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Part-Time Entitlements in Employment Relationships

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Introduction and Content

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Outline

Part-Time Employment Relationships

- Key bases for entitlement
- General right to part-time work, sec. 8 TzBfG
- Transitional part-time work, sec. 9a TzBfG
- Part-time work during parental leave, sec. 15 BEEG
- Care leave, sec. 3 PflegeZG
- Family care leave, sec. 2 FPfZG



Part-Time Employment Relationships

Part-Time Employment Relationships

Key legal bases

Care leave and family care leave, sec. 3 PflegeZG, sec. 2 FPfZG

= reduction of working hours to care for close relatives

Part-time work during parental leave, sec. 15 para. 5–7 BEEG

= reduction of working hours during parental leave



General right to part-time employment, sec. 8 TzBfG

= permanent reduction of contractual working hours

Transitional part-time work, sec. 9a TzBfG

= fixed-term part-time employment followed by the right to return to the original working hours

Part-Time Employment Relationships

General right to permanent part-time employment, sec. 8 TzBfG

1

The employment relationship must have lasted at least 6 months, sec. 8 para. 1 TzBfG

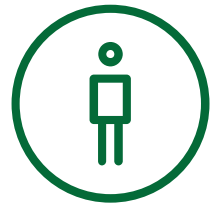
- regardless of the reasons for the application,
- a request may be submitted only after the employment relationship has existed for 6 months, meaning an effective waiting period of 9 months



2

The employer must have at least 15 employees, sec. 8 para. 7 TzBfG

- referring to the contractual employer, not to the business (*Betrieb*)
- calculation is on a per-capita basis, not, for example, based on the scope of employment as in sec. 23 para. 1 sent. 4 KSchG
- including dormant employment relationships and, where applicable, temporary agency workers



3

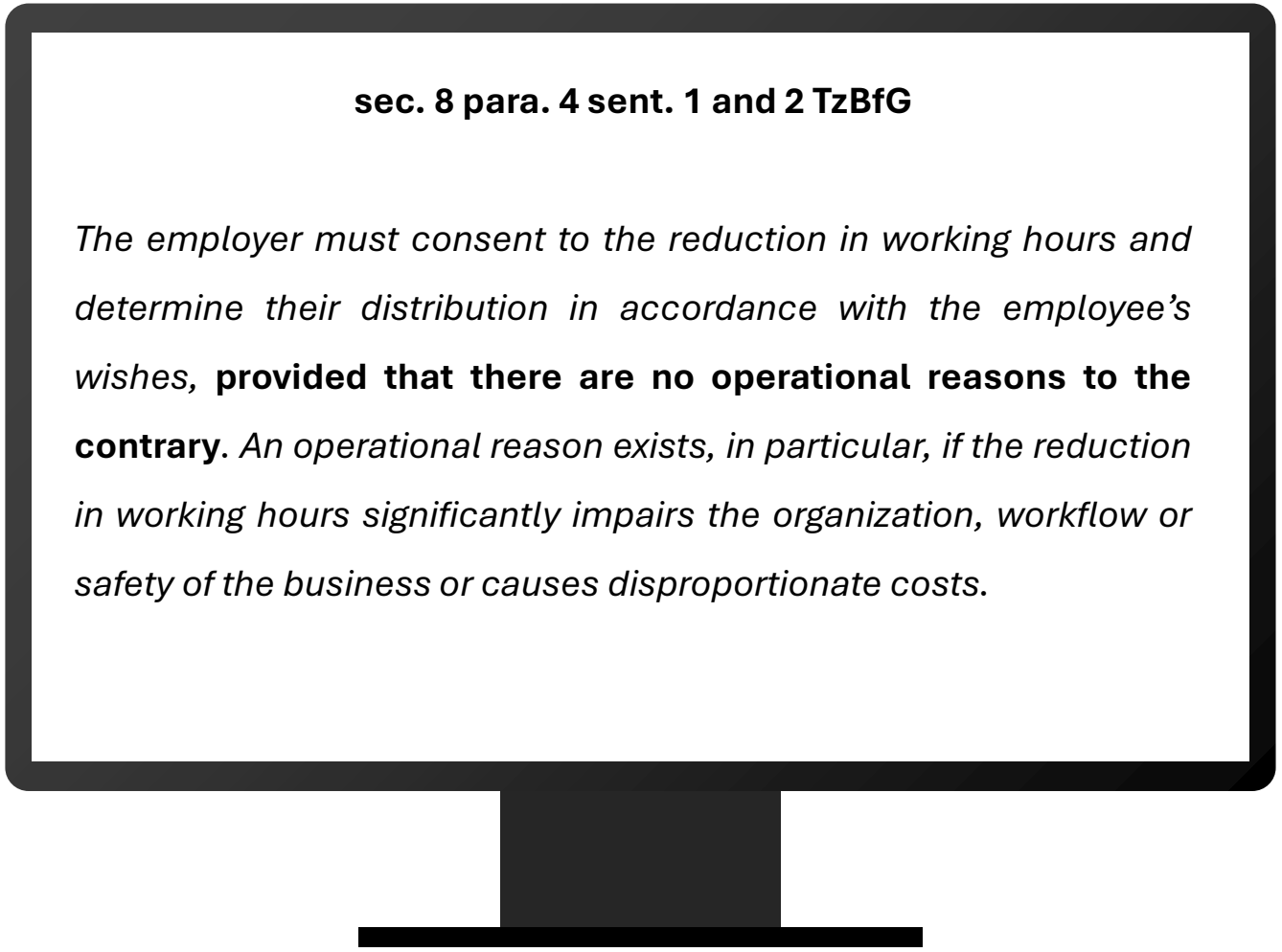
The application must be submitted in writing at least 3 months before the start date, sec. 8 para. 2 TzBfG

