

99006045129000

Explain the admissibility of special prohibitions on dismissal

Heruntergeladen am 25.07.2025

<https://fimportal.de/xzufi-services/100196613/L100010>

Modul	Sachverhalt
Leistungsschlüssel	99006045129000
Leistungsbezeichnung I	Explain the admissibility of special prohibitions on dismissal
Leistungsbezeichnung II	Explain the admissibility of special prohibitions on dismissal
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Saarland
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)
Verrichtungskennung	Erklärung (129)
SDG-Informationsbereich	
Lagen Portalverbund	Beendigung von Arbeitsverhältnissen (2030800)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	24.03.2023
Fachlich freigegeben durch	Ministry of Labor, Social Affairs, Women and Health
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 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	<p>If a person who is subject to special protection against dismissal is to be dismissed, a declaration of admissibility must be applied for before the dismissal is announced.</p>
Volltext	<p>If you wish to dismiss a person who is subject to special protection against dismissal, you must apply for a declaration of admissibility before giving notice. The following groups of people are subject to special protection against dismissal:</p> <ul style="list-style-type: none"> • Women during pregnancy • Parents on parental leave • Persons caring for a relative in need of care <p>The provisions on protection against dismissal are regulated differently.</p> <p>For carers, protection against dismissal applies not only during the period of care, 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.</p> <p>The protection against dismissal applies not only when taking on a care service, but also when care is organized.</p>

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Protection against dismissal for parents on parental leave begins as soon as the application is submitted. The ban on dismissal begins at the earliest 8 weeks before the start of parental leave (up to the child's 3rd birthday) or 14 weeks before the start of parental leave (between the child's 3rd birthday and the age of 8).

The Ministry of Labor, Social Affairs, Women and Health will only grant your consent if a verifiable reason for termination can be provided.

Erforderliche Unterlagen

The Ministry of Labor, Social Affairs, Women and Health can request further information and documents if there are any queries regarding the information provided.

Voraussetzungen

- There is a valid reason for termination, such as closure of the business, insolvency, partial closure of the business or a particularly serious breach of duty by the employee.
- You employ employees from one of the three groups of people who are subject to a special prohibition on dismissal.
- You have not yet dismissed the employee.

Kosten

The administrative fees are variable and depend on how long it takes to process your application. You can ask the Ministry of Labor, Social Affairs, Women and Health about the processing fees that apply.

The general fee schedule of the Saarland applies.

Verfahrensablauf

In order to be able to dismiss employees with special protection against dismissal, an application for a declaration of admissibility must be submitted to the Ministry of Labor, Social Affairs, Women and Health before notice of dismissal is given. You can apply for a declaration of admissibility online via the online service or using a PDF form.

If you wish to apply for a declaration of admissibility via the online service:

- Access the online service
- Registration via the Business service account

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- Company data is automatically transferred from the service account to the online application.
- The person making the application enters all the necessary termination data.
- All necessary documents must be submitted to ensure rapid processing by the authorities. You can upload supporting documents for this purpose.
- Your application will be reviewed by the Ministry of Labor, Social Affairs, Women and Health.
- The Ministry of Labor, Social Affairs, Women and Health will send you the decision on your application by post.
- Dismissal of the person is only legal once the authority has sent written approval (decision)

If you wish to apply for a declaration of admissibility using the PDF form:

- Open the corresponding PDF form.
- Complete the application.
- Send the application by e-mail or by post to the Ministry of Labor, Social Affairs, Women and Health.

The remaining procedural steps correspond to the online procedure using the online service.

Bearbeitungsdauer

3 weeks to 6 weeks The processing time depends on the complexity of your application and may take considerably longer in individual cases.

Frist

The application must be submitted before notice of termination is given.

weiterführende Informationen
Hinweise

Termination is only effective after approval by the authorities. False statements in the application can lead to criminal prosecution.

Rechtsbehelf

Action before the Saarland Administrative Court

Kurztext

Special protection against dismissal exists for

- Women during pregnancy
- Parents on parental leave

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	<ul style="list-style-type: none"> • Persons who care for a relative in need of care in accordance with the Caregiver Leave Act or the Family Caregiver Leave Act <p>The protection against dismissal can be lifted by the Ministry of Labor, Social Affairs, Women and Health.</p>
Ansprechpunkt	
Zuständige Stelle	Ministry of Labor, Social Affairs, Women and Health
Formulare	
Ursprungsportal	Erklärung der Zulässigkeit bei besonderen Kündigungsverboten erklären, Explain the admissibility of special prohibitions on dismissal