

99006045129000, 99006045129000

Explain the admissibility of special prohibitions on dismissal

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/123160336/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99006045129000, 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	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)
Verrichtungskennung	Erklärung (129)
SDG-Informationsbereich	Gesetzlich oder durch Rechtsverordnung geregelte Beschäftigungsbedingungen — auch für entsandte Arbeitnehmer — (einschließlich Informationen über

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	Arbeitsstunden, bezahlten Urlaub, Urlaubsansprüche, Rechte und Pflichten bei Überstunden, Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	
Fachlich freigegeben durch	
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	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	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. The following groups of people are subject to special protection against dismissal: • Women • during pregnancy • 4 months after a miscarriage after the 12th week of pregnancy, • until the end of the protection period after the birth, • Parents on parental leave, • Persons caring for a relative in need of care.

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

- For carers, 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.
- There is a special ban on dismissal for parents
 - 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 approval if a verifiable reason for termination can be proven. False information in your application can lead to criminal prosecution.

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 three groups of people who are subject to a special prohibition on dismissal.
 - You have not yet dismissed the employee.

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Kosten	
Verfahrensablauf	
Bearbeitungsdauer	The processing time depends on the complexity of the application and can take considerably longer in 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://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz-73756
Hinweise	
Rechtsbehelf	• Contradiction
Kurztext	• 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 • 4 months after a miscarriage after the 12th week of pregnancy • until the end of the protection period after the birth • Parents 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 • Protection against dismissal can be revoked by the competent authority • Responsible: competent state authority
Ansprechpunkt	
Zuständige Stelle	State Office for Health and Social Affairs Occupational Safety and Health Department Friedrich-Engels-Platz 5-8 18055 Rostock

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Formulare	
Ursprungsportal	Explain the admissibility of special prohibitions on dismissal, Erklärung der Zulässigkeit bei besonderen Kündigungsverboten erklären