



**Maternity leave – Parental  
leave – Parental allowance –  
Working part-time**

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# Introduction

Germany provides a number of statutory benefits and rights to support and protect (expectant) parents. This brochure provides information on (expectant) parents' entitlement to various benefits. IG Metall offers its members support in all situations. IG Metall's local offices provide information and advice on site. For their addresses and contact details, go to **[igmetall.de/vor-ort](https://igmetall.de/vor-ort)**.

The regulations on parental leave, parental allowance, maternity leave and working part-time have been reformed several times in recent years. This brochure is based on the currently valid legal regulations in the Parental Allowance and Parental Leave Act (BEEG), the Maternity Protection Act (MuSchG) and the Part-Time and Temporary Employment Act (TzBfG) (Status: March 1, 2021).

Further information on financial benefits for parents is also available on the DGB portal **<https://vereinbarkeit.dgb.de/wissen-kompakt/mehr-geld-fuer-familien>** and at **[familienportal.de](https://familienportal.de)**.



*The IG Metall works councils and your local IG Metall office will be happy to support you!*



# 1. Maternity Protection Act

(abbr: MuSchG)

*Maternity leave is a form of health protection for female employees. Maternity leave consists of a comprehensive range of early precautionary measures designed to ensure the health of mother and child and to support the mother's economic well-being during pregnancy and the first few weeks after the child is born.*



## **Knowledge of pregnancy: notifying your employer**

Notifying your employer of your pregnancy enables the health and social protection provisions of the Maternity Protection Act to take effect in the interests of you and your child. The expected date of birth is calculated and stated on your maternity certificate or midwife certificate, and is used as the basis for calculating the 6-week enforced maternity leave period prior to the birth.

## **Enforced maternity leave period**

The enforced maternity leave period begins 6 weeks before and ends 8 weeks after the birth of the child (or 12 weeks in the case of premature and multiple births or after the birth of a disabled child). Mothers-to-be are generally prohibited from working during the last 6 weeks before the child is born. You are only allowed to continue working if you expressly agree to do so. You can revoke your consent to this at any time. After the birth of the child, women are prohibited from working for 8 weeks (or 12 weeks in the case of premature and

multiple births or after the birth of a disabled child). This is an absolute ban on working which neither the employee nor the employer can circumvent.

## **Maternity allowance**

During the enforced maternity leave period, expectant employees with statutory health insurance receive a maternity allowance of a maximum of EUR 13 per calendar day, i.e. EUR 364 to EUR 403 per month depending on the length of the month.

Privately insured expectant employees do not receive a daily maternity allowance. Instead they receive a single payment of EUR 210 from the Federal Insurance Office to cover the entire period. This also applies to expectant employees with family insurance or in marginal employment (see page 8), working students, etc.

## **Employer's contribution to maternity allowance**

The employer pays a contribution towards your maternity allowance. This is independent of whether you are covered by statutory health insurance or not, and amounts to the full difference between EUR 13 and your average daily net wage. Your average daily net wage is based on your earnings in the last 3 calendar months or the last 13 weeks before the start of the enforced maternity leave period. To calculate the average daily net wage, your total net income for the past 3 months is divided by 90.

## **Women in marginal employment (e.g. mini-jobs) and maternity leave**

In terms of employment law, women employed in mini-jobs are equal to their full-time colleagues. In many cases, however, they are denied statutory or collective bargaining rights.

Women employed in mini-jobs are often not covered individually by statutory health insurance, but in-

stead have family insurance through their spouse. Therefore, like privately insured expectant employees, they receive a maternity allowance from the Federal Insurance Office. This amounts to a maximum of EUR 210 for the duration of the enforced maternity leave period and is only paid if the following conditions are met:

- › They are in an employment relationship at the beginning of the 6-week enforced maternity leave period before the birth (this also expressly includes marginal employment e.g. mini-jobs).
- › The employment relationship was terminated permissibly by the employer during the pregnancy. This is only possible with the approval of the responsible state authority, for example the trade supervisory office.

For those employed in midi-jobs, the same regulations apply as for other employees required to pay social security contributions.





## **Applying for maternity allowance and the employer's contribution**

Expectant employees with statutory health insurance apply for the maternity allowance through their health insurance company. Expectant employees with private health insurance or those employed in mini-jobs and covered by family statutory health insurance apply to the Federal Insurance Office in Bonn for the maternity allowance totalling a maximum of EUR 210. For information and application forms, go to **bva.de**.

