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NEWS REPORT

Country:	Germany
Title:	Statute on home care leave
Date:	2 October 2015
Expert:	Ulrike Lembke
<u>Context</u>	
Issue at stake:	German legislator extends the entitlements to home care leave and improved its financial support
Ground of discrimination:	Sex
Source:	Legislation
Field:	Employment; care leave
Applicable law:	Statute on the Better Reconciliation of Family, Home Care and Work

Content

Legislative development: On 1 January 2015, the Statute on the Better Reconciliation of Family, Home Care and Work entered into force. The Statute makes several amendments to the 2008 Law on Home Care Leave and the 2012 Law on Family Home Care Leave. From the reluctant use of the possibilities of both laws, it could be concluded that they did not meet the needs of caring employees.

The Laws covered an emergency care leave for up to ten working days and part-time or fulltime home care leave for up to six months. Further, the laws provided for a reduction of working time to no less than fifteen hours per week in agreement with the employer for up to two years to care for a close relative in need of home care. The special measure was that this so-called family home care leave was financed by an interest-free loan granted by the employer and secured by the respective authorities for up to two years. During the home care leave, the employee's lower income was topped up by a payment of 50 % of his or her reduced income, and the interest-free loan was repaid by receiving this amount of income sometime after the home care leave.

Under the Statute on the Better Reconciliation of Family, Home Care and Work, employees taking emergency care leave are now entitled to 'home care support benefit' as a means of earnings replacement benefits under Section 2 of the amended Law on Home Care Leave. The entitlement to part-time or full-time home care leave is extended to care leave for a close relative under the age of eighteen for up to six months even when in need of care outside the home, and to end-of-life care of a close relative for up to three months. The entitlement to family home care leave by reducing working time is extended to care leave for minor close relatives for up to 24 months.

The financial coverage of home care leave and family home care leave is thoroughly amended. Under Section 3(7) of the Law on Home Care Leave and Sections 3ff of the Law on Family Home Care Leave, employees taking one of the care leaves are entitled to

an interest-free loan to be paid in monthly instalments granted by the Federal Agency for Family and Civil Society Tasks. Employers are therefore released from the administration of the loan. After the end of the respective care leave, employees are obliged to repay the loan but Section 3(7) of the Law on Home Care Leave and Sections 7 of the Law on Family Home Care Leave cover hardship clauses. The Federal Agency for Family and Civil Society Tasks can award the extension, partial remission, or cancellation of the repayment.

Key points of analysis: The new law covers the entitlement to various types of part-time or full-time home care leave to care for close relatives under the age of eighteen, at the end of their life or in case of emergency. The care leave is financed by support benefits for short-time care leaves or by an interest-free loan granted by the Federal Agency for Family and Civil Society Tasks including hardship clauses which allow the Agency to extend, partially remit or cancel repayment.

Internet link source:

More information available under <http://www.wege-zur-pflege.de/neu-seit-112015.html>, accessed 29 April 2015.