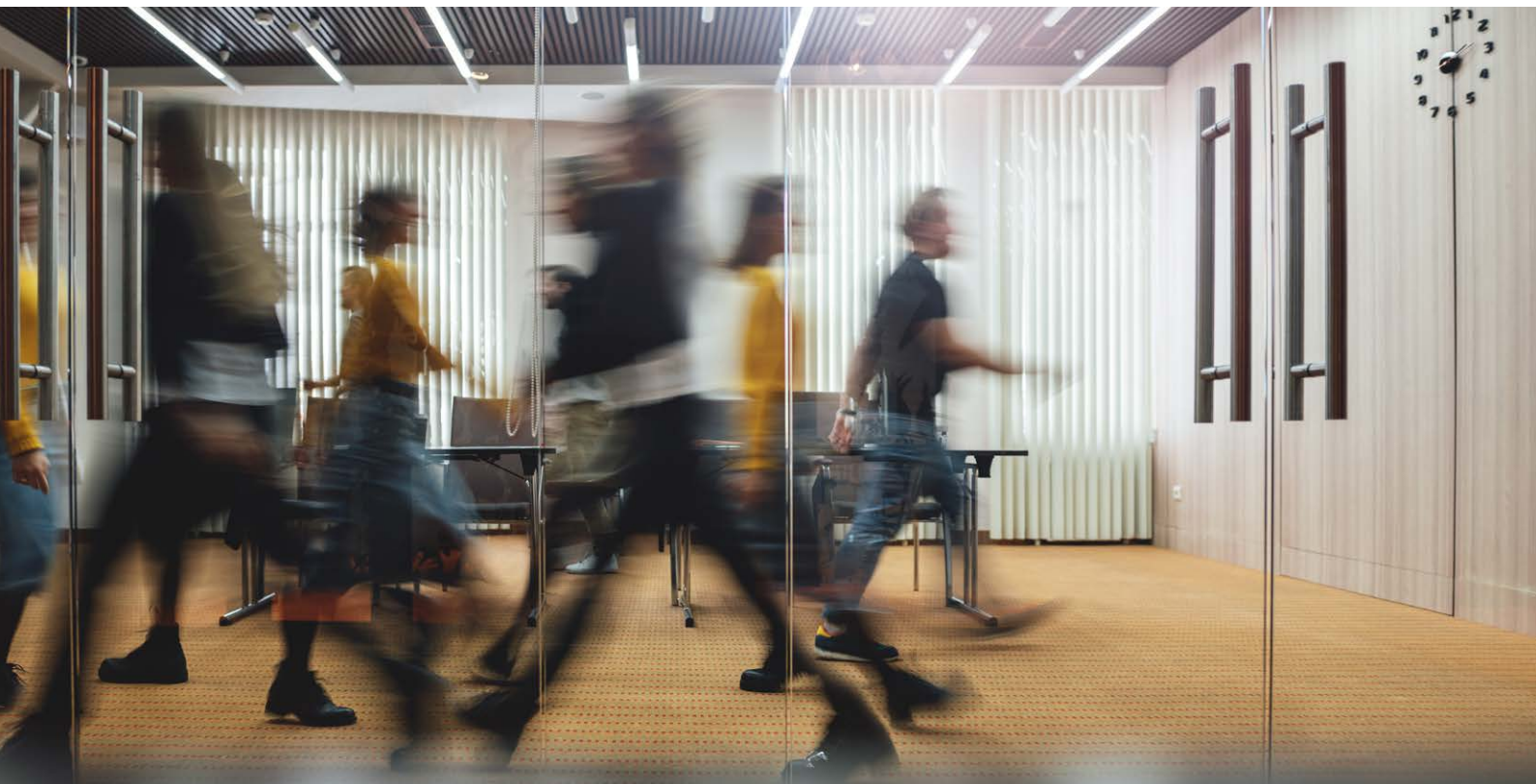


Leave in Germany

Quota and practical arrangements | 2022



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1_Annual leave

Each employee is entitled to a minimum of **20 working days**¹ of paid leave per year based on a five-day week (**statutory vacation**). However, employment contracts in Germany usually grant additional holidays of five to ten further working days per year, thereby bringing the yearly holiday entitlement to an aggregate of 25 to 30 working days (**contractual vacation**).

