

Dr. Jörg Buschbaum, LL.M.



- German Attorney at Law since 2007
- Certified Labor and Employment Lawyer since 2010
- External Data Protection Officer
- Partner at SCHIEDERMAIR since 2016

Practice Areas

- Labor and employment law; advising and representing German and foreign-based corporate clients and executives on German labor and employment law matters
- Litigation involving labor and employment law and civil law matters
- Compliance
- Data privacy law

Practice Summary

Labor and Employment Law

Dr. Jörg Buschbaum is a Certified Labor and Employment Lawyer. His practice focuses on labor and employment law, where he represents primarily corporate employers and executives. He covers all fac-

ets of labor and employment law, including preparing and negotiating individual employment agreements as well as service agreements, advising on the termination of employees (both individual terminations and mass layoffs), and preparing and negotiating severance agreements. He also advises in the area of the transfer of temporary employees. Jörg prepares and negotiates works agreements with works councils, negotiates Social Plans and Compromise Settlement Plans on behalf of management and employers, and advises management and employers on the notification and co-determination rights of works councils.

Because German labor and employment law often plays such an integral role in corporate transactions, he works closely together with attorneys in the corporate practice area. Here he is often engaged with resolving TUPE issues and other labor and employment law issues in connection with transfers of undertakings, corporate acquisitions or divestitures, or the transformation of an entity into another legal form. Jörg ensures that his clients are kept informed of the status of a matter so that his clients have ample time to make informed decisions during such procedures.

Jörg has vast experience in representing clients before both civil courts and labor courts.

Compliance

Jörg is often involved in corporate and corporate compliance matters as they relate to human resources. In this regard, he has headed several investigations on behalf of clients following compliance breaches.

Market Entry

Jörg has advised a number of non-German clients on all issues relating to foreign direct investment into the German market. This includes the formation of a subsidiary, obtaining necessary approvals and permits, hiring employees, etc.

Data Privacy

Jörg advises and consults with clients concerning all areas of data privacy. He also acts as an external data privacy officer (*Datenschutzbeauftragter*) for several clients.

Industry Focus

Pharmaceuticals, Financial, Aviation, Construction, Fashion, Private Equity, IT, Metal industry, Municipalities and Public-sector Undertakings, Social and Educational Institutions, Logistics

Representative Client Matters

Examples of Jörg's representation include the following matters:

- Regularly represent corporate clients -- both foreign and domestic -- on preparing and negotiating individual employment agreements of employees as well as service agreements of managing directors and directors

- Represent German companies on the termination of individual employees as well as on mass layoff proceedings, including the associated negotiations with works councils
- Represent senior-level executives and corporate clients on termination and severance packages
- Lead investigations for clients as a result of compliance breaches that involve large potential fines or damages
- Negotiate collective bargaining agreements with unions
- Cross-border transactions as well as post-merger-integration
- US fashion company on entry into German market

Publications and Speaking Engagements

- Registration of License Tags in Parking Garages (*Kfz-Kennzeichenerfassung in Parkhäusern*), ZD 2015, 354 (with Philip Rosak)
- Access of the Employer to the Employee's Email Account (*Der Zugriff des Arbeitgebers auf den E-Mail-Account des Arbeitnehmers*), DB 2014, 2530 (with Philip Rosak)
- Selective Problems of "Parental Leave" within the Meaning of sec. 15(4) Federal Act on Parenting Benefit and Parental Leave (*Ausgewählte Probleme der "Elternteilzeit" im Sinne von § 15 VI BEEG*), NZA-RR 2014, 337 (with Philip Rosak)
- Interim Management from the Point of View of Labor and Employment-law Related Contract Practice (*Interim Management aus Sicht der arbeitsrechtlichen Vertragspraxis*), NJW 2012, 1482 (with Patrick Klösel)
- Excluding Top-Performers from the Social Selection Procedure (*Die Herausnahme von Leistungsträgern aus der Sozialauswahl*), BB 2011, 309
- „Four-Party Contract“ as a means for Rejecting Objection Risks on Account of the Insolvency of the Acquirer of a Business („*Vierseitiger Vertrag*“ zur Abwehr von Widerspruchsrisiken bei Insolvenz des Betriebserwerbers), ZIP 2011, 64 (with Dr. Burkard Göpfert)
- Employee Participation as a Model in the Crises (*Mitarbeiterkapitalbeteiligung als Modell für die Krise*), ZIP 2010, 2330 (with Dr. Burkard Göpfert)
- Burden of Proof regarding Operational Reasons of a Dismissal as a Result of a Drop of Orders (*Darlegungslast für die Betriebsbedingtheit einer Kündigung wegen Auftragsrückgangs*), BB 2010, 1789 (with Professor Dr. Dr. h.c. Manfred Löwisch)

Education and Career

Jörg has been a German Attorney at Law since 2007 and a Certified Labor and Employment Lawyer since 2010. He is a member of the Labor and Employment Law Practice. Prior to becoming a partner at SCHIEDERMAIR, he was with two other major law firms. He began practicing in 2007 with GLEISS LUTZ, where he was Associated Partner and from 2012 to 2015 he was with the international law firm of FRIED FRANK building up a labor and employment law practice.

Jörg studied law at the Justus-Liebig University in Giessen, Germany and Wellington, New Zealand, where he earned a Masters of Laws. He completed his post-graduate legal training period (*Referendar-iat*) at the District Court of Frankfurt.

Languages

German

English

Contact

Dr. Jörg Buschbaum, LL.M. (Victoria University of Wellington)

Rechtsanwalt

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