



Dr. André Zimmermann, LL.M.

Partner

Düsseldorf, Munich

T +49 211 3678 7325

E azimmermann@orrick.com

Practice Areas

- Technology Companies Group
- Employment Law & Litigation
- Cross Border Employment Law Issues
- Discrimination, Harassment & Retaliation
- Pay Equity

Honors

- Listed as “frequently recommended” employment law expert by JUVÉ Handbook of German Commercial Law Firms (2019/2020), Germany’s leading lawyer ranking
- Listed as top employment lawyer by German renown business weekly *WirtschaftsWoche* (2019)
- Listed as “frequently recommended” employment law expert by JUVÉ Handbook of German Commercial Law Firms (2018/2019), Germany’s leading lawyer ranking
- Listed as “frequently recommended”

Dr. André Zimmermann, a Certified Specialist for Employment Law (Fachanwalt für Arbeitsrecht), heads Orrick’s German Employment Practice. With well more than ten years of international experience, André is well-versed in restructuring and headcount reduction, employment aspects of M&A transactions and employment related litigation with a sector focus on technology companies and multi-jurisdictional and cross-border employment law issues.

André is listed as “**frequently recommended**” employment law expert by **JUVÉ Handbook of German Commercial Law Firms, editions 2017/2018, 2018/19 and 2019/2020**, Germany’s leading lawyer ranking, and has been ranked as top employment lawyer by renown German business weekly **WirtschaftsWoche 2019**. Clients recommend André to JUVÉ as “**straight shooter**” and “**always refreshingly honest**”.

Our clients praise André’s “*creative and efficient style of working*” and “*a very practical and efficient style of providing advice*”, referring to him as “*extremely responsive and accessible when we have urgent matters*” and as “*an excellent advocate in court hearings*”.

André advises companies on a wide range of HR legal matters with a special sector focus on technology companies, including hiring and discrimination concerns, misclassification, multi-jurisdictional and cross-border employment issues, HR data privacy compliance, roll out of employee handbooks and policies, performance management and terminations. Having long-standing experience in negotiating with works councils and unions in restructuring measures of all kind, a special focus of André’s practice is on

employment law expert by JUVE Handbook of German Commercial Law Firms (2017/2018), Germany's leading lawyer ranking

Education

- Dr. jur., University of Münster, 2008
- Second State Examination, University of Düsseldorf, 2005
- First State Examination, University of Frankfurt, 2003

Memberships

- American Bar Association (Section of International Law and Section of Labor and Employment Law)
- International Bar Association (Employment and Industrial Relations Law Committee, Discrimination and Equality Law Committee and Global Employment Institute)
- European Employment Lawyers Association (EELA)
- German Bar Association
- Working Group Employment Law of the German Bar Association
- German Labour Courts Association
- Düsseldorf Bar Association

restructuring, outsourcing and headcount reductions. He is an acknowledged specialist in employing third-party personnel, especially through temporary agency work.

André has thorough knowledge of and genuine passion for the tech industry. Most recently, he has advised leading multinational technology companies such as Pinterest, Flexera, GitHub, Nvidia, Optimizely, Sabre and Splunk on various employment matters.

André is a core member of our global employment law practice consisting of 80 specialized employment lawyers and world leading practices in our offices in the United States, Asia and Europe, offering the highest level of employment advice in all major jurisdictions. Our well-established teamwork across offices ensures international advice in employment law in our clients' cross-border projects.

Contributing to Orrick's thought leadership in employment law, André regularly speaks and publishes on his specialist subjects. He is a contributing author to several professional magazines and frequently writes for **Orrick's Employment Law and Litigation Blog** and **Orrick's Equal Pay Pulse**.

