

## **Recruiters Legally Permitted To Call German Executives On Company Mobiles**

*The highest German civil court, BGH, recently reaffirmed its 2004 case law that contacting employees (potential candidates) at the workplace is not in breach of competition law regulations as long as the contact does not go beyond a first and brief contact (i.e. to present yourself as a search consultant, and agree on a suitable time to call outside of working hours). In this recent judgment, the BGH added that this is also the case when the search consultant calls an employee (potential candidate) on his or her company mobile phone (i.e. when the employee is not effectively at his workplace).*

In response Ulrich F. Ackermann, AESC European Council Vice Chairman and Managing Partner of [TRANSEARCH International](#), commented:

“We are very pleased and welcome the verdict made by the BGH. This is in line with an earlier decision made by the BGH about 2 years ago where it was decided that an initial and brief contact by an Executive Search Consultant with potential candidates at their work place is in line with existing law.

The new decision allowing the Executive Search Consultant to contact potential candidates on their company’s cell phones brings even more clarity. It underpins the importance of the Executive Search Industry in providing transparency for candidates about existing offers in the relevant job market.

I am convinced that this judgment will have a directional impact on the future legislation of the EU Government. It furthermore shows that the AESC’s initiative to support their German members locally proved to be a sound and worthy activity that has clearly achieved its objective.”