



Universität Regensburg

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To  
all members of staff of  
the University of Regensburg

internal

The Chancellor

**ADMINISTRATION  
DEPARTMENT III - DIVISION III/5  
HUMAN RESOURCES**

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Regensburg,  
October 25, 2023

## Collective bargaining 2023

Dear members of the university,

In view of the upcoming collective bargaining for public service in the federal states, the department would like to inform you by means of this letter about your rights and obligations in the event of industrial action and about the effects of participation in the industrial action on your employment relationship.

### **A. Right of employees to participate in industrial action**

#### **1. Employees**

- a) Employees may participate in lawful industrial action if they are not required to perform emergency duty. The employees selected for emergency duty will be informed by us in good time.

Performing emergency duty is an obligation under the terms of the employment contract. If an employee refuses to perform emergency duty work without good reason, they may be held liable for the resulting damage. The refusal may also be grounds for extraordinary termination.

- b) Participation in unlawful industrial action is not permitted. Participation in such action may result in consequences under labor law, e.g. extraordinary termination, liability for damages.
- c) The unauthorized use of the employer's premises and objects (e.g. vehicles and equipment) in connection with industrial action is not permitted.

Strike excesses, e.g. the blocking of access routes etc., the obstruction of employees willing to work or visitors, physical assaults or attacks on employees willing to work or visitors, or damage to university facilities, are also unlawful.

Unlawful industrial action can have consequences under labor law (e.g. dismissal, damages) and criminal law (e.g. charges of insult, bodily harm, coercion).

## **2. Trainees, interns, etc. in a training relationship under private law**

These persons are not in an employment relationship, but are engaged for their training or to acquire certain knowledge or skills. They do, however, have the right to take industrial action with regard to the conditions of their engagement under collective bargaining agreements. Insofar as they have a right to industrial action, they are to be treated as employees for the purposes of the information contained in this letter.

If it is not a matter of the conditions of their engagement under collective bargaining agreements, these persons are outside the scope of the industrial dispute and may not take part in industrial action, including the strike ballot.

## **3. Civil servants (Beamte/-in)**

Civil servants do not have the right to participate in or support industrial action. Participation or support constitutes a breach of official duty.

## **B. Effects of industrial action on the employee**

### **1. General effects**

Participation in lawful industrial action shall not terminate the employment relationship of the individual employee. However, the rights and obligations arising from the employment contract shall be suspended for the duration of participation in industrial action.

After the end of the industrial action, the employee shall be entitled to continued employment unless the employment relationship has been validly terminated or otherwise ended.

### **2. Remuneration**

Employees are not entitled to remuneration for the duration of their participation in industrial action. This also applies to unionized or non-unionized employees who are not employed in their workplace as a result of the industrial action (e.g. due to interference or obstruction by pickets, shutdown of the workplace, stoppage or deficit of means of transport). Employees who have lost working time due to their participation in the preparation or implementation of the strike ballot or due to their participation in the strike ballot shall also not be entitled to remuneration.

If time recording devices are available in the office/enterprise, employees who inform their employer or declare upon the employer's request that they are following a lawful warning strike call by a trade union shall not be obliged to operate these devices when entering or leaving the office/enterprise. In such cases, the planned working time shall be reduced by the time the employee participates in the warning strike. As a result, the employee's pay will be reduced accordingly.

In the case of employees who have signed off from the company time recording system within the framework of a flexible-working arrangement and subsequently participated in a warning strike rally, the planned working time and thus also the entitlement to remuneration shall not be reduced by the time spent participating in the action. Insofar as remuneration has already been paid for periods for which there is no entitlement to remuneration, the employees shall be obliged to repay it.

Sincerely,

Dr. Christian Blomeyer  
Chancellor of the University of Regensburg