Representative Engagements

Ongoing/Day-to-Day Employment Law Advice

- NASDAQ-listed California-based leading technology company - Ongoing general advice in employment law
- NASDAQ-listed leading US travel technology company - Ongoing general advice in employment law
- US-Software company - Ongoing general advice in employment law
- World Triathlon Corporation/IRONMAN - Ongoing general advice in employment law
- Two Top 10 Unicorns - Ongoing general advice in employment law
- NASDAQ-listed US media company - Ongoing general advice in employment law
- Leading social network - Ongoing general advice in employment law
- NYSE-listed global IT service provider - Ongoing general advice in employment law with a focus on temporary agency work and contractor compliance
- Various startups and early stage technology companies - Ongoing general advice in employment law

Restructuring/Outsourcing

- World Triathlon Corporation/IRONMAN - Advice on post-acquisition restructuring
- NASDAQ-listed leading US travel technology company - Advice on restructuring of Germany business including negotiations with works council and implementation of headcount reduction
- NASDAQ-listed California-based technology company - Advice on restructurings of Germany business including headcount reduction
- US-Software company - Advice on post-acquisition restructuring
- MDAX-listed Germany-based Koenig & Bauer AG - Advice on

major intra-group restructuring including several spin-offs in order to implement a holding structure

- NASDAQ-listed leading provider of printing technology - Advice on restructuring of Germany business
- Leading global supplier of medical technology - Advice on restructuring of Germany business
- Leading national IT service provider for banks - Advice on post merger reorganization
- Leading national asset manager - Advice on outsourcing of property management

Litigation

- One of Europe's biggest hospital groups - Representation in more than 100 equal pay claims under the German Act on Temporary Agency Work before local and regional labor courts
- Leading German bank - Advice on challenging first-time works council election and representation before local labor court
- Leading global technology company - Post-acquisition redundancy scenario and representation before local and regional labor courts in numerous unfair dismissal claims
- Leading global technology company - Post-merger redundancy scenario including ca 100 unfair dismissal claims before local and regional labor courts
- Leading German retailer - Advice on challenging first-time works council election and strikes
- Leading global technology company - Internal fraud investigation including representation in numerous unfair dismissal claims before court up to the Federal Labor Court

Other Notable Projects

- One of the Top 10 Unicorns - Advice on market entry in Germany including implementation of employment contracts and confidentiality agreements
- NASDAQ-listed US media company - Advice on market entry in Germany including implementation of employment contracts and confidentiality agreements
- Leading technology startup - Contractor compliance/misclassification risk assessment
- Leading US technology company - Advice on rollout of employee handbook
- Leading technology startup - Contractor compliance/misclassification risk assessment
- International trading corporation - Implementation of a firmwide code of conduct in Germany including data privacy requirements of whistleblower schemes

Transactional/M&A

- Xometry - Acquisition of Shift
- Chinese Estun Group and CRCI - Acquisition of German Robotics Company Cloos
- Neway Valve - Acquisition of Econosto Deutschland
- Gimv - Acquisition of Medi Markt Group, leading medical supply companies in Germany
- VR Equitypartner - Acquisition of a majority share in Auto-Pflege-Zentrum, Germany's largest nationwide provider of vehicle preparation services, from TÜV SÜD AG
- creditshelf - IPO in Prime Standard of Frankfurt Stock Exchange

- Flexera - Acquisition of Brainware Group
- EQT - Sale of E.I.S. Aircraft Group's Aviation Operations Business to QinetiQ
- KUKA Home - Acquisition of Rolf Benz
- STEAG - Acquisition of Krantz business segment from Caverion Group
- EQT - Sale of BackWerk to Valora
- Ardian - Acquisition of a majority stake in CNC technology company imes-icore
- Hitachi Chemical - Acquisition of ISOLITE, a German thermal insulation manufacturer
- DBAG - Acquisition of Abbelen Group, a leading German manufacturer of prepared foods
- DBAG - Investment in radiology group
- Ardian - Sale of Frostkrone stake to Emeram Capital
- BIP Investment Partners and LUXEMPART - Acquisition of ARWE Group, a leading European provider of mobility services for car rental and car sharing companies
- Fagerhult - Acquisition of WE-EF Group, a globally leading specialist in exterior lighting
- TCV - Advised Palo Alto-based TCV on its first investment in Germany, one of Germany's largest VC financings in 2016
- Imagine Easy - Sale of Imagine Easy Solutions to Chegg, Inc.
- Fagerhult - Acquisition of LED Linear GmbH
- World Triathlon Corporation/IRONMAN - Acquisition of Lagardère Sports' endurance division

