



**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 the various benefits (expectant) parents are entitled to. IG Metall offers its members support in all situations. IG Metall's local offices provide information and advice. For their addresses and contact details, go to **www.igmetall.de/vor-ort**.

In recent years, the regulations on parental leave, parental allowance, maternity leave and working part-time have been reformed several times. This brochure is based on the currently valid legal regulations in the Federal Parental Allowance and Parental Leave Act (BEEG), the Maternity Protection Act (MuSchG) and the Part-Time and Temporary Employment Act (TzBfG) (as of 1 August 2024).

An audio guide (in German) on the topics of parental leave,



parental allowance, re-entry after the parental leave and working part-time – exclusively for IG Metall members – is available at **www.igmetall.de/eltern**.



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



1. Maternity Protection Act (MuSchG)

Maternity leave consists of a comprehensive range of early measures designed to ensure the health of mother and child and to support the 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. The expected date of birth is calculated and stated on your maternity certificate or midwife's certificate and is used as the basis for calculating the 6-week mandatory maternity leave prior to the birth.

Mandatory maternity leave

The mandatory maternity leave 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). As a matter of principle, expectant mothers are prohibited from working during the last 6 weeks before the child is born. They may only continue to work if they expressly wish to do so, subject to revocation at any time. After the birth of the child, working is prohibited 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 that neither the employee nor the employer can circumvent.

Maternity allowance

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

Instead of daily maternity allowance, privately insured expectant employees receive a one-off payment of EUR 210 for the entire period from the Federal Office for Social Security. 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 remuneration. Your average daily net remuneration is based on your earnings in the last 3 calendar months or the last 13 weeks before the start of the mandatory maternity leave. To calculate the average daily net remuneration, your total net income for the past 3 months is divided by 90.

Employees in marginal employment (mini-jobs) and maternity leave

In terms of labour law, employees in mini-jobs are equal to their full-time colleagues. In many cases, however, they are denied statutory rights or rights under collective labour agreements.

Employees in mini-jobs often do not have their own statutory health insurance, but are covered by family insurance via their spouse. Therefore, like privately insured persons, they receive a maternity allowance amounting to a maximum of EUR 210 for the duration of the mandatory maternity leave from the Federal Office for Social Security Office, provided that the following conditions are met:

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

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



Application for maternity allowance and employer's contribution

Expectant employees with statutory health insurance need to apply for the maternity allowance through their health insurance. Persons with private health insurance or those employed in mini-jobs who are covered by family statutory health insurance need to apply to the Federal Office for Social Security in Bonn to get the maternity allowance of a maximum of EUR 210. For information and application forms, go to **www.bundesamtsozialesicherung.de** → Service.

The employer's contribution to maternity allowance must be requested from the employer.

Maternity leave and holiday entitlement

Under maternity leave legislation, mandatory time off is considered to be employment 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 use it after the end of the mandatory leave in the current or following holiday year. If the mandatory maternity leave is followed by parental leave, the remaining holiday entitlement must be granted after the parental leave in the current or following holiday year.

Maternity leave and special allowances

If, for a specific reason or on specific dates, the employer pays benefits in addition to the regular remuneration (e.g. Christmas or holiday pay), employees subject to the ban on working are also entitled to these as well.

Occupational health and safety

The Maternity Protection Act takes measures to protect the health of pregnant women, nursing mothers and the unborn child. For example, this includes a ban on working from 8 p.m. to 6 a.m. and entitlement to exemption from the obligation to work until the child's first birthday

for the purpose of breastfeeding. When notified of the pregnancy, the employer shall check the workplace for hazards and eliminate these if necessary.

Protection against dismissal

From the beginning of the pregnancy until 4 months after the birth of the child or a miscarriage after the 12th week of pregnancy, dismissal of the expectant mother is not permitted. However, this only applies if the employer was aware of the pregnancy when giving notice of dismissal or if the employer was informed of the pregnancy within 2 weeks of the receipt of the notice of dismissal. Dismissal is prohibited only if the employer was definitely aware of the pregnancy. In this case, dismissal is only possible in certain exceptional cases. To do so, the employer, before issuing the notice of dismissal, needs to request the highest state authority responsible for occupational health and safety or the authority designated by it to declare the intended dismissal to be permissible (see Section 9 (3) MuSchG). Notice of dismissal given without the

required permission 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 if there is no longer any possibility of continued employment because the business is permanently closing down or the employer's going concern would be jeopardised. Moreover, serious, repeated breaches of obligations that are not related to the pregnancy can also justify a dismissal. The expectant woman can challenge the state authority's notice of permissibility of the dismissal.