Expectant employees must assert via their employer their entitlement to the employer's contribution to the maternity allowance.

## **Maternity leave and holiday entitlement**

Under maternity leave legislation, enforced time off work due to pregnancy and after the birth is considered to be working time. Periods of maternity leave cannot be deducted from expectant mothers' holiday entitlement.

If the employee has not used all of her holiday entitlement before her period of enforced maternity leave, she can also use it at the end of the period in the current or following holiday year. If the enforced maternity leave period is followed by parental leave, the employee's remaining holiday entitlement after the parental leave must be granted in the current or following holiday year.

## **Maternity leave and special allowances**

If, for a specific reason or on specific dates, in addition to regular remuneration, the employer provides benefits (e.g. Christmas or holiday pay), female employees who are prevented from working due to enforced maternity leave are also entitled to them.

## Protection against dismissal

From the beginning of pregnancy up to 4 months after the birth of the child or a miscarriage after the 12th week of pregnancy, notice of dismissal to the (expectant) mother is not permitted. The prerequisite, however, is that the employer was aware of the pregnancy at the time the dismissal was issued or that s/he was informed of the pregnancy within 2 weeks of receipt of the notice of dismissal. The employer is only prevented from dismissing the employee if it is certain that s/he knew of the pregnancy. In such circumstances, dismissal is only possible in special exceptional cases. The prerequisite is that the employer, **before** issuing the notice of dismissal, applies to the highest state authority responsible for occupational health and safety or to the authority designated by it, to declare the intended dismissal admissible (cf. § 9 para. 3 MuSchG). Notice of dismissal given without the required approval is ineffective. The employer must have particularly serious reasons for the dismissal that must not be related to the pregnancy. For example, this is

the case when there is no longer any possibility of continued employment because the business is permanently closing down or the employer's economic existence would be jeopardised. Serious, repeated breaches of duty on the part of the employee that are not related to the pregnancy can also justify a dismissal. The expectant woman can object to the relevant state authority to question the admissibility of the dismissal.

Anyone who is dismissed despite pregnancy should file a claim with the employment court within 3 weeks of receipt of the dismissal in order to have the effectiveness of the dismissal checked. Please consult your local IG Metall office.

## **Expectant mothers and child-birth in temporary employment relationships**

If the employee has a temporary employment contract, this employment relationship ends when the deadline expires, even if the employee becomes pregnant or is on maternity leave.

In a few special exceptional cases, there may be a right to continued employment.

This could be the case, for example, if comparable employment relationships are extended and only those of pregnant women or young mothers are not, or if there is a tendency in the company to extend temporary contracts (i.e. it happens regularly).



*If you have any doubts, please consult your works council or your local IG Metall office.*

## 2. Parental Allowance and Parental Leave Act (abbr: BEEG)

*Information on the regulations prior to July 1, 2015 can be found in the IG Metall “Maternity Leave – Parental Leave – Working Part-Time” brochure, which can be downloaded from [igmetall.de/eltern](http://igmetall.de/eltern).*

Parental leave and parental allowance must be fundamentally differentiated from one another. Parental allowance is an additional social security benefit for which parents must apply to the relevant parental allowance office. Parental leave is a legal entitlement to a limited or partial exemption from work which parents must assert against their employer.

the biological parents, such as relatives, in particular the grandparents, can be entitled to parental leave.

When on parental leave, you cannot be gainfully employed on a full-time basis. However, part-time employment of up to 32 hours per week as a monthly average is permitted.

### **a) Parental leave**

All employees who are caring for a child who lives in the same household can request parental leave from their employer. In addition, in certain exceptional cases, people other than

### Duration of parental leave

Parental leave can generally last for 3 years up to the child's 3rd birthday. However, 24 months of the parental leave entitlement can be carried over and taken up to the child's 8th birthday, **without** requiring the employer's consent. This can help parents react to situations later in their child's life, for example when their child starts school. Part of the parental leave can be carried over until the child reaches the age of 8, even if periods of time overlap due to short times between births or multiple births. The use of parental leave is ultimately an individual entitlement, meaning that either parent has the option of taking the maximum of 3 years themselves.

### Dividing parental leave

Either parent can take parental leave individually, both parents can take turns, or they can take parental leave together.

