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Consent to the dismissal of severely disabled persons

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/102042221/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99015005001000, 99015005001000
Leistungsbezeichnung I	Consent to the dismissal of severely disabled persons
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Brandenburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Menschen mit Behinderung (015)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	
Lagen Portalverbund	Beendigung von Arbeitsverhältnissen (2030800)
Einheitlicher	

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Ansprechpartner	Nein
Fachlich freigegeben am	01.10.2019
Fachlich freigegeben durch	Federal Ministry of Labour and Social Affairs (BMAS)
Handlungsgrundlage	https://www.gesetze-im-internet.de/sgeb_9_2018/_168.html https://www.gesetze-im-internet.de/sgeb_9_2018/_168.html
Teaser	If you wish to terminate a severely disabled person or a disabled person with equivalent status, you must first obtain the consent of the Integration Office (in Bavaria and North Rhine-Westphalia: Inclusion Office).
Volltext	<p>Severely disabled persons and persons with disabilities of equivalent status are particularly protected against dismissal. Therefore, you must obtain the consent of the Integration Office (in Bavaria and North Rhine-Westphalia: Inclusion Office) before giving notice of termination.</p> <p>Consent is required regardless of the reason for the intended termination (personal, operational or behavioral). The special protection against dismissal also applies regardless of how large your company is.</p> <p>You need the approval of the Integration Office for all types of dismissals, i.e.:</p> <ul style="list-style-type: none"> • ordinary terminations, • extraordinary (without notice) terminations as well as • Change Terminations. <p>In addition to the actual reason for dismissal, the Integration Office takes into account in its decision within the framework of the legally prescribed necessary balancing of mutual interests, for example:</p> <ul style="list-style-type: none"> • the size and economic situation of the employer, and • Fulfilment of the employment obligation <p>as well as:</p>

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- the nature and severity of the disability,
- Age
- personal circumstances of the severely disabled person,
- length of service, and
- their chances of finding another job in the general labour market in the event of redundancy.

In particular, in the case of dismissals for personal and behavioural reasons, the dismissal protection procedure clarifies what the company or the department as well as the company integration team have done in advance to avert the dismissal and, if necessary, whether preventive measures have been initiated.

In the case of extraordinary (without notice) dismissals, the Integration Office checks whether the dismissal is related to the severe disability. If this is not the case, it agrees to the dismissal and thus opens the way to the labour court.

A termination that you pronounce without the participation of the representative body for severely disabled persons (if available in the company) is ineffective.

A dismissal pronounced without the prior consent of the Integration Office is also ineffective. Nor can it be subsequently approved by the Integration Office.

They only do not need consent if the severely disabled employee:

- terminates himself,
- has been working in your company for less than 6 months,
- has reached the age of 58 and is entitled to a severance payment or similar benefit,
- in the event of dismissal due to weather conditions, if the employer gives a binding promise of reinstatement,
- if, at the time of dismissal, the status of severely disabled person could not be determined by the competent authorities, or

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	<ul style="list-style-type: none"> • the employment relationship is terminated without notice, for example by means of a termination agreement.
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Disabled person's pass • Notification of recognition from the pension office about the severe disability (requested by the Integration Office for employees. The employer is not entitled to this document) • Equal opportunities notice of the Employment Agency • Job description • Detailed reasons for the intention to terminate the contract
Voraussetzungen	<ul style="list-style-type: none"> • Recognition as a severely disabled person: a degree of disability of at least 50 must have been determined by the pension office. • Equality: with a degree of disability of 30 or 40, equality with a severely disabled person must have been granted by the Employment Agency.
Kosten	none
Verfahrensablauf	<p>You must apply in writing for consent to the dismissal of a severely disabled person:</p> <ul style="list-style-type: none"> • Contact your regional Integration or Inclusion Office to obtain the application form for consent to termination. Fill it out completely and send it to the Integration Office with the required documents. • After receiving the application for consent to the termination, the Integration Office examines the facts. To this end, it hears the severely disabled person and obtains the opinion of the works or staff council and the representative body for severely disabled persons. Tip: You can obtain the opinion of the works or staff council and the representative body for severely disabled persons in advance and add it to your application. • If necessary, the Integration Office also engages experts (for example, the Integration Service or the Technical Advisory Service) and obtains further opinions and expert opinions. In order to clarify the facts, it may also conduct witness examinations. • The Integration Office is obliged to work towards an amicable settlement at every stage of the proceedings.