Anyone who is dismissed despite being pregnant should file a complaint with the labour court within 3 weeks of receiving the notice of dismissal in order to have the validity of the dismissal checked. Please consult your local IG Metall office.

Pregnancy and childbirth in temporary employment

If the employee has an employment contract with a lawfully fixed term, the employment will end at the end of the term even if the employee is pregnant.

In a few exceptional cases, the employee may have the right to continued employment.

For example, this may be the case if comparable employment contracts are renewed, but only that of the respective employee is not, or the company normally (regularly) renews temporary contracts.



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

2. Federal Parental Allowance and Parental Leave Act (BEEG)

There are fundamental differences between parental leave and parental allowance. Parental allowance is an income replacement benefit under social law, which must be requested from the responsible parental allowance office. Parental leave is a right to temporary exemption or partial exemption from work under labour law, which must be requested from the employer.

a) Parental leave

All employees look after a child living in the same household can request parental leave from their employer.

In addition, in certain exceptional cases, people other than the biological parents, e.g. relatives, especially the grandparents, may be eligible for parental leave.

When on parental leave, gainful employment on a full-time basis is not permitted. However, part-time employment of up to 32 hours a week on monthly average is permitted.



Audio information (in German) on parental leave – exclusively for members – is available at www.igmetall.de/eltern.

Duration of parental leave

As a matter of principle, parental leave can extend for 3 years until the child's 3rd birthday. However, 24 months of the parental leave entitlement can be carried over and be used until the child's 8th birthday.

This is not subject to the employer's approval. This can help parents react to situations later in their child's life, e.g. when their child starts school. Part of the parental leave can be carried over until the child's 8th birthday even if periods overlap due to births in quick succession or multiple births. Ultimately, taking parental leave is an individual right, i.e. each parent may use a maximum of 3 years.

Scheduling the parental leave

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

Parents can spread their parental leave over 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 approval. It should also be noted that parents must make a binding commitment for the first 2 years of their parental leave entitlement (see also below). For example, if the mother states that she wants to take 18 months of parental leave, this represents a commitment for the first 2 years of her child's life. To extend her leave while her child is aged 18 months to 24 months, she will need her employer's approval. 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 need your employer's approval. Furthermore, do not need your employer's approval 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 request for urgent operational reasons.

In order to claim parental leave, the respective parent must duly submit their declaration to their employer, at the latest 7 weeks before the parental leave is due to start. The declaration must state the desire to take parental leave and specify the periods within the first 2 years when the parental leave will be taken. The employer should then confirm the parental leave.



***Please note:** If parental leave is to be taken after the child's 3rd birthday, it must be requested 13 weeks in advance.*

Early termination or extension of the parental leave

As a matter of principle, parental leave can only be terminated prematurely or be extended with the employer's approval. The timing of the parental leave should be scheduled carefully before requesting it from the employer. Once the request has been made, it is binding for the first 2 years. If the entire 2-year period is not requested immediately, any extension is subject to the employer's approval.

In such cases, employers cannot decide solely on the basis of their own preferences. Rather, they need to weigh up the interests at their reasonable discretion.

IG Metall members can download forms for requesting parental leave from www.igmetall.de/eltern.

If both parents have divided the parental leave between themselves, 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 2-year period does not require the employer's approval. Opinions differ on this point, however, with some assuming that employers can reject such requests. If that happens to you, be sure to seek legal advice from your local IG Metall office immediately.

Requests for taking parental leave after the child's 2nd birthday must be received in writing by the employer no later than 7 weeks before the start date.

Birth of another child during parental leave

If another child is born during parental leave, the current period of parental leave does not automatically end. The original parental leave is

not affected. The parental leave for the first child is followed by the parental leave for the second child.

However, if another child is born during parental leave, premature termination of the parental leave can be requested. The employer can only reject the request for urgent operational reasons and must do so in writing within 4 weeks. The same applies to the premature termination of parental leave in special hardship cases (e.g. serious illness, severe disability or death of a parent or child or if the parents' economic circumstances are extremely difficult).

However, mothers may terminate their parental leave prematurely even without the consent of their employer if this is due to the newly commencing maternity leave for another child. They merely need to notify the employer of the termination of the parental leave in due time (Section 16 (3) BEEG new version). This is financially attractive in view of the maternity allowance paid by the health insurance and the employer's contribution for the duration of the maternity leave.