- the employee must specify the desired distribution of working hours
- with no minimum level of working hours
- minimum notification period; i.e., the request may also be submitted earlier
- The employer may waive the requirement to meet the deadline



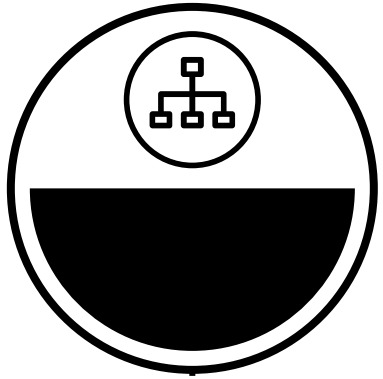
Part-Time Employment Relationships

General right to permanent part-time employment, sec. 8 TzBfG



Part-Time Employment Relationships

General right to permanent part-time employment, sec. 8 TzBfG



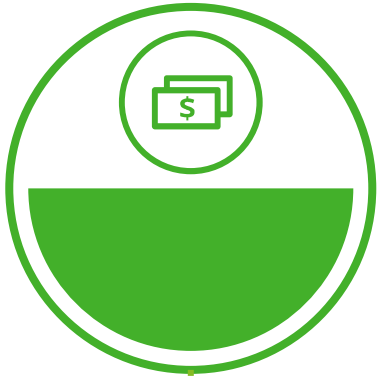
organizational reasons

- The entitlement must fit within the employer's organizational framework
- plausible economic and corporate policy reasons
- reasonable efforts by the employer to create a part-time position



workflow and safety

- technical workflow as distinct from organizational reasons
- examples: travel requirements, necessary machine operating times



disproportionate costs

- The argument must outweigh the financial burden associated with any part-time work
- example: An employment relationship that has previously been profitable becomes economically unviable for the employer

