[DE] Character's Removal from TV Series Can Justify Termination of Employment Contract

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In a ruling of 2 July 2003, the Bundesarbeitsgericht (Federal Employment Court - BAG) decided that an actor's employment may be terminated if the character they play is written out of a TV series, even if their contract of employment covers a longer period.

The plaintiff had been a cast member in the RTL series " Gute Zeiten, schlechte Zeiten ", produced by the defendant, Grundy-UFA TV, until early 2001. Her contract of employment had been due to expire on 20 July 2001, when production work on episode 2310 was due to be completed. According to the contract's provisions, the contract could be terminated with four weeks' notice, particularly if the character played by the plaintiff "was no longer part of the series". Viewing figures for the series dropped at the end of 2000. The defendant decided to remove the plaintiff's character and gave notice on 3 January 2001 that her contract would be terminated on 2 March 2001. The plaintiff instigated proceedings against her dismissal, arguing that her contract had been terminated for a reason other than that set out in the contract. She also claimed her salary for the period from 3 March to 20 July 2001. The first instance employment court upheld the complaint, except for part of the compensation claim. However, following appeals by both parties, the complaint was dismissed in its entirety by the Landesarbeitsgericht Brandenburg (Brandenburg Regional Employment Court). The appeal lodged by the plaintiff with the 7th Chamber of the BAG was also rejected. The Court concluded that the employment relationship between both parties did in fact end on 2 March 2001 as a result of the condition set out in the contract. Such a condition, laid down in a contract, was justified if its purpose was to promote the free expression of artistic creativity. According to the BAG, the defendant's decision to discontinue the plaintiff's role was taken largely for artistic reasons.

Urteil vom 2. Juli 2003, Az.: 7 AZR 612/02, vgl. PM des BAG Nr. 49/2003

Ruling of 2 July 2003, case no.: 7 AZR 612/02, see BAG press release no. 49/2003

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