Parental leave and holiday entitlement

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



Important: *The reduction does not take place automatically, but must be declared by the employer. The employer must grant any remaining holiday entitlement after the parental leave in the current or following holiday year. The holiday entitlement is automatically carried over.*

Any holidays taken immediately after the maternity leave count towards the parental leave (Section 16 (1) sentence 5 BEEG).

If another child is born and the first parental leave is followed directly by the second, the carry-over period is extended. The remaining holiday entitlement carried over can be taken in the current or following year after the second parental leave has ended.

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

b) Parental allowance and parental allowance plus

Parental allowance was introduced on 1 January 2007, and parental allowance plus on 1 July 2015.

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

Right to parental allowance

If you live in a household with a child, look after and bring up the child yourself and are not gainfully employed on a full-time basis (part-time employment of up to 32 hours a week on monthly average or employment for vocational training is permitted).

Even fathers who are not married can 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 the parental allowance

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

Basic parental allowance

Parents (couples as well as 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 a week on monthly average or stops working entirely for 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

As a matter of 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 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 work 24 to 32 hours a week on monthly average for 2 to 4 months, they are also entitled to the



Please note: A new regulation applies to parents of children born on or after 1 April 2024. Simultaneous receipt of basic parental allowance is only possible for a maximum of one month within the first 12 months of life. Parallel receipt of basic parental allowance and parental allowance plus is possible even for periods of more than one month. Exceptions to this rule apply to parents of children born prematurely (at least 6 weeks), parents of multiples, parents of children with disabilities or siblings with disabilities.

Examples of possible combinations

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



The parental allowance calculator on www.infotool-familie.de shows you possible combinations and how much parental allowance would be paid.

partnership bonus. In this case, they will both receive benefits for another 2 to 4 months. The calculation is the same as for the parental allowance plus.

Single parents also receive these additional months under the same conditions.

Amount of the allowance

EUR 300 and a maximum of EUR 1,800. Parents whose net income EUR 1,000 to 1,200 receive 67 percent of the lump-sum net parental allowance of the last 12 months before the month the child was born (so-called assessment period). For net income of EUR 1,200 to 1,240, the basic parental allowance is progressively reduced from 67 to 65 percent.

For income 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 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, the parental allowance also increases if siblings live in the same household. If another child under the age of 3, two or more children under the age of 6 or a disabled child under the age of 14 (degree of disability at least 20 percent), 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 every additional child increases by EUR 300 for each child. If parental allowance plus is opted for, both the sibling bonus and the multiple birth supplement are halved.

For parents of children born after 1 April 2024, a new income limit applies. Single parents may not have an annual taxable income of more than EUR 150,000. For couples, the limit will initially be no more than EUR 200,000 in joint taxable income.



From 1 April 2025, the limit will be EUR 175,000. If they exceed this amount, they will not receive parental allowance.

Calculating the 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 applies even if the applicant has not worked continuously.

The following are not counted towards the calculation

- 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).

Instead of these months, earlier months are used. In these cases, the parental allowance is not reduced.

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 part-time work is done while receiving it, the parental allowance plus is reduced because it is offset against the income from the part-time work.

The monthly net income that can be taken into consideration does not correspond to the net income on the payslip, but is calculated on a lump-sum basis. Thus, the parental allowance office calculates the amount of the parental allowance from a "fictitious" net salary. The employee's payslips and the gross monthly salary stated there forms the basis.

One-off benefits paid to the employee, such as Christmas and holiday bonuses, are not taken into consideration.



Premature births

If a child is born prematurely, parents are entitled to the basic parental allowance for a longer period. If the child is born at least 6 weeks earlier than the projected date of birth, parents receive the basic parental allowance for an extra month. If the child is born at least 8 weeks too early, parents receive an extra 2 months. If the child is born at least 12 weeks too early, parents receive an extra 3 months. If the child is born at least 16 weeks too early, parents receive an extra 4 months.

Change of the 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 the 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 mandatory maternity leave). Therefore, you need to change the 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 the tax bracket as early as possible, possibly even before pregnancy.

Consideration of income

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

Parental allowance for low earners

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

Offsetting of maternity allowance

The maternity allowance (including the employer's contribution) is offset against the mother's parental allowance, exact to the day. The one-off maternity allowance of EUR 210 paid by the Federal Office for Social Security is not offset.