Severely disabled employees may claim another **five working days** per calendar year (based on a five-day working week) on top of their statutory or contractual vacation.






¹Working days are all calendar days which are neither Sundays nor public holidays at the place of work.

2_Public holidays

Public holidays in Germany depend on the respective federal state:

Public holiday	Baden-Württemberg	Bavaria ²	Berlin	Brandenburg	Bremen	Hamburg	Hesse
New Year (1 January)							
Epiphany (6 January)							
International Women's Day (8 March)							
Good Friday							
Easter Monday							
Labour Day (1 May)							
Ascension Day							
Whit Monday							
Corpus Christi							
Assumption Day (15 August)							
Day of German Unity (3 October)							
Reformation Day (31 October)							
All Saints' Day (1 November)							
Repentance Day							
Christmas Day (25 December)							
2nd Day of Christmas (26 December)							

2_ Please note that in the city of Augsburg, 8 August (Festival of Peace) is also a public holiday.

-  National public holiday
-  Regional public holiday
-  No public holiday in this federal state

3_Extraordinary leave

Extraordinary leave is not regulated by law and there is no general legal entitlement for employees to paid or unpaid extraordinary leave. It must be agreed on an individual or collective basis.

If there is a works council: Please note that the works council's right of co-determination includes general principles with regard to unpaid extraordinary leave if it is to be granted in direct connection with the paid leave.

In contrast, employees are entitled to continued payment of remuneration if he or she through no fault of their own is prevented from performing work for a "relatively insignificant period of time" for a reason attributable to the employee subject to restrictions/exclusions by individual or collective agreement). This is the case with very special, in principle, unique events; for example, death and funeral of close family members or other persons living in the same household, birth of a child or marriage. The length of such extraordinary leave shall be determined on a case-by-case basis; however, according to case law, a period of only a few days will usually be regarded as a relatively insignificant time.





4_Maternity leave

Length of time off	Six weeks prior to birth which may be extended in case of a work ban in certain types of work or a medically certified individual prohibition	8 to 12 weeks (in the case of medically premature and multiple births or, on application, a child's disability) after birth which may be extended in case of premature deliveries
Necessity of employer's consent	No. However, the employee is allowed to continue to work at own request	No. An absolute ban on work applies, even if the employee is willing to perform work; however, exceptions apply only in the event of stillbirth
Protection against dismissal	Special protection against dismissal during pregnancy until four months after the pregnancy ended <ul style="list-style-type: none"> – Dismissal is only possible with the prior approval of the Office for Occupational Safety (<i>Amt für Arbeitnehmerschutz</i>). Approval usually will be granted as long as the ground for the dismissal does not conflict with the pregnancy. – Preparatory measures for a dismissal which is pronounced after the maternity protection period has ended will lead to an unlawful dismissal. – Prohibition of dismissal only applies if the employer is aware of the pregnancy, or miscarriage after the 12th week of pregnancy, or childbirth at the time of the dismissal or upon being informed by the employee within two weeks of receiving notice of dismissal. – Taking parental leave immediately after the birth of the child results in an extension of the special protection period from dismissal until the end of the registered parental leave. 	



Pay level	<p>Maternity allowance (<i>Mutterschaftsgeld</i>) and maternity allowance supplement (<i>Arbeitgeberzuschuss</i>)</p> <p>During the maternity protection period and at the day of childbirth, employees are entitled to maternity benefits which essentially replace their full pay before pregnancy:</p> <ul style="list-style-type: none"> – Women who are insured with the statutory health insurance: Maternity allowance of up to EUR 13 per calendar day from their health insurance. – Women who are not insured under the statutory health insurance scheme, but who are in an employment relationship at the start of the maternity protection period: Maternity allowance of up to EUR 210 at the expense of the Federal Government upon application. – Employed women receive a contribution from the employer in addition to the maternity allowance: Difference between EUR 13 and the average remuneration per calendar day of the last three calendar months before the protection period. An average monthly pay of minimum EUR 390 is required in order to receive the employer's supplement. <p>Please note that special provisions in the event of renewed pregnancy during parental leave may apply.</p> <p>Maternity Protection Wage (<i>Mutterschutzlohn</i>):</p> <p>Outside the maternity protection periods, pregnant employees are entitled to continued pay if the employer is no longer allowed to employ the employee due to an employment prohibition. The Maternity Protection Wage amounts to the average wage of the last three calendar months before the pregnancy.</p>
States fund	<p>Maternity benefits are fully funded by the State. They are paid by the health insurance or the Federal Office for Social Security and the employer (who will receive full reimbursement by the health insurance).</p> <p>For this purpose, employers participate in a general apportionment procedure (<i>Umlageverfahren</i>) of the health insurance funds (so-called U2 procedure). Both the employer's contributions to maternity benefits and the remuneration paid as maternity protection wages in the case of employment prohibitions are reimbursed in full.</p>

