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NEWS REPORT

Country:	Germany
Title:	Parental leave and parental allowances
Date:	2 October 2015
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<u>Context</u>	
Issue at stake:	German legislator improves the flexibility of parental leave and rewards the equal sharing of the leave between parents
Ground of discrimination:	Sex
Source:	Amendments to the Federal Statute on Parental Leave and Parental Allowances
Field:	Parental leave
Applicable law:	Federal Statute on Parental Leave and Parental Allowances

Content

Legislative development: On 1 January 2015, amendments of the Federal Statute on Parental Leave and Parental Allowances (*Bundeselterngeld- und Elternzeitgesetz, BEEG*) entered into force. The corresponding new regulations are applicable since 1 July 2015.

Previously, the Law provided for parental leave for up to three years and for a parental allowance to parents for up to 14 months after birth, provided that the other parent takes at least two months. The amendments to the BEEG extend the duration of the entitlement to parental allowances of parents working part-time. They can receive their parental allowances in payments of halved amounts while the number of months paid is doubled. Parents working simultaneously part-time between 25 and 30 hours per week whilst also taking parental leave for 4 months are entitled to additional parental allowances for these months ('partnership bonus').

To increase the flexibility of parental leave, the amended BEEG grants every parent the right to take up to 24 months of the parental leave between the third and eighth birthday of the child, without requiring the consent of the employer, instead of up to 12 months with consent of the employer. The amendments are intended to encourage both parents to work part-time during parental leave and to share family responsibilities and childcare duties more equally.

The German Women Lawyers' Association welcomed the improvements for parents working part-time and sharing care responsibilities. However, the Association criticised the complications and restrictions of the 'partnership bonus'. It suggested to accept part-time work between 20 and 30 hours per week and to secure the entitlements of single parents. It further suggested to introduce the possibility to take parts of the parental leave between the third and fourteenth birthday of the child, to offer more flexible distributions of working time, and to strengthen the protection against dismissal after parental leave. The Association pointed out that the lack of a right to return to work after parental leave violates Directive 2010/18.

Key points of analysis: The amendments of the Federal Statute on Parental Leave and Parental Allowances encourages parents to work part-time during parental leave and to share family responsibilities and childcare duties more equally by introducing financial incentives and more flexible regulations on parental leave.

Internet link source:

(both accessed 29 April 2015)

Explanations of the amendments to the Federal Statute on Parental Leave and Parental Allowances and downloads: <http://www.bmfsfj.de/BMFSFJ/gesetze.did=93110.html>

Critique by the German Women Lawyers Association, <http://www.djb.de/Kom/K4/st14-10/>