Please note: A month in which maternity allowance is received is calculated as a month in which parental allowance is received. In this case, the maximum period of entitlement (including parental allowance plus) for couples or single parents is 2 months of basic parental allowance, which are considered to be received during the mandatory maternity leave, and 24 months of parental allowance plus.

Offsetting of other payments

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

If citizen's benefit (*Bürgergeld*), social security benefits or child supplements are paid, the entire parental allowance is always offset as income.

For parents who work part-time and receive parental allowance, a new regulation exists since 1 September 2021: The amount of parental allowance does not change if they 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 offset.

Application

Parental allowance must be applied for in time. The allowance will only be paid retrospectively for the last 3 months before the beginning of the month in which the application was received by the parental allowance office.

An increasing number of federal states enable digital applications via **www.elterngeld-digital.de**. Where this is not possible, the application for parental allowance must be submitted to the responsible parental allowance office, which can be found at **www.familienportal.de**.

c) Working part-time during parental leave

While on parental leave, each parent may work up to a maximum of 32 hours a week on monthly average.

If both parents are on parental leave at the same time, both can work for up to 32 hours a week on monthly average. This means that mothers and fathers are 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 no agreement can be reached with the employer within 4 weeks of the submission of the application for parental part-time work, an enforceable right to reduce the working hours during the parental leave may exist under certain conditions.

The conditions 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.

- › The working hours are reduced by 15 to 30 hours a week on 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).

Certain deadlines exist for the submission of the application to the employer. Before the child's 3rd birthday, the request must be submitted at least 7 weeks before the desired start of the parental part-time work. Between the child's 3rd and 8th birthdays, the deadline is 13 weeks before the desired start date. If the request is not submitted by these deadlines, the employer cannot reject it for this reason. However, the start date of the part-time work will be postponed accordingly.

IG Metall members can download forms to apply for part-time from www.igmetall.de/eltern.

Parental allowance when working part-time

Part-time work of up to 32 hours a week on monthly average does not prevent the entitlement to parental allowance.

However, the income from part-time employment is taken into consideration when calculating the parental allowance, meaning that only a partial parental allowance will be paid.

What to include in the request to work part-time

The request to reduce working hours during parental leave does not need to be substantiated. However, the extent to which the working hours are to be reduced must be stated (e.g. 25 hours/week instead of the previous 35 hours/week).

Before submitting the request, it makes sense to seek advice, e.g. from the local IG Metall office. In many cases, it is also recommended to specify the desired working pattern (e.g. Monday to Thursday all day or Monday to Friday from 8 a.m. to 2 p.m. etc.).

Rejection of the request

In the cases outlined above, the employer can refuse the request to reduce working hours while on parental leave. For example, this might happen if there are “urgent operational reasons” that conflict with the parent’s wish to work part-time. If the applicant wishes to take parental leave but depends on part-time work for financial reasons, the parental leave should only be taken on the condition that part-time work is permitted at the same time. If no agreement can be reached with the employer regarding the request for part-time work, and the employer has rejected the request in writing and in a timely manner (i.e. within 4 weeks until the child’s 3rd birthday and within 8 weeks between the child’s 3rd and 8th birth-days), specifying the reason, the last resort is to go to a labour court. Here, the full burden of proof with regard to the reasons for rejecting the request for part-time work lies with the employer. If, on the other hand,

the employer does not respond to the request to work part-time while on parental leave by these deadlines, the working hours are automatically reduced to the extent requested. The same applies to the requested working pattern.

Employment after the parental leave

Unless the employee terminated the employment during the parental leave, it is fully revived when the parental leave ends. The employer must employ the employee again in accordance with the contractual conditions. However, the employee cannot demand the old job unless this was expressly agreed. Under certain circumstances, the employer can assign employees to a different, but equivalent, job.

Parental leave – working part-time and protection against dismissal

The employer cannot terminate the employment during the parental leave and from the date on which parental leave is requested.

However, protection against dismissal applies only

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

As a matter of principle, this also applies during part-time parental leave.

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

In exceptional cases, a notice of dismissal can be declared permissible 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

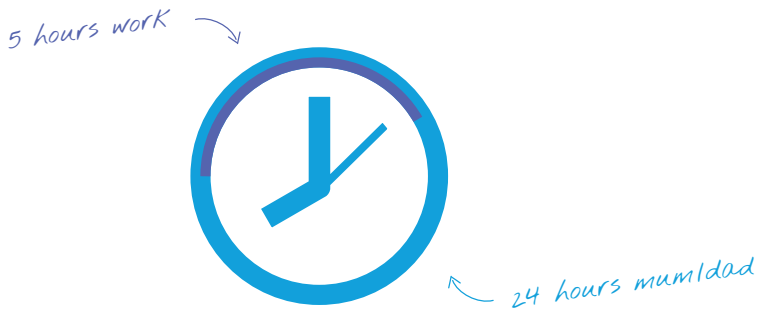
During parental leave, it is also possible to work for another employer for up to 32 hours per week on monthly average. In this case, the other employer is a secondary employer.

