

CARER LEAVE POLICIES IN GERMANY

Caring for family members alongside paid work is increasingly common and the global longevity revolution means this will continue. Combining care work and paid work has well-known consequences for carers and their families, their employers, the labour force and economies. Some governments have introduced strategies that let carers take time away from their jobs to fulfill care responsibilities, while still being able to return to their work afterwards. To inform development of carer leaves in the UK, an international policy scan was carried out in nine other countries (Australia, Canada, Finland, Germany, Italy, Japan, Poland, Slovenia and Sweden) as part of the Sustainable Care program.

This policy snapshot provides an overview of carer leave initiatives in Germany. These policies and their implications for working carers are part of a forthcoming edited book J Fast, J Heyes, and K Hamblin, **Combining Work and Care**, that will be published by Policy Press.

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GERMANY'S POLITICAL CONTEXT

Germany has 16 federal states and its social welfare policy is based on the insurance principle. Social risks are covered and financed by five statutory insurance schemes: health, accident, pension, unemployment and long-term care.¹ Contributions paid out are measured against the amount paid in. Social security contributions amount to an average of 49% of gross wages.¹

Germany is a conservative welfare state where primary responsibility for caregiving lies with the family. There is much rhetoric about social inequality: liberals criticize the population's sense of entitlement to social benefits; social democrats criticize benefits as insufficient to eliminate poverty, instead increasing inequalities.

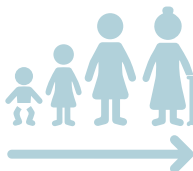
GERMANY'S SOCIO-ECONOMIC CONTEXT



67.0% of people residing in Germany were in the labour force in November 2021. However, the number of persons in employment is still considerably below the pre-pandemic crisis level.



5.3% unemployment rate in February 2020 (pre-pandemic), rose to a high of 6.4% in August 2020, and is currently 3.2% as of November 2021.



From 2017-2050 the proportion of people aged 65+ in Germany is expected to grow from 21.6% to 28.3%, with the most growth occurring before 2030. The proportion of 80-year-olds is expected to double from 6% today to 12% by 2050.



According to the European Quality of Life Survey (2016), 22% of Germans provide family/friend care. Home care is preferred to inpatient care by social law².

1. OECD (2021). Taxing Wages 2021. <https://www.oecd.org/tax/taxing-wages-20725124.htm>

2. Federal Ministry of Health (2017). Germany's latest reforms of long-term care system.

Online: <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9008>

SHORT-TERM INABILITY TO WORK

INTENT

Allows eligible employees the right to stay away from work to organize appropriate care for a close relative in line with their needs or to ensure the provision of long-term care.

BENEFITS

If employees are not entitled to continued wage payment, they are then entitled to a Care Allowance as a wage replacement benefit for up to ten working days. The Care Allowance must be applied for at the long-term care insurance fund. As a rule, the amount is 90% of lost income minus social security contributions.^{3,4}

DURATION

Maximum is 10 working days per year per person in need of care (temporarily extended to 20 days due to COVID19 pandemic). The right to a short term absence from work can be claimed several times if conditions are met. Leave is shareable among relatives without exceeding maximum entitlement.

CLOSE RELATIVES

Close relatives includes grandparents, parents, parents-in-law, step-parents, spouses, life partners, partners in a civil partnership or cohabiting partners, siblings, brothers-in-law and sisters-in-law, children, adopted or foster children, adopted or foster children of the spouse or life partner, stepchildren and grandchildren.

ELIGIBILITY CRITERIA

All employees are entitled to a short-term absence from work. Eligibility is independent of the number of employees in a company and the business sector.

Open to all employees caring for a close relative in or leaving an acute care situation. An acute care situation exists if a need for care has suddenly and unexpectedly emerged or changed.

Care receiver's need for care must be assessed as at least 90 minutes per day (Care Level 1).

Leave can be claimed by carers of family members in need of care who live abroad. However, a right to care allowance only exists if the family member in need of care is insured under German long-term care insurance.

FEATURES

Family members providing care have special protection against unlawful dismissal in accordance with the Care Leave Act (2008).

The protection exists from the time of the announcement of care until the end of the temporary inability to work. During this period, the employer may not terminate the employment relationship.

NOTICE

No minimum period of notice to the employer.

Employees who need to take the short-term absence from work must present a medical certificate to the employer which must state:

- An acute care situation has arisen and care must be provided or organized;
- The relative in need of care fulfills the requirements of need for care (Care Level 1).

3. Act on Caregiver Leave, § 2 Short-term prevention of work (Pflegezeitgesetz - PflegeZG, 2020).

Online: https://www.gesetze-im-internet.de/pflegezgj/_2.html

4. Federal Ministry of Family Affairs, Senior Citizens, Woman and Youth (2015). Online: https://www.wege-zur-pflege.de/fileadmin/daten/Infomaterialien/BMFSFJ_WegeZurPflege_Flyer_en_RZ6_bb.pdf

CAREGIVER LEAVE

INTENT

Allows employees the opportunity to leave a job, in whole or in part, to care for a close relative in need of care in a home environment.

