

Special protection against dismissal whilst pregnant and during maternity leave

While you are pregnant or on maternity leave, you cannot in principle be dismissed from your job. Pregnant women in work are protected against dismissal until the end of the fourth month after giving birth.

In order to enjoy this protection, the employer must have known about the pregnancy or have been informed about it within two weeks following dismissal. If this two-week limit is not adhered to through no fault of the employer, the employer should be informed immediately following discovery of the pregnancy. Please seek advice to ensure that your dismissal is reversed.

You are protected against dismissal eight weeks before you plan to start maternity leave, during maternity leave or if you have a part-time job during maternity leave. If you are dismissed from your job despite these circumstances, you are entitled to file a complaint

Important:

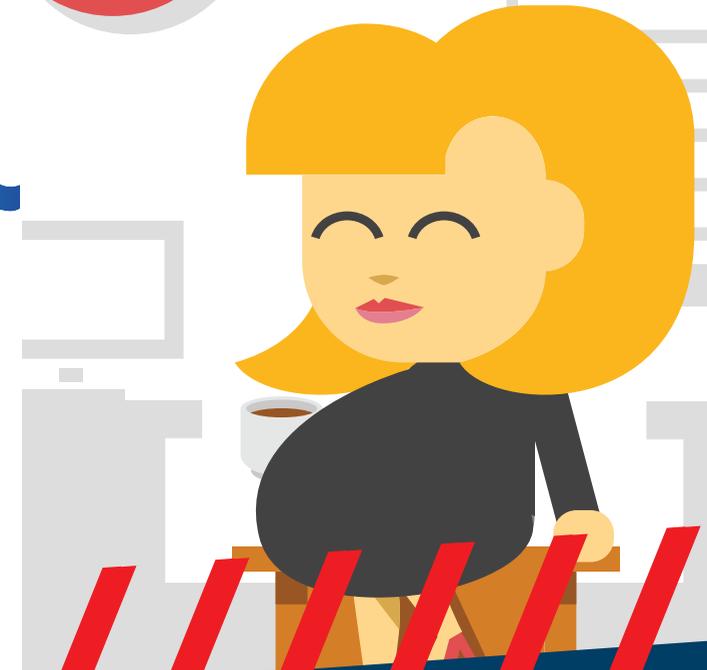
Inform your employer in writing that you are pregnant. Do not rely on informing them verbally without witnesses! Limited contracts will still end on the contractually agreed date even if you are pregnant as no dismissal notice is required in these circumstances.

If you are dismissed with the option of accepting altered conditions of employment, an extraordinary termination or any other special termination notice formats, please get in touch with the Beratungsstelle Arbeitnehmerfreizügigkeit Schleswig-Holstein (Advice Centre for Labour Mobility) or a consult a lawyer.

Beratungsstelle Arbeitnehmerfreizügigkeit Schleswig-Holstein Advice Centre for Labour Mobility

Legienstraße 22, 24103 Kiel
Telefon: +49 (0)431 5195-170
gutearbeit@sh.arbeitundleben.de
www.sh.arbeitundleben.de

The project is supported by the Ministry for Economic Affairs,
Transport Work, Technology and Tourism in Schleswig-Holstein.



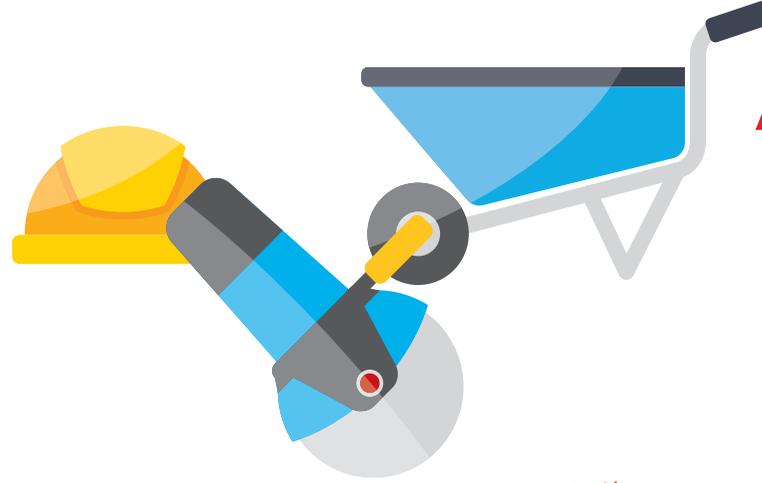
Working hours and protection against dismissal



Working hours

Working hours generally comprise eight hours a day. Extending your working hours to ten hours is possible if the overtime is balanced out by free time within six months. Following the end of the working day, you must have an uninterrupted period of at least eleven hours of rest. Weekly working hours must not exceed an average of 48 hours (within six months).

There is a general ban on working on Sundays and public holidays. Exceptions to this rule are possible and either enshrined in law or require the approval of the Office for Occupational Health and Safety. In some industries, such as healthcare (e.g. hospitals, care homes) or the gastronomy or hotel industry, it is permitted to work on Sundays and public holidays without the need for approval from the Office for Occupational Health and Safety. However, you must have at least 15 work-free Sundays a year. If you have to work on a Sunday, you have the right to take a substitute rest day within two weeks. If you have to work on a public holiday, you have the right to take a substitute rest day within the next eight weeks.



Breaks

Breaks are a legal requirement. They are legally required from the sixth hour of work onwards. Breaks are interruptions in working hours that are fixed in advance and must be adhered to. If you work from six to nine hours, you are entitled to take a break of at least 30 minutes. If you work for more than nine hours, your employer must guarantee you a break of at least 45 minutes.

For heavy manual work or work involving one-sided strain, additional rest time is required. These rest periods are not classified as breaks. You are permitted to carry out other, lighter work during these periods. For further information, contact the Office for Occupational Health and Safety or your employers' liability insurance association.

Special legal regulations apply regarding breaks for pregnant women and breastfeeding mothers as well as drivers.

General protection against dismissal

The termination of a contract must be carried out in writing. A termination is a unilateral declaration and does not need to be signed by the other party. The legally required period of notice is two weeks during a probationary period, then four weeks following completion of the probationary period with effect from the end of the month or the 15th of the following month. If you have been employed for longer than two years by the same employer, the employer is required to give a longer period of notice. Once you have completed your probationary period, your employer will be required to list their reasons for your dismissal in the termination notice. Different rules apply in some industries because of the differing salary agreements. For example, in the cleaning industry, employers only need to give notice of one day during the first two weeks of the probationary period.

Wichtig:

You can file a complaint against a dismissal within three weeks of receiving your termination notice. Termination notices may not be backdated. It is important that you are able to prove when you received the termination notice (e.g. keep the envelope, name witnesses). In Germany, employers can dismiss you even if you are on sick leave.