Publications

- COVID-19-Krise: FAQ zum neuen Entschädigungsanspruch für berufstätige Eltern nach § 56 Abs. 1a IfSchG
- FAQs zum Umgang mit der Coronavirus-Pandemie im Arbeitsrecht, Orrick Insights
- COVID-19 Update: FAQs on Employment-related Aspects of the Coronavirus Pandemic for Employers in Germany, Orrick's Employment Law and Litigation Blog
- COVID-19-Krise: Deutschland erleichtert Zugang zu Kurzarbeitergeld
- COVID-19 Update: Germany to Give Easier Access to State-Funded Short-Time Working Allowance, Orrick's Employment Law and Litigation Blog
- The Coronavirus in the International Workplace – How Do Multinational Employers React Appropriately?, Orrick's Employment Law and Litigation Blog
- Do German Works Councils Have a Say on Company Twitter Accounts?, Orrick's Employment Law and Litigation Blog
- Crowdworkers Are Not Employees Under German Employment Law, Orrick's Employment Law and Litigation Blog
- The Many Pitfalls of Fixed-Term Employment in Germany – Or: How Long is “Very Long”?, Orrick's Employment Law and Litigation Blog
- BGH: Leiharbeitnehmer zählen für den Schwellenwert der paritätischen Mitbestimmung, Handelsblatt Rechtsboard
- Terminating the Managing Director of a German GmbH – How to Do it Legally Sound, Orrick's Employment Law and Litigation Blog
- Quoted, “Cross-Border Attys Grapple With #MeToo's Varying Impact,” *Law360*, 2019
- New EU Directive on Transparent and Predictable Working

- Conditions Will Give Gig Workers More Right, Orrick's Employment Law and Litigation Blog
- Coming Soon: New Entitlement To Temporary Reduction In Working Time In Germany – The 10 Most Important Questions, Orrick's Employment Law and Litigation Blog
 - To-Do's for Employers in Germany: No More Automatic Forfeiture of Vacation Entitlements, Orrick's Employment Law and Litigation Blog
 - Frankfurt's Brexit Pitch – Banks in Germany Will Soon be Able to Fire Top Bankers More Easily , Orrick's Employment Law and Litigation Blog
 - “Right of Co-determination of the German Works Council on Stock Options of U.S. Parent?,” Orrick's Employment Law and Litigation Blog
 - Germany – The Time to Review Your Standard Employment Contracts is Now!, Orrick's Employment Law and Litigation Blog
 - #MeToo in Germany – Internal Investigation in Sexual Assault Cases, Orrick's Employment Law and Litigation Blog
 - The Impact of the Third Gender for Employers in Germany, Orrick's Employment Law and Litigation Blog
 - No Dismissal Protection for Managing Directors in Germany, Orrick's Employment Law and Litigation Blog
 - Employment Law in Germany – Practical Bilingual English-Chinese Guidelines for Chinese Businesses and Investors
 - Germany's Federal Constitutional Court Revises Case Law on Fixed-Term Contracts , Orrick's Employment Law and Litigation Blog
 - EU Plans on Whistleblower Protection, Orrick Employment Law and Litigation Blog
 - #MeToo in Germany – Employer's Obligations to Act, Orrick's Employment Law and Litigation Blog
 - Kettenbefristungen bei Serienschauspielern sind zulässig, Der Betrieb
 - Voluntary Leaver Programs in the Context of Restructurings in Germany, Orrick's Employment Law and Litigation Blog
 - Der Referentenentwurf zur „Brückenteilzeit“, Handelsblatt Rechtsboard
 - Berücksichtigung von Leiharbeitnehmern bei der Massenentlassungsanzeige? Der Betrieb
 - Geschenke der Koalitionsverhandlungen, Der Betrieb Arbeitsrecht
 - Frankfurt's Brexit Pitch – Loosened Dismissal Protection for High-Earning Bankers in Germany on the Horizon?, Orrick's Employment Law and Litigation Blog
 - Works Council Elections 2018 in Germany - Are You Ready?, Orrick's Employment Law and Litigation Blog
 - Koalitionsvertrag zwischen CDU, CSU und SPD – Die angekündigten Änderungen im Arbeitsrecht, Handelsblatt Rechtsboard
 - Pay Transparency in Germany – Are You Prepared For the New Information Claims?, Orrick's Equal Pay Pulse
 - Die arbeitsrechtlichen Vorhaben nach den Ergebnissen der Sondierungsgespräche, Handelsblatt Rechtsboard
 - Regelaltersrentenberechtigung als Minus bei der Sozialauswahl, DB 2017, 2548
 - Salary History – To Ask or Not to Ask in Germany?, Orrick's Equal Pay Pulse
 - After the German Election: What's on the Horizon for Employers under “Jamaica”?, Orrick's Employment Law and Litigation Blog