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This can be done particularly well in oral proceedings with all parties.

- Within the framework of an amicable settlement, the Integration Office may also offer services of accompanying assistance in working life from funds of the compensatory levy, for example to design workplaces suitable for the disability or to compensate for extraordinary burdens that may be associated with the employment of the severely disabled person.
- If an amicable agreement cannot be reached, the Integration Office will make a decision on the application at its due discretion and weighing up the mutual interests of the two parties. Special rules apply in the event of dismissals in connection with the cessation of operations, significant operational restrictions and insolvencies.
- The Integration Office issues a notice of dismissal, which is addressed to you as the applicant and at the same time to the employee as a party to the proceedings. In addition to the decision, the decision shall contain detailed reasons and an appeal.

Bearbeitungsdauer

- Consent to extraordinary (without notice) termination: Decision of the Integration Office within two weeks after receipt of application. If no decision is made by the Integration Office within this period, the consent is deemed to have been granted.
- Consent to ordinary termination: Decision of the Integration Office within one month, if the Integration Office has all the information it needs to make a legally secure decision. On average, the processing time nationwide is 7 weeks.

Frist

- Consent to extraordinary (without notice) termination: You must give notice of termination immediately after approval by the Integration Office. Immediate means here within 3 working days. If you miss this deadline, the approval of the Integration Office is invalid. You can then only seek a new ordinary termination procedure.
- Consent to ordinary termination: You must give notice of termination within one month of receipt of the consent of the Integration Office. Thereafter, the consent to termination expires. You can then only seek a new ordinary termination procedure.

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weiterführende Informationen	https://www.integrationsaemter.de/Leistungen/498c214/index.html https://www.integrationsaemter.de/Kuendigungsschutz/502c/index.html https://www.integrationsaemter.de/Leistungen/498c214/index.html https://www.integrationsaemter.de/Kuendigungsschutz/502c/index.html
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Consent to the dismissal of severely disabled persons • there is special protection against dismissal for severely disabled persons and persons with equivalent status • Employers must obtain the consent of the Integration Office before dismissal (regardless of the reason for termination) • Special protection against dismissal applies regardless of the size of the company • no consent required: in the case of dismissals within the first 6 months of employment, regardless of the duration of the probationary period, if the employee resigns himself, or if the employee has reached the age of 58 and is entitled to a severance payment or similar benefit in the event of dismissal due to weather conditions, if the employer gives a binding promise of reinstatement, if, at the time of termination, the status of severely disabled person could not be established by the competent authorities. • responsible: regional integration office (in Bavaria and North Rhine-Westphalia: Inclusion Office)
Ansprechpunkt	Your regional integration office (Bavaria and North Rhine-Westphalia: Inclusion Office). https://www.integrationsaemter.de/kontakt/89c66/index.html https://www.integrationsaemter.de/kontakt/89c66/index.html
Zuständige Stelle	Your regional integration office (Bavaria and North Rhine-Westphalia: Inclusion Office).

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	https://www.integrationsaemter.de/kontakt/89c66/index.html https://www.integrationsaemter.de/kontakt/89c66/index.html
Formulare	<p>Forms: the application form can be obtained from your regional Integration or Inclusion Office</p> <p>Online procedure possible: no</p> <p>Written form required: yes</p> <p>Personal appearance required: no</p>
Ursprungsportal	Zustimmung zur Kündigung schwerbehinderter Menschen Erteilung, Consent to the dismissal of severely disabled persons