Parents can divide their parental leave into 3 time periods (regardless of the other parent). This regulation considers each parent's employment relationship separately. Dividing

parental leave into more than 3 time periods requires the employer's consent. It should also be noted that parents must make a binding commitment for the first 2 years of their parental leave entitlement (see below also). For example, if the mother states that she only wants to take 18 months of parental leave, then she has already committed herself for the first 2 years of her child's life. If she then wants to extend her leave while her child is aged 18 months to 24 months, she will need her employer's consent. After her child's 2nd birthday, she can then request parental leave again.

### Can my employer forbid me from taking parental leave?

In principle, you do not require your employer's consent. You also don't need your employer's consent to carry over 24 months of your parental leave to the period after your child's 3rd birthday.

However, if you wish to carry over your third period of the parental leave to the time between your child's 3rd and 8th birthdays, your employer can reject the application for urgent operational reasons.

In order to claim parental leave, employees must submit a timely declaration to their employer, at the latest 7 weeks before the parental leave is due to start. The declaration must explain that you want to take parental leave and specify the periods within the first 2 years for which you will take parental leave. The employer should then confirm your parental leave.



**Please note:** *If you intend to take parental leave after your child's 3rd birthday, the deadline for declaring it is 13 weeks.*

## Extension or early termination of parental leave

In principle, you can only extend or prematurely terminate your parental leave with your employer's consent. For this reason, you should consider the duration of your parental leave carefully before making a request to your employer. Once you have made the request, it is binding for the first 2 years. If you did not request the entire two-year period as leave in the first instance, you can only extend it with your employer's consent.

In such cases employers are not allowed to make a completely arbitrary decision, however: they have to weigh up the interests at their reasonable discretion.

Members of IG Metall can download parental leave application forms from [igmetall.de/eltern](https://www.igmetall.de/eltern).

In the event that both parents have divided the parental leave between them but the intended changeover cannot take place for an important reason (e.g. separation of the parents), the employer must agree to the extension (up to the full duration of parental leave).

A further period of parental leave immediately after the two-year period does not require your employer's consent. Opinions differ on this point, however, with some assuming that employers can reject applications of this type. If this happens to you, you should seek legal advice from your local IG Metall office immediately.

Applications for parental leave after your child's 2nd birthday must be received in writing by the employer no later than seven weeks before the start date.

### Another child is born during parental leave

If another child is born during parental leave, the current period of parental leave does not automatically end. You are still entitled to the original parental leave. Once the parental

leave for the first child expires, you are entitled to parental leave for the second child.

However, if another child is born during parental leave, you can apply to end your parental leave prematurely. The employer can only reject the request for urgent operational reasons, and must do so in writing within 4 weeks. The same applies to ending parental leave prematurely in special hardship cases (e.g. serious illness, severe disability or death of a parent or child, or if the parents' economic existence is in serious danger).

However, mothers may end their parental leave prematurely without the consent of their employer if this is due to a new maternity leave period for another child. You must, however, provide your employer with timely notification of the end of your parental leave (§ 16 para. 3 clause 3 BEEG [latest version]). This is financially attractive because your health insurance company and employer's contribution pay your maternity allowance for the duration of your enforced maternity leave.



## Parental leave and holiday entitlement

Holiday entitlement can be reduced proportionally by one twelfth for every full month of parental leave, unless your collective agreement, works agreement or employment contract provides otherwise. This does not apply to part-time work during parental leave.



***Important:** This reduction does not apply automatically: it has to be declared by your employer. After your parental leave has ended, the employer must grant you any remaining holiday entitlement in the current or following holiday year. Your holiday entitlement is automatically carried over.*

Any holidays taken immediately after a period of maternity leave count towards your parental leave (§ 16, para. 1, clause 5 BEEG).

If another child is born and the first parental leave is followed seamlessly by the second, the carry-over period is extended. You can then take your remaining carried-over holiday entitlement in the current or following year after the second parental leave has ended.

If the employment relationship ends during or at the end of parental leave, any remaining holiday entitlement must be paid out.

## **b) Parental allowance and parental allowance plus**

Parental allowance has been available since January 1, 2007. Parents of children born on or after July 1, 2015 can also receive parental allowance plus. The “old” parental allowance is now known as the basic parental allowance. Both entitlements will hereinafter be referred to as “parental allowance”.

