 1 p.m. to 1:30 p.m.
- Work then continued from 1:30 p.m. to 3:00 p.m.
- Entry in the time sheet: 9 a.m. to 1 p.m. and 1:30 p.m. to 3:00 p.m.

Employees may only withdraw their labour during periods when they would otherwise be scheduled to work. Hence, no entry is made for days off due to vacation or part-time work. Of course, it is possible to show solidarity by participating in the strike (see below).

You are not required to inform your employer, supervisor or human resource department that you intend to participate in a strike.

After the strike

It can be assumed that the employer will ask employees to notify them of their participation in a strike as well the duration. The following applies: Notification may only be provided once the employee participates in a strike or after participation has ended. Prior notice of participation in a strike is not permitted. There is a good reason for this: A pay deduction can only be based on an action that has actually taken place. No salary deduction can take place in connection with industrial action that has not yet occurred.

A mere announcement or assumption of future participation in a strike does not constitute grounds for a salary deduction. If a manager issues such a request, the employee is required to report the actual duration of their participation in the strike.

Any time spent on strike will be recorded exclusively as a payroll deduction. The employer may deduct the actual number of hours spent on strike from the employee's pay. It is important to note

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that no adjustments or debits may be made to the employee's working time or flexitime account. The flexitime account remains unaffected by participation in a strike.

Alternative option:
Participation in a spirit of solidarity during free time

Some employees have serious concerns about taking part in a legally recognized strike. Sometimes there are other reasons that prevent them from deciding to participate actively.

Nevertheless, it is possible to "make a statement" by participating in virtual event during your flexitime.

In this case, follow these steps:

Case Study 1

- Work took place between 7 a.m. and 12 a.m.
- The digital event took place between 12 a.m. to 1 p.m., and you participated during your free time as part of your flexitime.
- Entry in the time sheet: 7 a.m. to 12 a.m.

Case Study 2

- Work took place between 9 a.m. and 12 a.m.
- The digital event took place between 12 a.m. to 1 p.m., and you participated as part of your flexitime (i.e., during your personal time).
- This was followed by a break between 1 p.m. and 1:30 p.m.
- Work then continued from 1:30 p.m. to 3:00 p.m.
- Entry in the time sheet: 9 a.m.–12 p.m. and 1:30 p.m.–3:00 p.m.

Anyone who participates in the event in this manner does not need to notify their supervisor, since participation took place during personal time.

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