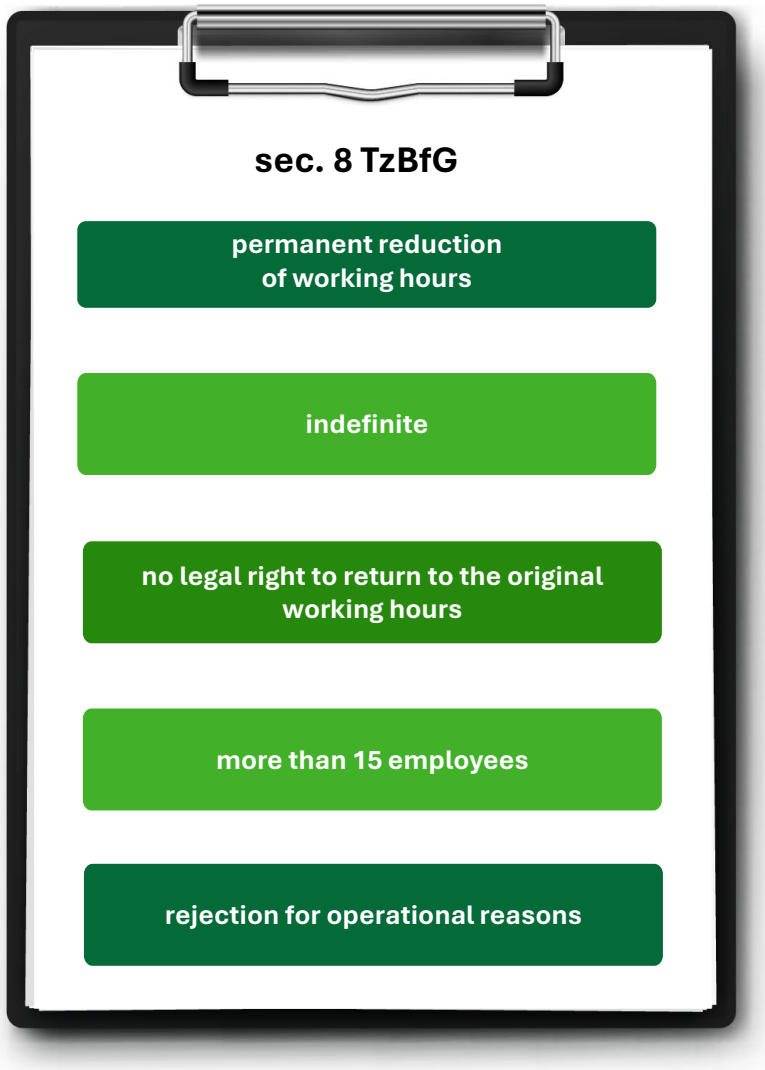


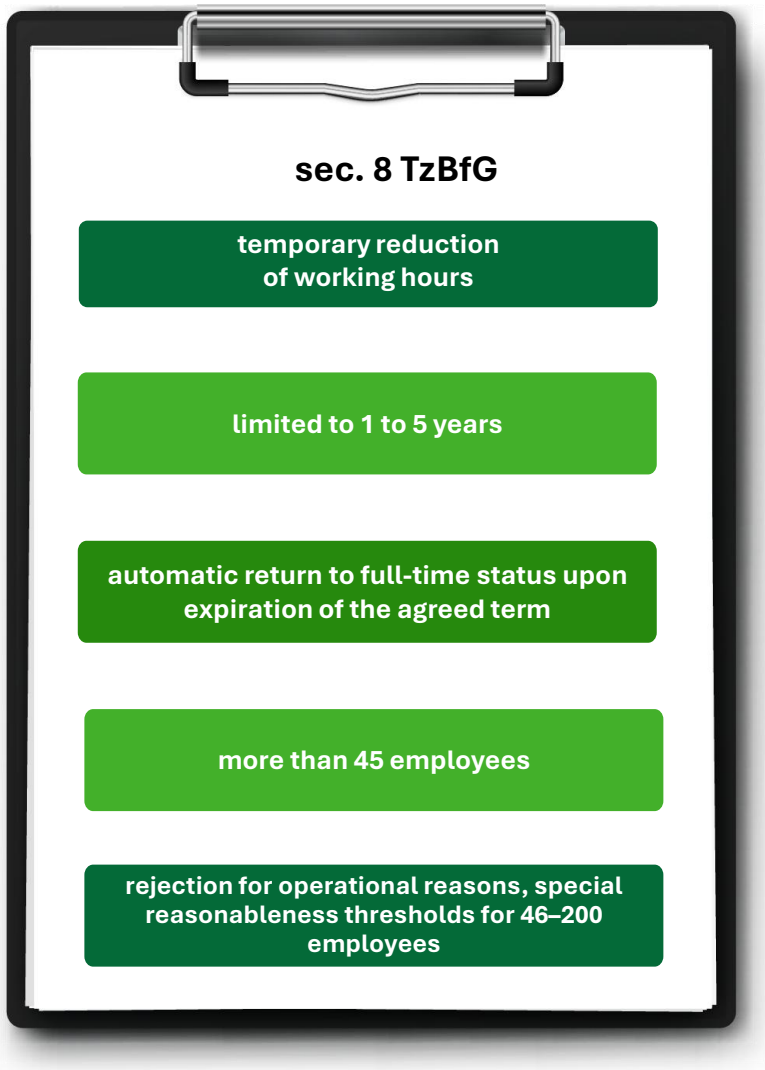
other reasons

- e.g., nature of the employee's work, extent of the reduction, number of requests for part-time work, size of the business and its work schedule model