Parental allowance is an income replacement benefit that is paid from the day the child is born.

### Right to parental allowance

In addition to other requirements, you are entitled to parental allowance if you live in a household with a child, look after and bring up this child yourself and are not gainfully employed on a full-time basis (part-time employment of up to 32 hours a week as a monthly average or employment for vocational training are permitted).

Non-married fathers can also receive parental allowance if there is evidence that their paternity has been recognised, even before the formal determination of paternity has been completed.

### Duration of parental allowance

Both partners can receive parental allowance at the same time, and can combine the basic parental allowance with parental allowance plus.

### Basic parental allowance

Parents (whether couples or single parents) are entitled to a maximum of 14 months of basic parental allowance. In the case of couples, they can only use the full 14 months if the other parent also reduces their working hours to a maximum of 32 hours per week on a monthly average or stops working completely for a period of at least 2 months (so-called partner months). One parent can receive basic parental allowance for a minimum of 2 months and a maximum of 12 months. This allows for a range of combinations.

### Parental allowance plus

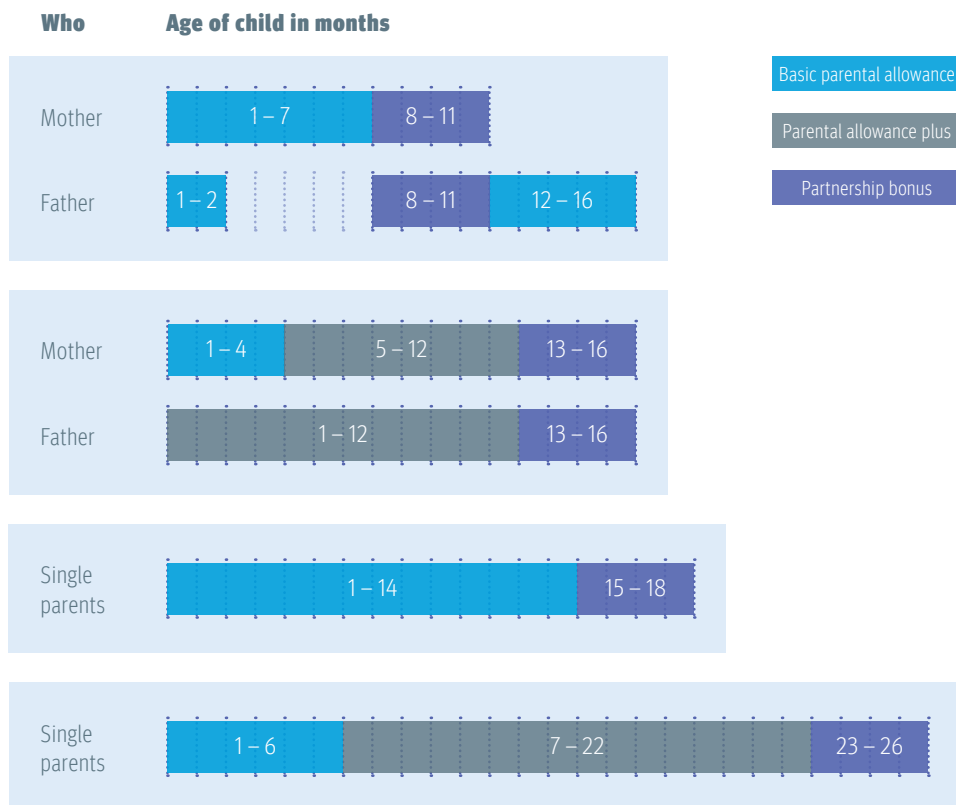
In principle, 1 month of basic parental allowance can be converted into 2 months of parental allowance plus. The maximum allowance period is 28 months for couples or single parents. However, months in which women receive maternity benefits (maternity allowance from their health insurance company plus employer's contributions) are counted as reference months for basic parental allowance. For example, if a mother receives 2 months of maternity benefits, the period of parental allowance plus for both partners together is reduced to a maximum of 24 months.

### Partnership bonus

If both partners simultaneously work between 24 and 32 hours per week on a monthly average for 2 - 4 months, they are also entitled to the partnership bonus. They will then both receive a further 2 - 4 months' of benefits. The calculation is the same as for the parental allowance plus. Single parents also receive these additional months under the same conditions.

## Examples of possible combinations

There are many possible ways to receive your parental allowance. Below are a few examples.