- Entschädigung aufgrund von Altersdiskriminierung, ArbRAktuell 2017, 579
- AÜG-Reform 2017 - Das neue Arbeitnehmerüberlassungsgesetz im Überblick, MDR 2017, 978
- Heimliche Videoüberwachung führt nicht generell zu einem Beweisverwertungsverbot, DB 2017, 1910
- Holthausen/Kurschat (Hrsg.), Vertragsgestaltung für Geschäftsführer, Vorstände und Aufsichtsräte, 2017
- Mängel der Betriebsratsanhörung, ArbRAktuell 2017, 397
- Germany: Employee Monitoring by Keylogger Permitted Only in Exceptional Cases, Orrick Employment Law and Litigation Blog
- Be Prepared Update on EU Employment Data Privacy Laws, Orrick Employment Law and Litigation Blog
- Und noch einmal: EuGH zur dynamischen Bezugnahme nach Betriebsübergang, DB 2017, H. 30, M4
- Selbstverleih durch Gesellschafter-Geschäftsführer, DB 2017, DB1237904
- Betriebsratsmitbestimmung auf Facebook, DB 2017, DB1241212
- The New German Pay Transparency Act – Are You Ready?, Orrick's Employment Law and Litigation Blog
- Außerordentliche Kündigung für Datenerhebungsverweigerer, DB 2017, 1522
- Ordentliche verhaltensbedingte Kündigung wegen Stellung eines Strafantrags, ArbRAktuell 2017, 277
- Der Einsatz von Rotkreuzschwestern ist – auch nach der AÜG-Reform – Arbeitnehmerüberlassung, BB 2017, 1280
- Generalanwalt: Deutsche Unternehmensmitbestimmung vereinbar mit Unionsrecht, Handelsblatt Rechtsboard
- Agency and Contractor Compliance in Germany—Are You Ready?, Orrick's Employment Law and Litigation Blog
- Indizien für das Vorliegen einer Scheinbewerbung, DB 2017, 791
- Die AÜG-Reform ist da!, Handelsblatt Rechtsboard
- AÜG-Reform 2017: Die Fachlichen Weisungen der Bundesagentur für Arbeit sind, Handelsblatt Rechtsboard
- Betriebsübergang: Sächliche Betriebsmittel für Betrieb eines Rettungsdienstes nicht allein identitätsbestimmend, DB 2017, 610
- Selbstbeschreibung als "junges dynamisches Unternehmen" in Stellenanzeige kein Indiz für Diskriminierung wegen des Alters, juris PraxisReport Arbeitsrecht 10/2017, Anm. 3
- Keine Betriebsblockade im Zuge eines Streiks, juris PraxisReport Arbeitsrecht 9/2017, Anm. 6
- Annahmeverzug und zweistufige Ausschlussfrist bei Auszubildenden, ArbRAktuell 2017, 45
- Verstößt die deutsche Unternehmensmitbestimmung gegen EU-Recht?, Handelsblatt Rechtsboard
- Germany: Equal Pay Act Adopted by Federal Cabinet, Orrick's Employment Law and Litigation Blog
- Germany's Financial Regulator Implements New Electronic System Guaranteeing Whistleblowers Absolute Anonymity and Non-traceability, Orrick's Employment Law and Litigation Blog
- Ende der Teilzeitfalle oder doch nur Wahlkampfgetöse? Handelsblatt Rechtsboard
- In Germany, Allowing Employees to Post on a Company's Facebook Page is Subject to Co-determination Rights of the Works CouncilText, Orrick's Employment Law and Litigation Blog