Employees who want to work part-time for another employer while on parental leave from the primary employer need the approval of their employer, unless the secondary employment already existed before the birth of the child and is merely continued.

The employer can only refuse his approval of part-time work for another employer for urgent operational reasons and needs to do so within 4 weeks.

Protection against dismissal by another employer

The special protection against dismissal pursuant to BEEG does not apply to other employers from whom no parental leave is taken.



3. Right to work part-time pursuant to the Part-Time and Temporary Employment Act (TzBfG)

The part-time work can continue even after the parental leave has ended. In this case, the request to work part-time is based on the applicable part-time and temporary employment legislation. Since 1 January 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.

Part Time and Temporary Employment Act (TzBfG)

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

temporary employment. 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 mini-jobs).

Comparison: Bridge part-time work – Indefinite part-time work

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

	Bridge part-time work	Indefinite part-time work
Entitlement in companies	... with more than 45 employees In companies with 46 to 200 employees, only one in 15 is entitled	... with more than 15 employees
Duration of part-time work	1 – 5 years	Indefinite
Can be rejected for	operational reasons; seniority of less than 6 months	
Further reductions	During bridge part-time work, the employee cannot further reduce the working hours	After 2 years
Extension of working hours	Employees do not need to be given priority if they wish to extend	Employees must be given priority if they wish to extend
Renewed request (after rejection by the employer or return to previous working hours)	After 1 year	After 2 years
Deadlines	The request must be submitted no later than 3 months in advance The employer must respond no later than 1 month before the desired start date; otherwise, the employee's request will be deemed approved	
Application	In text form, specifying the desired working pattern	

As of 1 January 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 model, working hours are only reduced for a certain period (min. 1 year, max. 5 years), after which employees automatically return to their previous working hours.

2. Indefinite reduction of working hours:

The working hours specified in the employment contract are changed, resulting in the risk of falling into the so-called part-time trap.

Right to work part-time

Employees who have been employed with 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, employees are entitled if the company has more than 45 employees.

Applying for part-time work

The request to work part-time must be made in writing. In addition, the desired reduction of working hours must be specified (e.g. 25 hours/week instead of the previous 35 hours/week). The desired working pattern should be specified as well (e.g. Monday to Thursday all day or Monday to Friday from 8 a.m. to 2 p.m. etc.). As there are different options for submitting the request, it makes sense to seek advice before submitting it.

What happens after submitting the request?

The request to reduce working hours must be submitted to the employer no later than 3 months before the desired start of the part-time work. Otherwise, the start date of the part-time work will be postponed accordingly.



After the employee submits a request for part-time work, the employer should discuss it with them with the aim of reaching an agreement.

If successful, this approach culminates in the conclusion of a part-time agreement.

Rejection of the request by the employer

If the employee and employer cannot reach an amicable solution, there are various options: If the employer does not respond no later than 1 month before the desired start of the part-time work, the requested reduction and working pattern automatically enter into force. The employer may reject the request for part-time work (reduction and/or working pattern) in writing for operational reasons. This must happen no later than 1 month before the desired reduction of working hour. The employer does not need to justify the rejection.

Though it is difficult to start a legal dispute with the employer if the employment relationship was previously good, it would still be worthwhile considering the enforcement of the right to work part-time through a labour court. In court proceedings, the employer would have to fully prove the operational reasons for rejecting the request.

Can I easily return to my original working hours?

This is only possible if a temporary reduction of the working hours was agreed (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 of 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 is free to 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 of working hours, different time period, ...).

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. For this, they must give one month’s notice (orally or in writing).

Further reductions or extensions to the working hours are only possible with the employer’s consent.





4. “Stay connected to your work”

Qualification 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 they return to their place of work after one or several years, they may find themselves in a completely different environment with new requirements. For returners, 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 the local office.



*Audio information (in German) on the
re-entry after parental
leave is available
to IG Metall members at
www.igmetall.de/eltern.*



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**

Everything on the topic of harmonising family and work

➦ **www.igmetall.de/eltern**

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work "or" family.