Part-Time Employment Relationships

Transitional part-time work, sec. 9a TzBfG





Part-Time Employment Relationships

Transitional part-time work, sec. 9a TzBfG

sec. 9a para. 2 sent. 2 TzBfG

An employer who typically employs **more than 45 but no more than 200 employees** *may also* **reject** *an employee's request if, at the time the reduced working hours are to begin, the number of employees is typically*

1. more than 45 but no more than 60 and at least four,
2. more than 60 to 75 and at least five,
3. more than 75 to 90 and at least six,
4. more than 90 to 105 and at least seven,
5. more than 105 to 120 and at least eight,
6. more than 120 to 135 and at least nine,
7. more than 135 to 150 and at least ten,
8. more than 150 to 165 and at least eleven,
9. more than 165 to 180 and at least twelve,
10. more than 180 to 195 and at least 13,
11. more than 195 to 200 and at least 14

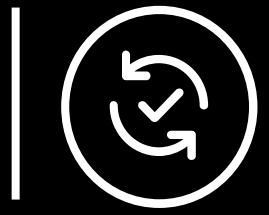
other employees have reduced their working hours in accordance with paragraph 1.

Part-Time Employment Relationships

Transitional part-time work, sec. 9a TzBfG

1

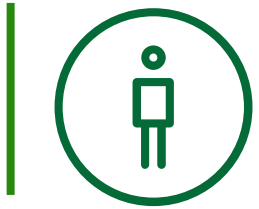
The employment relationship has existed for at least 6 months, sec. 9a para. 1 TzBfG



2

The employer employs at least 45 employees, sec. 9a para. 1 TzBfG

- special reasonableness provisions in sec. 9a para. 2 sent. 2 TzBfG for 46 - 200 employees



3

The request must be submitted in writing at least 3 months before the start date, sec. 9a para. 3, sec. 8 para. 2 TzBfG

- in particular, the period for which working hours are to be reduced
- for at least 1 year, at most 5 years
- The employee must also specify the desired distribution of working hours



Part-Time Employment Relationships

Part-time work during parental leave, sec. 15 BEEG



Part-Time Employment Relationships

Part-time work during parental leave, sec. 15 BEEG

sec. 15 para. 7 BEEG

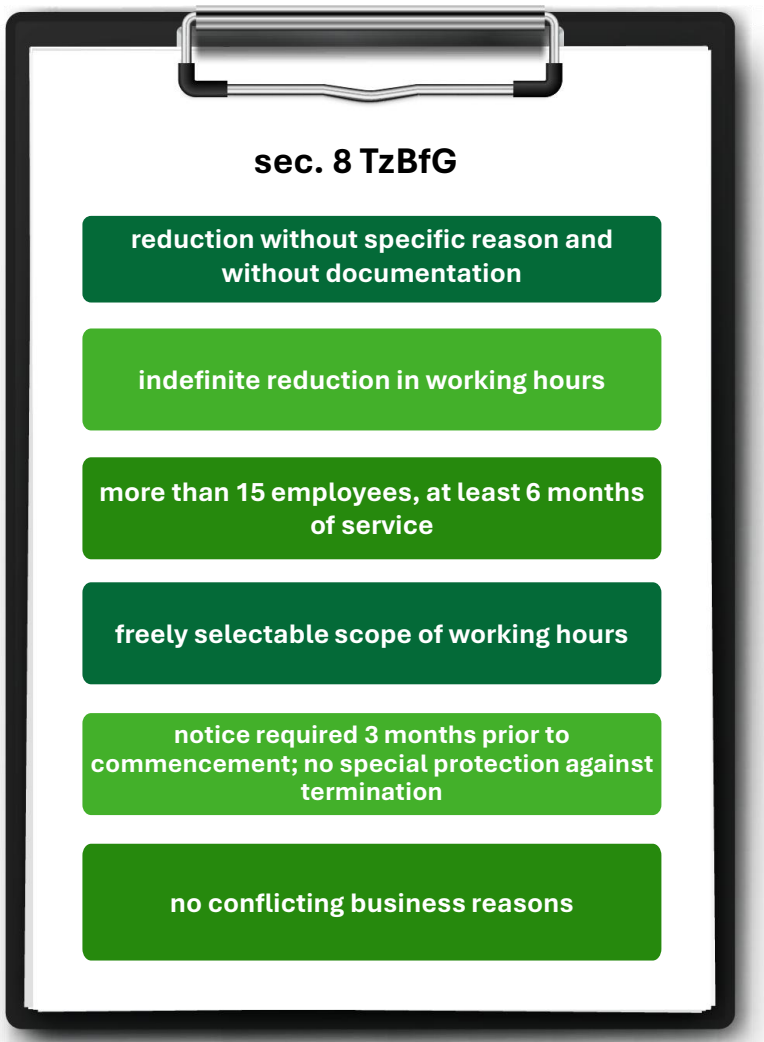
The following conditions apply to the right to a reduction in working hours:

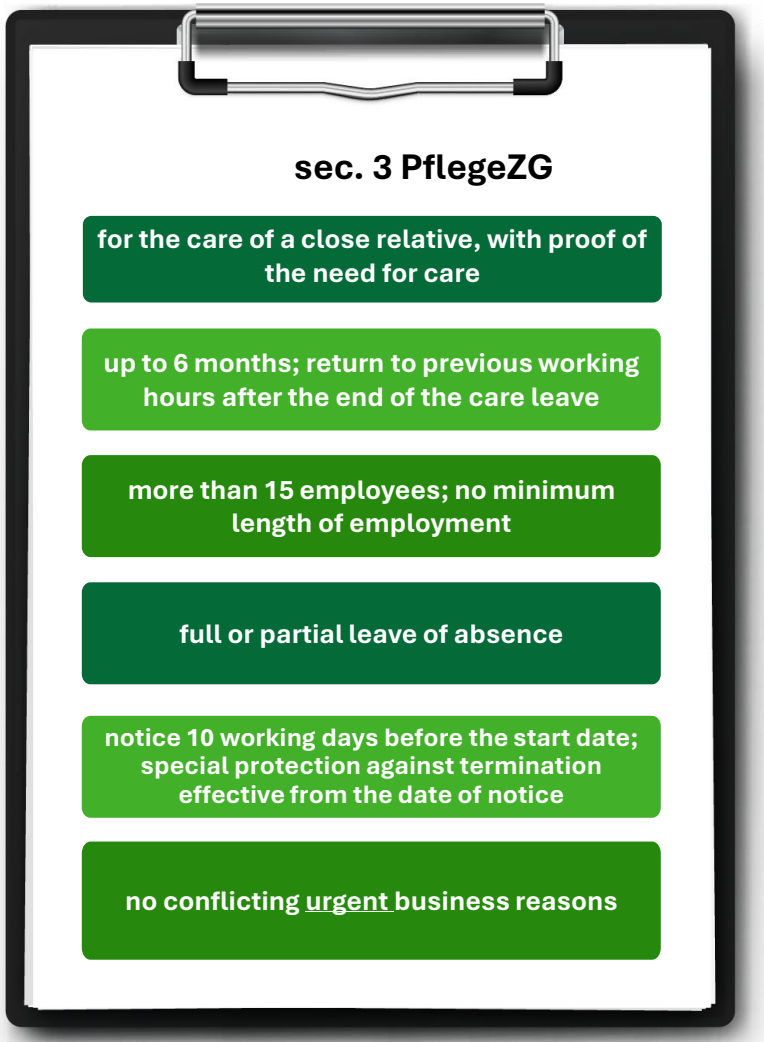
*1. the employer **generally** employs **more than 15** employees, regardless of the number of apprentices, and*
*2. the employment relationship has existed without interruption at the same business or company **for more than six months;***
*3. the contractually agreed regular working hours are to be reduced for **at least two months** to an average of **no fewer than 15 and no more than 32 hours** per week;*
*4. there are **no urgent operational reasons** precluding this entitlement, and*
5. the employer was notified of the request for part-time work
*a) for the period until the child reaches the age of three, **seven weeks,** and*
*b) **13 weeks** for the period between the child's third birthday and the child's eighth birthday*
***before the start of part-time work** .*

