Time tracking checklist for Germany – is everything in order?

As of: October 29, 2026 · This checklist refers to German law.

- [ ] **1. All employees are recorded**
The duty covers all employees – including part-timers, mini-jobbers and apprentices. Executive employees are exempt.
Legal basis: § 18 ArbZG

- [ ] **2. Start, end, duration and breaks**
Record the start and end of daily working time, its duration and the breaks.
Legal basis: BAG, Beschluss vom 13.09.2022 – 1 ABR 22/21 (§ 3 Abs. 2 Nr. 1 ArbSchG); EuGH, Urteil vom 14.05.2019 – C-55/18

- [ ] **3. Record promptly**
Times are recorded promptly. For mini-jobbers and in the sectors under § 2a SchwarzArbG (e.g. construction, hospitality, building cleaning, haulage) by the end of the seventh day after the work at the latest.
Legal basis: § 17 MiLoG, § 2a SchwarzArbG

- [ ] **4. Respect maximum working hours**
At most 8 hours per working day. Up to 10 hours are allowed if 8 hours per working day are not exceeded on average over 6 calendar months or 24 weeks.
Legal basis: § 3 ArbZG

- [ ] **5. Take breaks**
At least 30 minutes for more than 6 hours of work, 45 minutes for more than 9 hours – split into blocks of at least 15 minutes each.
Legal basis: § 4 ArbZG

- [ ] **6. Observe the rest period**
At least 11 hours of uninterrupted rest between two working days.
Legal basis: § 5 ArbZG

- [ ] **7. Sundays and holidays only by exception**
Work on Sundays and public holidays only within the statutory exceptions – with a substitute rest day.
Legal basis: §§ 9–11 ArbZG

- [ ] **8. Keep records for at least 2 years**
Records are kept for at least two years.
Legal basis: § 16 Abs. 2 ArbZG, § 17 Abs. 1 MiLoG

- [ ] **9. Traceable corrections, own access**
Changes to recorded times are traceable (who, when, why). Employees can view their own times.
Legal basis: Art. 15 DSGVO

- [ ] **10. Involve the works council**
If there is a works council or staff council, it must be involved when an electronic system is introduced (co-determination on technical equipment).
Legal basis: § 87 Abs. 1 Nr. 6 BetrVG bzw. Personalvertretungsrecht

- [ ] **11. Settle data protection**
  Purpose, access rights and deletion periods are defined; a data processing agreement (DPA) is in place with the provider.
  Legal basis: Art. 5 und Art. 28 DSGVO

- [ ] **12. Trust-based working time remains possible**
  Employees can still organise their own hours – the times must be recorded anyway.
  Legal basis: BAG, 1 ABR 22/21

- [ ] **13. Outlook: reform of the Working Hours Act**
  An internal working draft of the Federal Ministry of Labour that became known in June 2026 provides that the start, end and duration of working time are recorded electronically on the day the work is done. Businesses with up to 10 employees may keep recording on paper; transition periods of 1 to 5 years depending on company size are planned. There is no official bill or cabinet decision yet – we will update the checklist as soon as anything changes.
  Legal basis: Internal BMAS working draft amending the ArbZG, June 2026 (not adopted)

This checklist does not replace legal advice.

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