

99006045129000

Application for authorisation for dismissal in accordance with the Maternity Protection Act

Heruntergeladen am 06.07.2025

<https://fimportal.de/xzufi-services/6022753-99006045129000/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99006045129000
Leistungsbezeichnung I	Application for authorisation for dismissal in accordance with the Maternity Protection Act
Leistungsbezeichnung II	Application for authorisation for dismissal in accordance with the Maternity Protection Act
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	

Modul	Sachverhalt
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<p>Mutterschutzgesetz (MuschG):</p> <ul style="list-style-type: none"> • § 17 Absatz 2 Kündigungsverbot
Teaser	<p>Dismissal by the employer is not permitted during pregnancy and up to four months after the birth. This also applies up to four months after a miscarriage after the twelfth week of pregnancy.</p>
Volltext	<p>Dismissal by the employer is not permitted during pregnancy and up to four months after the birth. This also applies up to four months after a miscarriage after the twelfth week of pregnancy.</p> <p>The employer must have been aware of the pregnancy, the miscarriage after the 12th week of pregnancy or the birth at the time of termination or must have been informed within two weeks of receipt of the notice of termination. Exceeding this deadline is harmless if it is due to a reason for which the woman is not responsible and the notification is made without delay.</p> <p>In special cases, however, the competent authority (in Baden-Württemberg the regional councils) may, in accordance with Section 17 (2) of the Maternity Protection Act (MuSchG), declare the termination of the employment relationship of a woman who is subject to this special protection against dismissal to be permissible by way of exception. However, the reasons for the dismissal must not be related to the pregnancy, the miscarriage or the birth of the child. Special grounds for dismissal could be, for example</p> <ul style="list-style-type: none"> • that the company is insolvent or • that the business is partially shut down or • that you have committed a particularly serious breach of duty.

Modul	Sachverhalt
	<p>If you wish to dismiss an employee who is subject to special protection against dismissal in accordance with Section 17 (1) MuSchG, you must apply for this prior to the dismissal and provide the relevant evidence.</p> <p>The competent authority will only grant you authorisation if a verifiable reason for dismissal can be proven.</p>
Erforderliche Unterlagen	<p>depending on the individual case.</p> <p>The competent authority may request further information and documents if necessary if there are any queries regarding the information provided.</p>
Voraussetzungen	<ul style="list-style-type: none"> • There is a valid reason for termination, such as insolvency, partial closure of the business or a particularly serious breach of duty by the employee.
Kosten	<p>Fees of between 200 and 2000 EUR may be incurred for processing your application .</p> <p>The amount of the fees depends on the individual case and the actual processing effort of the authority.</p>
Verfahrensablauf	<p>The prohibitions on dismissal under Section 17 (1) MuSchG and Section 18 of the Federal Parental Allowance and Parental Leave Act (BEEG) exist side by side. If the requirements of Section 17 MuSchG and Section 18 BEEG coincide, the employer must apply for a declaration of admissibility of the dismissal under both legal provisions in order to be able to effectively terminate the employment relationship. The application must make it clear under which provision the employer is seeking a declaration of admissibility.</p>
Bearbeitungsdauer	<p>The processing time depends on the complexity of the application and can take considerably longer in individual cases.</p>
Frist	<p>You must submit the application before the cancellation is issued.</p>
weiterführende Informationen	

Modul	Sachverhalt
Hinweise	none
Rechtsbehelf	none
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	