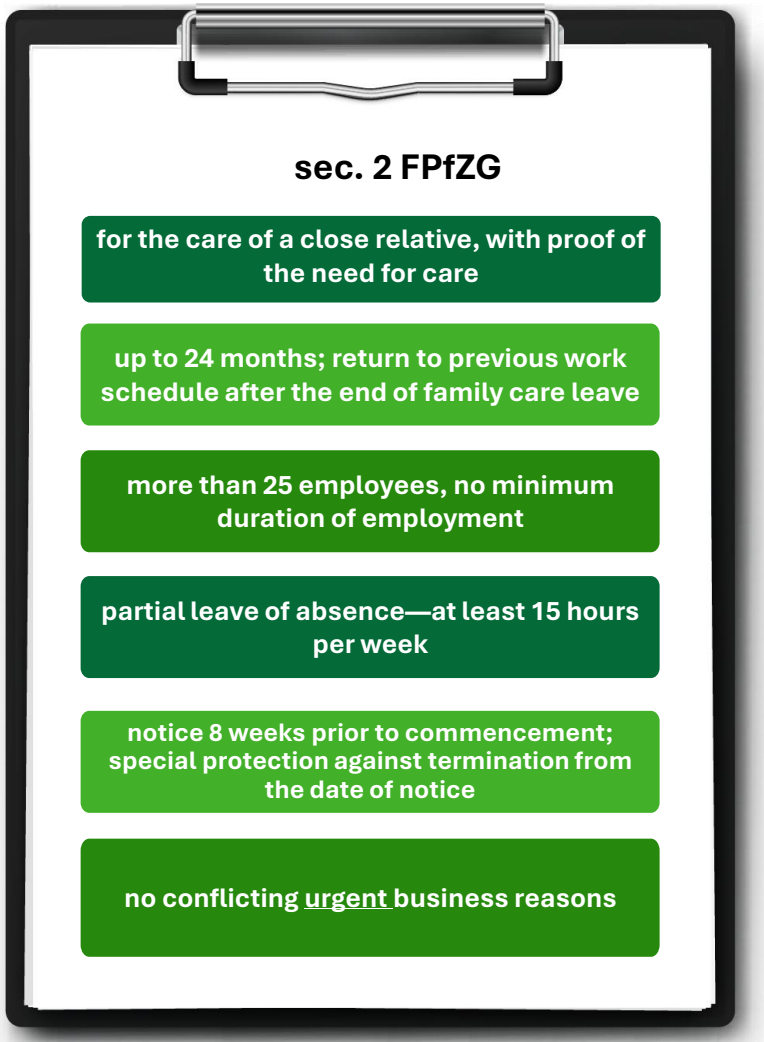
*The application must specify the **start date and the extent of the reduced working hours**. The **desired distribution** of the reduced working hours should be indicated in the application. [...]*

