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Maternity Protection: Protection against Dismissal during Maternity Protection and Parental Leave - Request for Exception

Heruntergeladen am 27.07.2025

<https://fimportal.de/xzufi-services/802780/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99006045129000
Leistungsbezeichnung I	Maternity Protection: Protection against Dismissal during Maternity Protection and Parental Leave - Request for Exception
Leistungsbezeichnung II	
Typisierung	2 - Bundesauftragsverwaltung: Regelung
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)

Modul	Sachverhalt
Verrichtungskennung	Erklärung (129)
SDG-Informationsbereich	
Lagen Portalverbund	Schwangerschaft und Elternschaft (2030600)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	01.02.2018
Fachlich freigegeben durch	Thuringian Ministry of Labor, Social Affairs, Health, Women and Family Affairs
Handlungsgrundlage	http://www.gesetze-im-internet.de/muschg_2018/ http://www.gesetze-im-internet.de/beeg/ http://www.gesetze-im-internet.de/muschg_2018/ http://www.gesetze-im-internet.de/beeg/
Teaser	As a rule, there is protection against dismissal during pregnancy and parental leave. For exceptions to this rule, you must contact the relevant office.
Volltext	<p>In principle, it is not permitted to terminate a woman's employment during pregnancy. This applies, among other things, to women in employment or training, in voluntary service and in development aid.</p> <p>After childbirth, termination is generally not permitted until the end of the protection period, but at least until four months after childbirth. In the event of a miscarriage after the twelfth week of pregnancy, termination is also not permitted until at least four months after delivery.</p> <p>For the special protection against dismissal to take effect, the employer must be aware of the pregnancy, the miscarriage after the twelfth week of pregnancy or the delivery. At the latest within two weeks after receipt of the employer's notice, this notification can be made up by the woman.</p> <p>There is also protection against dismissal during the entire period of parental leave. This begins from the time an employee requests parental leave, but not more than eight weeks before the start of parental</p>

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	<p>leave.</p> <p>In special cases, the competent authority may exceptionally approve termination in accordance with Section 17 (2) of the Maternity Protection Act (MuSchG) / Section 18 (1) of the Federal Parental Allowance and Parental Leave Act (BEEG).</p>
Erforderliche Unterlagen	<p>The application should include:</p> <ul style="list-style-type: none"> • Address employee • Employee's date of birth • (Expected) date of childbirth / duration of parental leave • Reason for termination • Evidence (e.g. business registration, shareholder resolution, resolution on opening of insolvency proceedings)
Voraussetzungen	<p>The applicant must substantiate the existence of a special case in accordance with the MuSchG or BEEG and submit suitable documents as evidence.</p>
Kosten	<p>The decision on the admissibility of a termination is subject to a fee.</p> <p>The fees shall be determined in accordance with the applicable schedule of fees or costs. An appeal by the employee concerned against the official decision is free of charge.</p>
Verfahrensablauf	<p>An employer or insolvency administrator may request termination during maternity or parental leave. The competent authority decides whether this termination is permissible.</p>
Bearbeitungsdauer	<p>A processing time of four weeks is generally to be assumed.</p>
Frist	<p>If an extraordinary termination is to be declared in accordance with Section 626 (2) of the German Civil Code (BGB), the application must be received by the responsible office no later than 14 days after the facts of the case have been clarified.</p>

weiterführende

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Informationen	
Hinweise	If the employer declares a termination in ignorance of the pregnancy, the preclusive period of three weeks pursuant to Section 4 of the German Protection Against Dismissal Act (Kündigungsschutzgesetz, KSchG) is relevant for an action by the woman before the labor court.
Rechtsbehelf	You can appeal against the decision on your application or against a decision not made in due time in accordance with the Administrative Court Code (objection, if necessary action before the Administrative Court).
Kurztext	<ul style="list-style-type: none"> • Special protection against dismissal during pregnancy and parental leave can only be circumvented with the approval of the competent authority. • Compelling reasons for termination must be proven. • Fees will be charged. • Contact your competent regional inspectorate of the Thuringian State Office for Consumer Protection (TLV) Department of Occupational Safety and Health.
Ansprechpunkt	Contact your responsible regional inspectorate of the Thuringian State Office for Consumer Protection (TLV) Department of Occupational Safety.
Zuständige Stelle	
Formulare	The application for a declaration of admissibility of the termination pursuant to Section 17 (2) MuSchG and/or Section 18 (1) BEEG can be submitted informally. It is recommended to use the application according to § 17 para. 2 MuSchG and/or § 18 para. 1 BEEG.
Ursprungsportal	Mutterschutz: Kündigungsschutz im Mutterschutz und in der Elternzeit - Antrag auf Ausnahme, Maternity Protection: Protection against Dismissal during Maternity Protection and Parental Leave - Request for Exception