- New Restrictions for Temporary Agency Work in Germany 2017, Orrick's Employment Law and Litigation Blog
- AÜG-Reform 2017 im Bundestag beschlossen, Orrick Employment Law Alert
- Germany: Legislative Change Requires Amendments to Standard Employment Contracts, Orrick Employment Law and Litigation Blog
- Vorliegen eines Scheinpraktikums,
- AÜG-Reform kommt (erst) zum 1. April 2017, Handelsblatt Rechtsboard
- Equal Pay Light? – Update on Proposed German Equal Pay Act, Orrick's Equal Pay Pulse
- Kein Diskriminierungsschutz für Scheinbewerber, DB 2016, 2240
- ECJ: No Discrimination Claims for Mock Applicants in Europe, Orrick Employment Law and Litigation Blog
- Befristetes Arbeitsverhältnis im Profifußball, juris PraxisReport Arbeitsrecht
- Mindestlohn für Zeitungszusteller, ArbR 2016, 358
- Whistleblower – BaFin richtet Meldeplattform für Finanzdienstleistungsbranche ein, Handelsblatt Rechtsboard
- Germany's Financial Regulator Establishes New Whistleblower Platform, Orrick's Employment Law and Litigation Blog
- Using Temp Agencies in Germany: New Restrictions for Companies, Orrick's Employment Law and Litigation Blog
- Darlegung von Tätigkeitsmerkmalen im Eingruppierungsrechtsstreit, ArbR 2016, 242
- Germany – New Developments in Maternity Protection, Orrick's Employment Law and Litigation Blog
- Zulässige Videoüberwachung durch Arbeitgeber in einem Lager mit Sozialbereich zur Diebstahlsaufklärung, juris PraxisReport Arbeitsrecht 19/2016, Anm. 4
- Was lange währt, wird nicht immer gut - AÜG Reform, DB 2016, Heft 18, M 5
- "Temporary Employees" in Germany Need to be Temporary Under New Draft Law, Orrick's Employment Law and Litigation Blog
- Proposed German Equal Pay Act May Complicate Remuneration Issues, Orrick's Employment Law and Litigation Blog
- Germany – Premium Paid by Employer for Leaving Trade Union is Unlawful, Orrick's Employment Law and Litigation Blog
- Setback for EU-US Privacy Shield – How to Safely Get HR Data Across the Pond, Orrick's Employment Law and Litigation Blog
- Rechtswidrige Prämie von Arbeitgeber für Gewerkschaftsaustritt, juris PraxisReport Arbeitsrecht 17/2016, Anm. 4
- Recent Changes to EU Employee Data Protection – Two Years to Comply with New Requirements, Orrick's Employment Law and Litigation Blog
- Prämie von Arbeitgeber für Gewerkschaftsaustritt ist rechtswidrig, Handelsblatt Rechtsboard
- Außerordentliche Kündigung wegen exzessiver Privatnutzung des dienstlichen Internets, BB 2016, 896
- Employers in Germany May Now be Able to Check Browsing History of Work Computers, Orrick's Employment Law and Litigation Blog
- Betriebsratswahl im selbständigen Betriebsteil, ArbR 2016, 98
- Der Referentenentwurf zur AÜG-Reform 2017, BB 2016, 53
- "Temporary Employees" in Germany need to be Temporary

under New Draft Law, Orrick's Employment Law and Litigation Blog

- International data transfer news... a bit like buses, Orrick's Employment and Litigation Blog
- Post "Safe Harbor": Unsicherheit in der Praxis, Deutscher AnwaltSpiegel
- AÜG-Reform 2016/17 – Der Referentenentwurf ist da!, Handelsblatt Rechtsboard
- Germany: Act on Collective Bargaining Unity in Force, Orrick's Employment Law and Litigation Blog

Languages

- German
- English

Admissions

- Germany