Part-Time Employment Relationships

Care leave and family care leave, sec. 3 PflegeZG, sec. 2 FPfZG







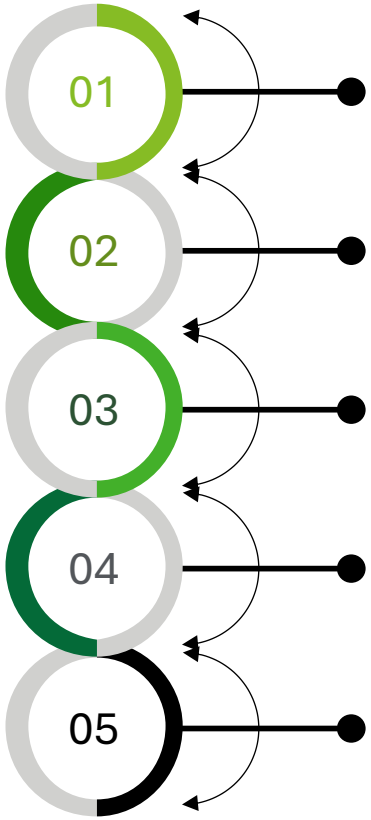
Part-Time Employment Relationships

Care leave and family care leave, sec. 3 PflegeZG, sec. 2 FPfZG



Part-Time Employment Relationships

Care leave, sec. 3 PflegeZG



01 Employers with, as a rule, at least 15 employees

02 Care for a close relative

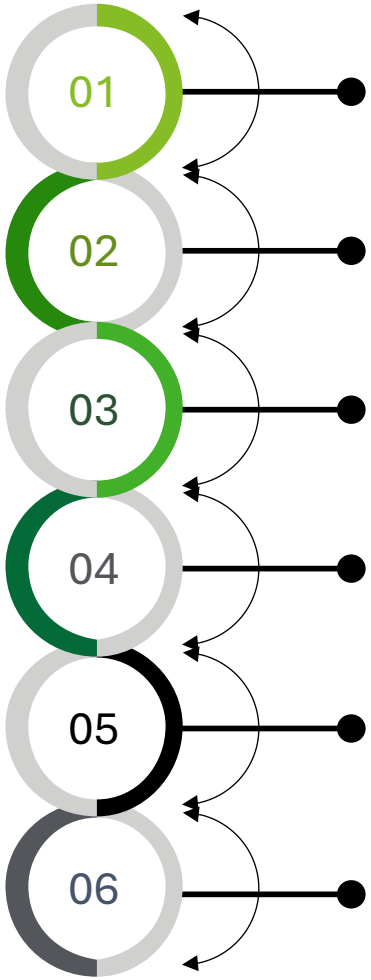
03 Proof of the need for care through a certificate from the long-term care insurance fund or the medical service of the health insurance provider

04 Care provided in a home setting

05 Written notice must be given at least 10 working days before the start date; the application must specify the period, scope, and, if applicable, the distribution of working hours

Part-Time Employment Relationships

Family care leave, sec. 2 FPfZG



01 Employers with, as a rule, at least 25 employees

02 Care for a close relative

03 Proof of the need for care through a certificate from the long-term care insurance fund or the medical service of the health insurance provider

04 Care provided in a home setting

05 Written notice at least 8 weeks before the start date, specifying the period, scope, and distribution of working hours in the application