5_Parental leave

Parental leave gives both parents the right to unpaid leave to take care of the child after giving birth/adoption.

Length of time off

Maximum of **three years**.

It shall be taken until the **third birthday of a child** and may be **split in up to three periods**. Furthermore, employees are allowed to **“save” up to 24 months**, which can be taken between the third and the eighth birthday of a child.

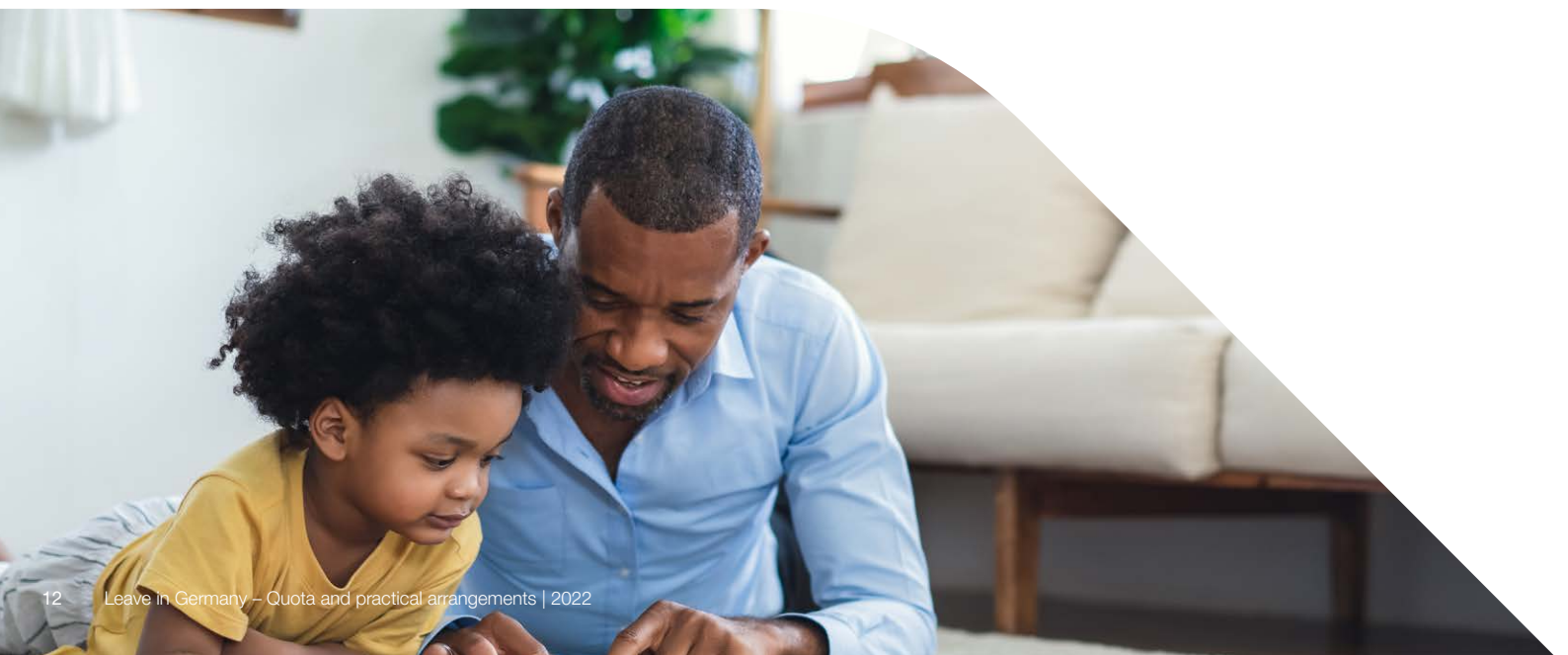


Necessity of employer's consent	No. Employer's consent is only required in case of shortening, extending or splitting the parental leave in more than three periods.	
Employer's information	<ul style="list-style-type: none"> – Notification in writing at least seven weeks before the planned leave (a few exceptions apply) when taking parental leave between birth and the third birthday of a child. Notification must state the length of parental leave during the next two years. – Notification in writing at least 13 weeks in advance when taking parental leave between the third and the completion of the child's eighth year. – Denial of parental leave is only possible in exceptional cases within eight weeks if this is either the third or a later leave period. 	
Protection against dismissal	<p>Employees on parental leave enjoy special protection from dismissal, starting from:</p> <ul style="list-style-type: none"> – the registration of parental leave, at the earliest eight weeks before the start of parental leave when taking parental leave between birth and the third birthday of a child; and – at the earliest 14 weeks before the start of parental leave when taking parental leave between the third birthday and the completion of the child's eighth year. 	Protection against dismissal ends with end of the parental leave.
	A dismissal is only possible in exceptional cases with the prior approval of the Office for Occupational Safety (<i>Amt für Arbeitnehmerschutz</i>).	
Pay level	<p>Basic Parental Allowance (<i>Basiselterngeld</i>):</p> <ul style="list-style-type: none"> – Available up to 14 months after birth and paid either to the father or the mother who takes parental leave. – 65% of the net income of the parent before giving birth which will no longer be received afterwards (low-income earners receive a higher percentage of their income). – Minimum amount of EUR 300/maximum amount of EUR 1,800. <p>Parental Allowance Plus (<i>ElterngeldPlus</i>)</p> <ul style="list-style-type: none"> – Available up to the age of 32 months. – Calculated as per the Basic Parental Allowance, but capped at maximum half of the Basic Parental Allowance's sum. – Minimum amount of EUR 150/maximum amount of EUR 900. <p>Basic Parental Allowance and Parental Allowance Plus can be combined.</p>	