Go to **familienportal.de** and use the parental allowance calculator to get an overview of the potential combinations and how much you would receive.

## Amount of the allowance

The basic parental allowance is a minimum of EUR 300 and a maximum of EUR 1,800. If their net income is between EUR 1,000 and EUR 1,200, parents receive 67 percent of the lump-sum net parental allowance from the last 12 months before the month of the child's birth (so-called assessment period). For net incomes between EUR 1,200 and EUR 1,240, the basic parental allowance is progressively reduced from 67 to 65 percent.

For incomes of less than EUR 1,000, it increases to up to 100 percent.

The maximum monthly parental allowance plus corresponds to half of the basic parental allowance that parents receive if they do not work part-time.

If there is income from part-time employment (max. 32 hours/week on a monthly average), the basic parental allowance is calculated from the difference between the previous (full-time) income and the current part-time earnings. Here, too, parents receive 67 or 65 percent, but on the differential amount.

Under certain conditions, parental allowance also increases if siblings live in the same household: if another child under the age of 3, or two or more children under the age of 6 live in the household, the basic parental allowance increases by 10 percent, but at least by EUR 75. In the event of multiple births, the basic parental allowance for the second and each additional child increases by EUR 300 for each child. If you opt for parental allowance plus, both the sibling bonus and the multiple birth supplement are halved.

## Calculating net parental allowance

The basic parental allowance is calculated on the basis of the average income of the applicant in the last 12 calendar months before the month in which the child was born or before the maternity leave began. This period also applies if the applicant has not worked continuously.

### **Not counted towards the calculation are:**

- ▶ Calendar months in which the applicant could not work due to enforced maternity leave or
- ▶ Calendar months in which the applicant received maternity allowance or
- ▶ Calendar months in which the applicant received parental allowance for a child born earlier or
- ▶ Calendar months in which the applicant performed military and/or community service or
- ▶ Calendar months in which the applicant's income decreased due to a pregnancy-related illness (medical certificate required).

These months are substituted by earlier months, thus preventing the parental allowance from being reduced in such cases.

Parental allowance plus amounts to a maximum of half of the basic parental allowance if no gainful employment is carried out while receiving it. If you work part-time while receiving it, the parental allowance plus is reduced

because it is offset against your income from the part-time work.

The monthly allowable net income does not correspond to the net income on your payslip: it is calculated on a lump-sum basis, meaning that the parental allowance office calculates the net parental allowance from a "fictitious" net salary. The basis is your payslips and the gross monthly salary shown there.

If you are not self-employed, one-off payments such as Christmas and holiday bonuses are not taken into account.

### **Premature births**

If a child is born prematurely, parents are entitled to the basic parental allowance for longer. If the child is at least 6 weeks premature, parents receive the basic parental allowance for an extra month. If the child is at least 8 weeks premature, parents receive an extra 2 months. If the child is at least 12 weeks premature, parents receive an extra 3 months. And if the child is at least 16 weeks premature, parents receive an extra 4 months.



## Change of tax bracket for higher parental allowance

Before the child is born, expectant (married) parents can change their income tax bracket in order to receive more parental allowance.

The tax bracket used for calculation is the one you were in for the majority of the last 12 months before the month of the birth (for mothers, before the start of enforced maternity leave).

So you need to change tax bracket at least 7 months before the birth or before the start of maternity leave in order for it to take effect.

If only one parent wants to claim parental allowance, it can therefore be worthwhile to change tax brackets as early as possible, possibly even before pregnancy. The couple will later be returned the higher tax deductions paid by the partner via their tax return.

## Calculation of income

Short-time allowance, sick pay, pensions, scholarships, student funding and unemployment benefits do not count towards earned income. Payments of this type are not included in the calculation of the parental allowance and thus reduce the amount of parental allowance due.

## Parental allowance for low-wage earners

Low-wage earners with a net income of less than EUR 1,000 receive increased parental allowance. For every EUR 20 that their income drops below EUR 1,000, they receive one percentage point in addition to the standard 67 percent.

## Deduction of maternity allowance

The maternity allowance (including the employer's contribution) is deducted from the mother's parental allowance to the exact day. The one-time maternity payout of EUR 210 paid by the Federal Insurance Office is not included in this calculation.