06 At least 15 hours per week

Q&A

Thank you very much

for your attention

Your Contact



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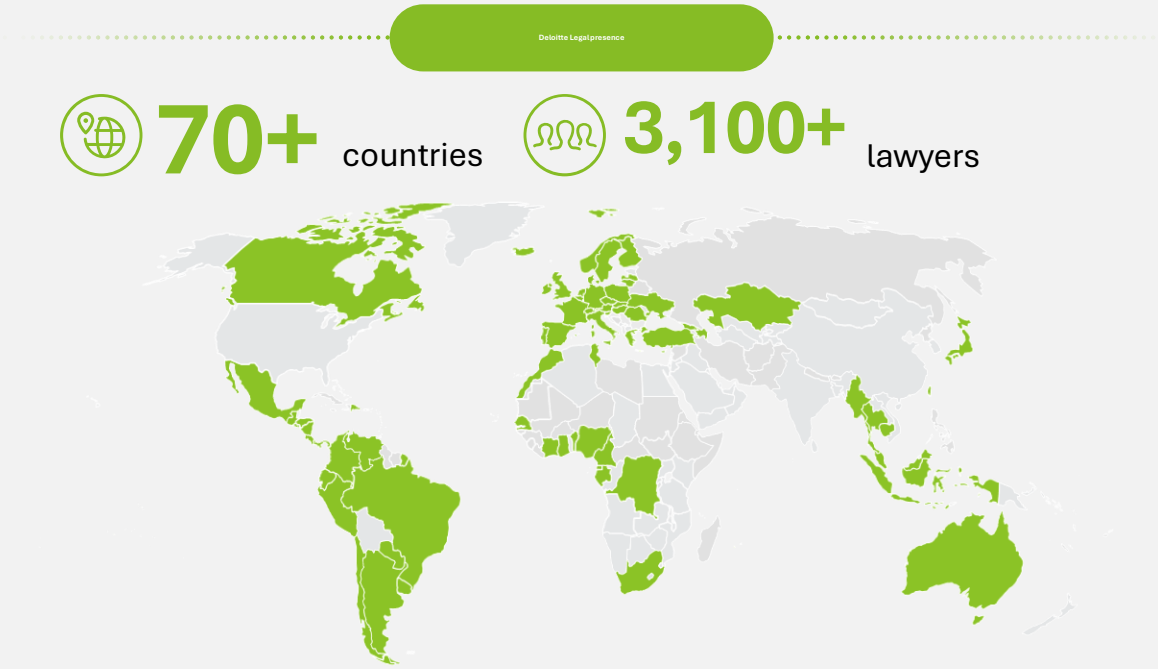
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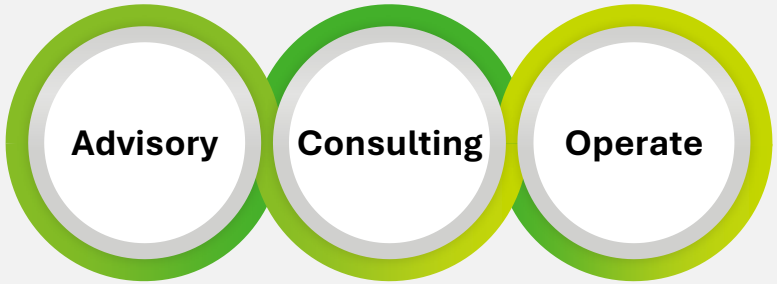
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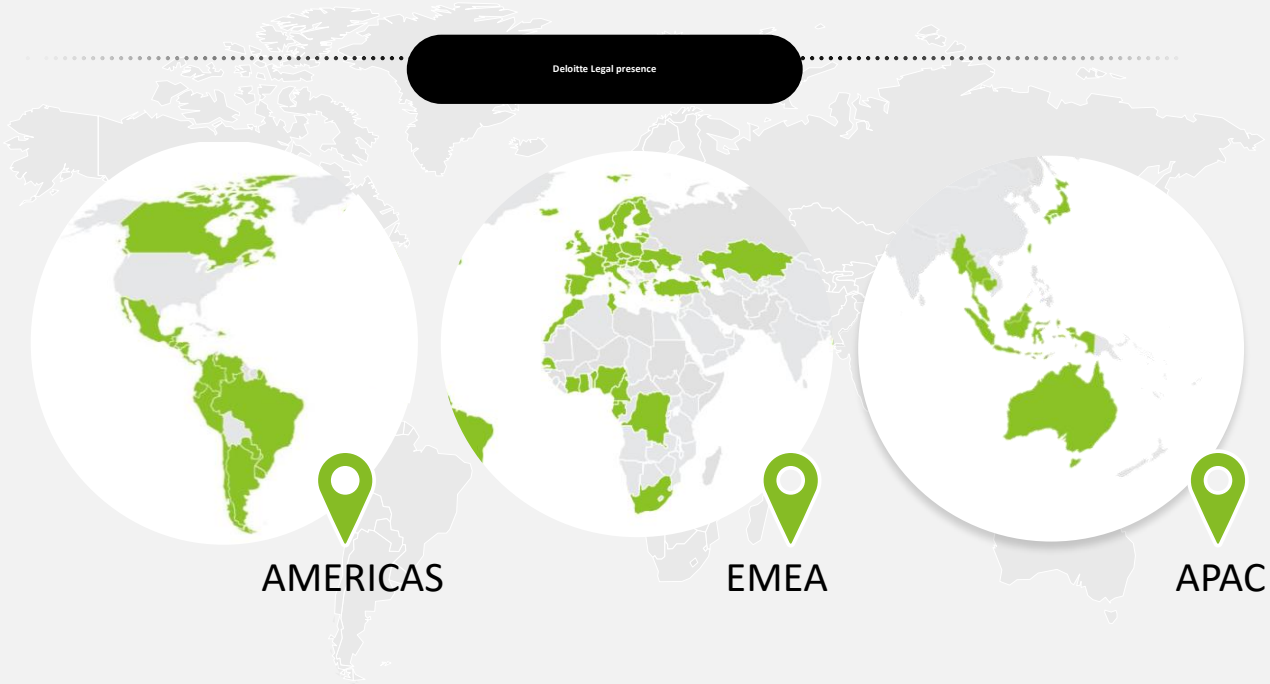
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