

99006045129000

Applying for suspension of protection against dismissal during maternity leave, parental leave or nursing care

Heruntergeladen am 23.07.2025

<https://fimportal.de/xzufi-services/8958800/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99006045129000
Leistungsbezeichnung I	Applying for suspension of protection against dismissal during maternity leave, parental leave or nursing care
Leistungsbezeichnung II	Applying for suspension of protection against dismissal during maternity leave, parental leave or nursing care
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)

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Verrichtungskennung	Erklärung (129)
SDG-Informationsbereich	Gesetzlich oder durch Rechtsverordnung geregelte Beschäftigungsbedingungen einschließlich Arbeitsstunden, bezahlter Urlaub, Urlaubsansprüche, Rechte und Pflichten in Bezug auf Überstunden, Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)
Lagen Portalverbund	Beendigung von Arbeitsverhältnissen (2030800)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	01.10.2024
Fachlich freigegeben durch	Hessian Minister for Labor, Integration, Youth and Social Affairs
Handlungsgrundlage	https://www.gesetze-im-internet.de/beeg/_18.html https://www.gesetze-im-internet.de/muschg_2018/_17.html https://www.gesetze-im-internet.de/pflegezg/_5.html https://www.gesetze-im-internet.de/fpfzg/_2.html
Teaser	If your employees are subject to special protection against dismissal, dismissal is only possible in a few exceptional cases. You must then apply to the relevant state authority for the protection against dismissal to be lifted.
Volltext	<p>If you wish to dismiss employees who are subject to special protection against dismissal, you must apply for a declaration of admissibility before giving notice.</p> <p>The following groups of people are subject to special protection against dismissal:</p> <ul style="list-style-type: none"> • Women • Persons on parental leave, • Persons who care for a dependent relative in accordance with the Caregiver Leave Act or the Family Caregiver Leave Act and take the corresponding (partial) leave of absence for this purpose. You can take care leave and family care leave together for a

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maximum of 24 months per dependent relative in need of care.

Please note the special features of the different dismissal protection rules for these groups of people:

- For caregiving, protection against dismissal applies not only during the care-related leave of absence, but also as soon as you are notified that you will be unable to work. The protection applies for a maximum of 12 weeks before the announced start date. The protection against dismissal also applies not only when care is provided, but also when care is organized. Under certain conditions, employees can be released from work for up to 10 days for this purpose.
- Protection against dismissal for parents on parental leave begins as soon as the application is submitted. However, at the earliest: 8 weeks before the start of parental leave if the child is under 3 years old. 14 weeks before the start of parental leave if the child is between 3 and 8 years old.

The competent authority will only grant you permission if a verifiable reason for termination can be provided.

Erforderliche Unterlagen

- Application for the declaration of admissibility

The competent office may request further information and documents if there are any queries regarding the information provided.

Voraussetzungen

- There is a valid reason for termination, such as insolvency, partial closure of the business or a particularly serious breach of duty by the employee.
- You employ employees from one of the 3 groups of people who are subject to a special prohibition on dismissal.

Kosten

The granting of the permit or the rejection of the application is subject to a fee. The fees are calculated according to administrative costs.

Verfahrensablauf
Bearbeitungsdauer

The processing time depends on the complexity of the application and can take considerably longer in

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	individual cases.
Frist	You must submit the application before notice of termination is given.
weiterführende Informationen	https://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz-73756 https://arbeitswelt.hessen.de/arbeitsschutz/sozialer-arbeitsschutz/mutterschutz/ https://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz-73756
Hinweise	There are no indications or special features.
Rechtsbehelf	<ul style="list-style-type: none"> • Contradiction • Legal action before the administrative court • Both the persons concerned and the applicants can take legal action against the approval of the termination.
Kurztext	<ul style="list-style-type: none"> • Admissibility in the case of special prohibitions on dismissal Declaration • special protection against dismissal can only be lifted if the employer applies for a declaration of admissibility • Special protection against dismissal exists for women during pregnancy until the end of 4 months after a miscarriage after the 12th week of pregnancy until the end of the protection period after childbirth, but at least until the end of 4 months after childbirth Persons on parental leave Persons who care for a relative in need of care in accordance with the Caregiver Leave Act or the Family Caregiver Leave Act and take the corresponding (partial) leave of absence for this purpose • Protection against dismissal can be revoked by the competent authority • Responsible: competent state authority
Ansprechpunkt	Please contact the regional council responsible for you.
Zuständige Stelle	The regional councils are responsible.
Formulare	
Ursprungsportal	Applying for suspension of protection against dismissal

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during maternity leave, parental leave or nursing care,
Aufhebung des Kündigungsschutzes bei Mutterschutz,
Elternzeit oder Pflege beantragen