**Caution:** A month in which maternity allowance is received is calculated as a reference month for parental allowance. The maximum period of entitlement (including parental allowance plus) for couples or single parents is then 2 months of basic parental allowance, which are considered to be received during the enforced maternity leave period, and 24 months of parental allowance plus.

### Deduction of other payments

If, after the birth of a child, you are paid state benefits, i.e. unemployment benefit, sick pay, short-time allowance or a pension, these are offset against your parental allowance insofar as your parental allowance exceeds EUR 300.

If you receive unemployment benefit (ALG II), social security benefits or child supplements, the parental allowance is generally counted as income in its entirety.

For parents who work part-time and receive parental allowance, from September 1, 2021 there is a new regulation: the amount of parental allowance does not change if you receive income replacement benefits, such as short-time allowance or sick pay.



**Exception:** if income was earned before the child was born, an amount of up to EUR 300 of basic parental allowance or EUR 150 of parental allowance plus is not deducted.

### Applying for parental allowance

In order to receive parental allowance, you must apply to the relevant parental allowance office in a timely manner. The allowance is paid retrospectively for the last 3 months before the beginning of the month in which the application was received by the parental allowance office.

For further information on parental allowance, calculating parental allowance and details of parental allowance offices, go to **bmfsfj.de**.

### c) Working part-time during parental leave

When on parental leave, each parent can work up to a maximum of 32 hours per week on a monthly average.

If both parents are on parental leave at the same time, both can work for up to 32 hours per week on a monthly



average. This means that mothers and fathers are therefore no longer forced to interrupt their employment while still being able to care for their child themselves.

### Right to work part-time during parental leave

If you cannot reach an agreement with your employer within 4 weeks of submitting your parental part-time work application, under certain conditions, you may have an enforceable right to reduce your working hours during your parental leave.

#### **The requirements in detail:**

- › The employer usually employs more than 15 workers (not including trainees)
- › The employment relationship has existed for more than 6 months in the same operation/company.
- › Your working hours are reduced between 15 and 30 hours per week on a monthly average for at least 2 months.

- › There are no urgent operational reasons to the contrary (the employer can express a refusal within 4 weeks).

You must submit your request to your employer within certain deadlines. Before your child's 3rd birthday, you must submit your request at least 7 weeks before you want your parental part-time work to start. Between your child's 3rd and 8th birthdays, the deadline is 13 weeks before your desired start date. If you don't submit your request within these deadlines, it is not a valid reason for your employer to reject the request. However, the start date of your part-time work will be postponed accordingly.

Members of IG Metall can download part-time application forms from [igmetall.de/eltern](https://www.igmetall.de/eltern).

## Parental allowance when working part-time

You can work up to 32 hours per week on a monthly average and still be entitled to parental allowance.

However, the income from part-time employment is taken into account when calculating the parental allowance, meaning that you will only be entitled to a proportion of the full parental allowance.

## Contents of your request to work part-time

You do not have to justify your request to reduce your working hours during parental leave. However, you do have to specify the extent to which you want to reduce your working hours (for example 25 hours/week instead of the previous 35 hours/week).

It makes sense to seek advice before submitting your request, for example from your local IG Metall office. In many cases, it is also recommended that you specify your desired working pattern (for example Monday to Thursday all day or Monday to Friday from 8 am to 2 pm etc.).

## Rejection of your request

In the cases outlined above, the employer can refuse your request to reduce your working hours while on parental leave. This applies, for example, if there are “urgent operational reasons” which oppose the parent’s wish to work part-time. If you wish to take parental leave but are dependent on part-time work for financial reasons, then you should only take parental leave on the condition that you can work part-time at the same time. If you cannot reach an agreement with your employer about your request for part-time work, and your employer has rejected your request in writing and in a timely manner (i.e. within 4 weeks up to your child’s 3rd birthday and within 8 weeks between your child’s 3rd and 8th birthdays), and providing a reason, the last option is to go to an employment court. Here, the full burden of proof lies with your employer to provide reasons for rejecting your request to work part-time. If, on the other hand, the employer does not respond to your request to work part-time while on parental leave within these deadlines, then your working hours are

automatically reduced to the extent that you requested. The same applies to your requested working pattern.

### Employment after parental leave

As long as you didn't terminate your employment relationship during parental leave, it is fully revived when your parental leave ends. Your employer must employ you again in accordance with your contractual conditions. In principle, however, you are not entitled to return to your old job unless there is an agreement that you will do so. Under certain circumstances, your employer can assign you to a different, but equivalent, job.

