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# Dismissal of disabled workers, requesting consent

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/6001405/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99015005001000
Leistungsbezeichnung I	Dismissal of disabled workers, requesting consent
Leistungsbezeichnung II	Dismissal of disabled workers, requesting consent
Typisierung	4 - Land: Regelung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	
Teaser	In addition to general protection against dismissal under the Dismissal Protection Act, severely disabled workers are given special legal protection against dismissal. This does not mean that they cannot be dismissed, but it does give them additional protection to keep their job
Volltext	<p>#### Special statutory protection against dismissal according to sections 168 to 175 of the Social Code Book IX (SGB IX)</p> <p>In addition to general protection against dismissal under the Dismissal Protection Act, severely disabled workers are given special legal protection against dismissal. This does not mean that they cannot be dismissed, but it does give them additional protection to keep their job</p> <p>The termination of the employment relationship by the employer requires the consent of the Integration Office. The Integration Office works towards an amicable agreement between the two parties.</p> <p>Consent is required for the following forms of termination:</p> <ul style="list-style-type: none"> <li>• ordinary termination</li> <li>• extraordinary termination</li> <li>• Notice of change of employment</li> <li>• Special case under section 175 of Book IX of the Social Code: The termination of the employment relationship of a severely disabled person also requires the prior consent of the Integration Office if it is effected without notice in the event of the occurrence of a partial reduction in earning capacity for a limited period of time, occupational incapacity or temporary incapacity to work</li> </ul>
Erforderliche Unterlagen	• Statements by the works council or staff council

Modul	Sachverhalt
	<ul style="list-style-type: none"> <li>• further documents on request</li> </ul>
Voraussetzungen	<p>The special protection against dismissal applies if the employment relationship has existed for at least 6 months.</p> <p>The protected group of persons includes</p> <ul style="list-style-type: none"> <li>• recognised severely disabled persons with a degree of disability of 50 or more</li> <li>• equally disabled persons with a degree of disability of at least 30 but less than 50, who have been given equal status by the employment agency</li> <li>• obviously severely disabled persons</li> <li>• Persons with retroactive protection against dismissal under section 199 of Book IX of the Social Code (SGB IX) for three months from the date on which the decision reducing the degree of disability to below 50 becomes unappealable</li> <li>• Persons who have duly submitted an application for the determination of a severe disability or an equalisation with all required information at least three weeks before the notice of termination is received</li> </ul>
Kosten	none
Verfahrensablauf	<p>As an employer, you must apply in writing or electronically to the Integration Office (-&gt; responsible department) for approval of the intended dismissal.</p> <ul style="list-style-type: none"> <li>• In the dismissal protection proceedings, the Integration Office obtains statements from the works or staff council and the representative body for severely disabled persons and hears the severely disabled person.</li> <li>• In the dismissal protection proceedings, if necessary, it is also clarified in an oral hearing whether it is necessary to dismiss the severely disabled person or whether another solution cannot be reached.</li> <li>• Furthermore, it is jointly examined whether the workplace of the person concerned can be reorganised in a way that is suitable for the disability or whether it is possible to provide a more suitable workplace.</li> </ul>
Bearbeitungsdauer	<ul style="list-style-type: none"> <li>• depending on the effort involved in the investigation</li> </ul>

Modul	Sachverhalt
Frist	<p>#### Termination • in the case of approval by the Integration Office: 1 month after delivery of the approval • in the case of extraordinary termination: • Application to the Integration Office within 2 weeks of knowledge of the reason for termination • immediately upon presentation of the Integration Office's approval</p> <p>#### Decision by the Integration Office • if possible, within 1 month of receipt of application • in the case of extraordinary termination: within 2 weeks **Note:** If no decision is made within this period, the consent is deemed to have been granted (fictitious consent).</p>
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Objection (details in the notification)
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	