State's funding	Parental benefits are fully funded and paid out by the State.	

6_Part-time parental leave

The employee does not need to stop working altogether, but is entitled to work part time and to redistribute his/her working time while still receiving parental benefits.

Necessity of employer's consent	No, if the following conditions are met: <ul style="list-style-type: none">– 15-32 working hours per week on average for more than 2 months;– 6 months' length of service for the employer without interruption;– More than 15 employees employed with the employer (excluding trainees and persons in occupational training); and– No compelling urgent business reasons.
Employer's information	Please see deadline for registering parental leave. Notification must include the beginning, scope and split of working hours amongst the individual working days.
Protection against dismissal	Yes, same protection as for full-time parental leave applies.
Pay level	Basic Parental Allowance and Parental Allowance Plus Partnership Bonus: up to 4 additional months of Parental Allowance Plus if both parents work part-time, each at least 24 hours and no more than 32 hours per week.
State's funding	Parental benefits are fully funded and paid out by the State.



7_Childcare leave

Employees who have to stay away from work to supervise, look after or care for their sick child under the age of 12 (or above if the child has a disability) while another person living in their household cannot supervise the child are entitled to unpaid leave from work; this applies regardless of whether the employee is insured with the statutory health insurance or not.

Length of time-off	10 days per parent per child (until 23 September 2022: 30 days), 25 days per parent maximum Single parents have an entitlement of 20 days per child, 50 days max.
Pay level	Child sickness pay (<i>Kinderkrankengeld</i>) for employees with public health insurance: <ul style="list-style-type: none">– 90% of the person's lost net wage.– If the employee has received a one-off payment that is subject to contributions (Christmas bonus, holiday bonus or similar) in the last 12 months before taking child leave, the child sick pay is 100% of their lost net wage.– The amount granted per day may not exceed 70% of the daily contribution assessment limit for public health insurance (currently EUR 112.88 maximum per day of absence). Employees with private health insurance or with a child insured privately can apply for compensation under Article 56(1a) of the Infection Protection Act.
State's fund	Child sick pay is fully funded and paid out by the State.



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