### Parental leave – working part-time and protection against dismissal by “your” employer

Your employer cannot terminate the employment relationship while you are on parental leave. This protection exists from the date on which you requested parental leave.

### However, you are only protected from dismissal:

- › 8 weeks before the start of parental leave between your child's birth and 3rd birthday.
- › 14 weeks before the start of parental leave between your child's 3rd and 8th birthdays.

In principle, this also applies during part-time parental leave.

If the parental leave is divided into different periods, the protection against dismissal only applies for the respective periods of leave.

In exceptional cases, a dismissal of this type can be declared admissible by the highest state authority for occupational health and safety or the authority designated by it.



*In such cases, IG Metall members are entitled to advice and legal protection. Please contact your local IG Metall office.*



### Parental leave – working part-time for another employer

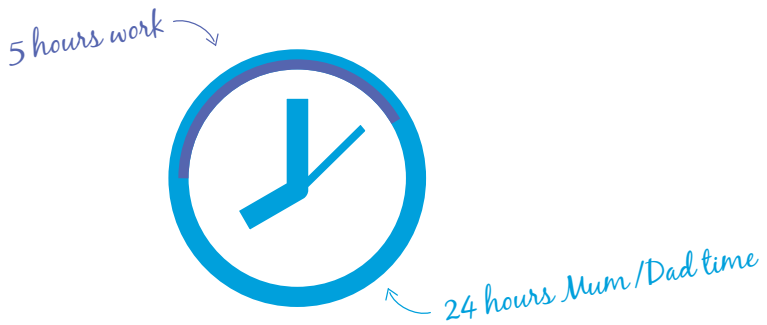
When you are on parental leave, you can also work for another employer for up to 32 hours per week on a monthly average. The other employer is then your second employer.

You will need your employer's consent if you want to work part-time for another employer while you are on parental leave from your first employer; unless the second employment relationship was established before the birth of your child.

Your employer can only refuse consent to you working part-time for another employer for urgent operational reasons, and must communicate the refusal of consent within 4 weeks.

### Protection against dismissal from another employer

The special protection against dismissal pursuant to BEEG does not apply to other employers from whom you are not taking parental leave.



### 3. The right to work part-time pursuant to the Part-Time and Temporary Employment Act (abbr: TzBfG)

*You can continue to work part-time even after your parental leave has ended. In this case, your request to work part-time is based on the applicable part-time and temporary employment legislation. From January 1, 2019, employees in companies with more than 45 employees are entitled to temporarily reduce their working hours and then return to their previous working hours.*

#### **The Part Time and Temporary Employment Act**

This act aims to promote part-time work, to define the requirements for the admissibility of temporary employment contracts, and to prevent discrimination against part-time

and temporary employees. Part-time employees are employees whose regular weekly working hours are less than those of a comparable, full-time employee. This also includes people in marginal employment (so-called 450 euro jobs or mini-jobs).

## **Comparison: Bridge part-time – Indefinite part-time**

The overview below explains the differences between indefinite part-time work and bridge part-time work (limited to a period of between 1 and 5 years).

	<b>Bridge part-time work</b>	<b>Indefinite part-time work</b>
<b>Entitlement in companies</b>	... with more than 45 employees – in companies with 46 – 200 employees, only one in 15 is entitled to bridge part-time work	... with more than 15 employees
<b>Duration of part-time work</b>	1 – 5 years	Indefinite
<b>Can be rejected if</b>	operational reasons exist for rejecting it; you have been employed for less than 6 months	
<b>Further reductions</b>	Once you have agreed your working hours for bridge part-time work, you cannot further reduce your hours	After 2 years
<b>Extending working hours</b>	Employees do not have to be given priority if they wish to extend.	Employees must be given priority if they wish to extend.
<b>Renewed request (after rejection by employer or return to previous working hours)</b>	After 1 year	After 2 years
<b>Deadlines</b>	The request must be submitted up to 3 months in advance The employer must give written feedback up to one month before the desired start date, otherwise consent to the employee's request	
<b>Application</b>	In written format, stating the desired working pattern	

As of January 1, 2019, the law differentiates between two forms of part-time work, for which different requirements apply (see overview):

**1. So-called “bridge” part-time work:**

in this case you work part-time for a limited period of time (min. 1 year, max. 5 years) and then return to your previous full-time hours.

