

Practical guide to legal requirements, documentation duties, and the transition from paper to digital.

## 1 Understand the Legal Framework

The German Federal Labour Court (BAG) ruling of September 2022 requires employers to systematically record working hours for all employees. The basis is § 3(2)(1) ArbSchG in conjunction with the 2019 ECJ ruling. Purely analog recording increasingly fails to meet requirements for traceability and tamper protection.

**Note:** The ruling applies across all industries — including small businesses and trust-based working time models.

## 2 Know Your Documentation Duties

Employers must document the start, end, and duration of daily working hours. Recording must be timely — no later than seven days after the work was performed. Breaks and overtime must be documented separately.

**Note:** The duty to record can be delegated to employees — but the responsibility remains with the employer.

## 3 Define System Requirements

A legally compliant time tracking system must be tamper-proof, traceable, and GDPR-compliant. It should automatically document start, end, breaks, and overtime, storing data in an audit-proof manner.

**Note:** Look for EU-based server locations, encryption, and access logging.

## 4 Involve the Works Council

Introducing an electronic time tracking system is subject to co-determination under § 87(1)(6) BetrVG. Inform the works council early and draft a works agreement covering purpose, scope, and access rights.

**Note:** A works agreement creates legal certainty for both sides and increases employee acceptance.

## 5 Plan and Execute the Transition

Start with a pilot area, train employees, and define clear processes for corrections and approvals. Plan a transition phase where both systems run in parallel.

**Note:** LiteLog offers a free trial — ideal for the pilot phase with no contractual commitment.

## 6 Location Verification as Added Value

For service providers with changing work locations, GPS and NFC-based time tracking provides a dual benefit: working hours are documented and the work location is verified — essential for proof of service to clients.

**Note:** Location data is only captured at check-in/check-out — no continuous tracking.