If working hours are reduced, employers continue to pay employees a part-time salary.

BENEFITS

If working hours are reduced to zero, the employer no longer pays a salary, but carers may apply for an interest-free government loan for up to half their lost wages to cover basic living costs during the leave of absence. They must begin repaying the loan in installments at the end of the care period.

DURATION

Employees can be released from work, completely or partially, for up to 6 months.

A complete or partial leave of absence of up to three months can be taken to care for a close relative at end-of-life, and living outside a domestic environment (e.g., in hospice).

If the close relative no longer requires care, the domestic care of the close relative is impossible or unreasonable, or the relative dies, the care period ends four weeks after the changed circumstance occurs.

ELIGIBILITY CRITERIA

Employees are entitled to care leave from employers with more than 15 employees. In smaller companies, the exemption for care can be granted to employees on a voluntary basis.

Care receiver must live in a home (domestic) environment, unless caring for minors in need of long-term care or family members at end-of-life in hospice. Living together in the same household as the care receiver is not necessary.

Care receiver must be assessed as needing at least Care Level 1 for job release of up to 6 months; a degree of care is not required for release to be with a close relative at end-of-life.

For close relatives who are minors in need of long-term care, the care receiver must be assessed as at least Care Level 1; a serious illness alone does not lead to a right to leave of absence.

Employees in Germany can also claim Caregiver Leave for a close relative living abroad, provided this person is cared for in a home environment.

FEATURES

Employees can only claim the leave once for the same relative and it cannot be taken in shorter segments.

With a partial release from work, a written agreement is made. Employer's refusal to reduce and redistribute working time is only possible for urgent operational reasons.

Employers cannot terminate the employee during the leave period.

NOTICE

Medical certificate must be obtained from the long-term care or health insurance fund.

Employer must be notified 10 days in advance of the care period and be given the medical certificate.

5. Act on Caregiver Leave, § 3 Caregiver Leave (Pflegezeitgesetz - PflegeZG, 2020). Online: § 3 PflegeZG - Einzelnorm ([gesetze-im-internet.de](https://www.gesetze-im-internet.de))

6. Federal Ministry of Family Affairs, Senior Citizens, Woman and Youth (2015). Online: BMFSFJ_WegeZurPflege_Flyer_de_fr_en_RZ6_bb.idml ([wege-zur-pflege.de](https://www.weg-zur-pflege.de))

FAMILY CAREGIVER LEAVE

INTENT

Allows employees the opportunity to work and care for a close relative in need of care at the same time by providing a partial release from work.

DURATION

Partial release from work for a maximum period of 24 months.

Combining entitlements under the Caregiver Leave and Family Caregiver Leave can only be made to a maximum of 24 months.

BENEFITS

If working hours are reduced, employers continue to pay employees a part-time salary.

If employees take a complete leave of absence, they are not entitled to continued pay from their employer nor any compensation from the social long-term care insurance fund to replace lost wages.

To cover lost wages during a complete leave of absence, employees have a right to an interest free loan from the state, paid in monthly installments, that covers up to half the lost net salary, and is payable on return to full employment.^{7,8}

ELIGIBILITY CRITERIA

The legal claim is available to employees who care for a close relative in need of care in a home environment and who work for employers with more than 25 employees, excluding those employed for vocational training.

To prevent employees from giving up their jobs completely due to care, employees claiming the leave must continue to work a minimum average of 15 hours per week per year.

Care must be provided in a home (domestic) environment, but it is not necessary to live in the same household with the care receiver.

Person in need of care may also live abroad as long as the care is provided in a home environment.

Care receiver is assessed as needing at least Care Level 1; a serious illness alone does not lead to a claim for leave of absence.

FEATURES

Leave can be taken once per family member in need of care. Siblings can share care at the same time or consecutively.

A partial leave of absence is possible for the care of minors or close relatives in need of care in a non-domestic environment (e.g. in hospice care).

An employee is subject to special protection against dismissal during this time. The employer cannot terminate the employment relationship from the time of the announcement until the end of the care period.

NOTICE

Requires a medical certificate proving the need for care.

Employer must be informed in writing at least 8 weeks before the desired start date; the period and scope of the leave must be recorded in writing by both sides.

When changing from Caregiver Leave to Family Caregiver Leave, notice must be given no later than 3 months before start.

7. Family Care Leave Act (Familienpflegezeitgesetz – FPfZG, 2021). Online: FPfZG - Gesetz über die Familienpflegezeit (gesetze-im-internet.de)

8. Federal Ministry of Family Affairs, Senior Citizens, Woman and Youth (2015). Online: BMFSFJ_WegeZurPflege_Flyer_de_tr_en_RZ6_bb.idml (wege-zur-pflege.de)