**2. Indefinite part-time work:** the working hours specified in your employment contract are changed, and you are at risk of falling into the so-called “part-time trap”.

## Right to work part-time

Employees who have been employed by the same company for more than 6 months and whose employer has more than 15 employees (excluding trainees) have a legal right to work part-time. In the case of bridge part-time work, the company must employ more than 45 employees before the entitlement applies.

## Applying to work part-time

Your request to work part-time must be in writing. In addition, you have to specify the extent to which you want to reduce your working hours (for example 25 hours/week instead of the previous 35 hours/week). You should also specify your desired working pattern (for example Monday to Thursday all day or Monday to Friday from 8 am to 2 pm etc.). As there are different options for submitting your request, it makes sense to seek advice before you submit it.

## What happens after you've submitted your request?

If you wish to assert your right to reduce your hours, you should submit your request to your employer no less than 3 months before your desired start date. Otherwise the start date of your part-time work will be postponed accordingly.



After the employee submits a request, the employer should discuss it with them with the aim of reaching an agreement.

An agreement of part-time working hours would represent the conclusion of this mutually agreed approach.

### **Your employer rejects your request**

If you and your employer cannot reach an amicable solution, there are various options: if your employer does not respond at least 1 month before your desired part-time start date, then you are automatically granted the reduction and working pattern you have requested. Or your employer can reject your request for part-time work (reduction and/or distribution of working hours) in writing for operational reasons. This must happen at least 1 month before the desired part-time start date. Your employer does not have to justify their rejection. Although it is difficult to start a legal dispute with your employer

if you have previously had a healthy employment relationship, you should still consider going to employment court to enforce your entitlement to work part-time. In court proceedings, the employer (and not the employee) must fully prove the operational reasons for rejecting the request.

### **Can I return to my original working hours with no problems?**

This is only possible if you agreed in advance to reduce your working hours for a limited period of time only (bridge part-time work).

If you wish to extend your working hours, you are *only* entitled to be given preference in the event of job vacancies. However, this is subject to certain conditions. Among other things, the employer is free to decide whether they want to fill the vacant position or not.





*Employees are only entitled to a temporary reduction in working hours under certain conditions (see overview). Even if these conditions do not apply (companies with fewer than 45 employees, requested reduction in hours for less than 1 year or more than 5 years), employees can still submit a request to their employer. However, since this is not a request within the meaning of the TzBfG, the employer can freely decide whether to accept or reject the request. If the employer rejects this request, employees can submit a further request which falls within the meaning of the law (indefinite reduction in working hours, different period of time, ...).*

## **Can my employer change my existing part-time agreement?**

Employers can no longer make unilateral changes to agreed reductions in working hours (e.g. 25 instead of 35 hours/week). However, if there is an "overriding operational interest", they can unilaterally change the distribution of working hours over the various days of the week. They must give one month's notice (verbally or in writing).

Further reductions or extensions to your working hours are only possible with your employer's consent.





## 4. “Staying up to date at work”

### Qualifications while on parental leave

Work processes and organisations can change quickly. Employees who are on parental leave can find it especially difficult to keep up with these developments. If you return to your place of work after a year or several years, you may find yourself in a completely different environment with new requirements. For returning workers, this experience is often associated with the fear that they will no longer be able to cope with the demands of their job.

It is therefore very important that parents are given the opportunity to stay in touch with their workplace when on parental leave. This is the only way to find out about changes, refresh their knowledge or gain new specialist knowledge.

**The aim should be to keep in touch with the company and to take part in ongoing training.**

- › Maintain and adapt professional qualifications (participate in general training sessions and possibly also specialist company training measures)
- › Maintain contact with the company (holiday and sick leave cover, and perhaps small projects in order not to lose touch)

Further information is available from the works council, shop stewards or your local office.

# Do you have any questions?

If you have any questions about your legal rights or IG Metall's services, we are happy to help.

✉ [vereinbarkeit@igmetall.de](mailto:vereinbarkeit@igmetall.de)

Compact, detailed advice brochures containing important information are available free of charge at

➔ [igmetall.de/ratundtat](https://www.igmetall.de/ratundtat)

Everything on the topic of combining family and work

➔ [igmetall.de/eltern](https://www.igmetall.de/eltern)

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