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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/802780/L100038>

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	Thüringen
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	29.11.2024
Fachlich freigegeben durch	Thuringian Ministry of Labor, Social Affairs, Health, Women and Family (TMA SGFF)
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	During pregnancy and the protection period, parental leave and care leave, there is generally protection against dismissal. To obtain approval for the exceptions to the special protection against dismissal, you must contact the responsible office.
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 during their pregnancy up to 4 months after a miscarriage after the 12th week of pregnancy and until the end of their protection period after giving

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birth, but at least until 4 months after giving birth

- 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 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 or 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 proven.

In principle, it is not permitted to dismiss a woman during pregnancy.

This applies to women

- in employment or training relationships,
- in voluntary service and in development aid,
- who are employed in a workshop for disabled people,
- who work as members of a spiritual cooperative, deaconesses or members of a similar community in a permanent position or on the basis of an employment contract for them, or on the basis of extracurricular training,

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- who are employed to work from home or
- who are to be regarded as an employee-like person.

After childbirth, dismissal is generally not permitted until the end of the protection period, but at least 4 months after childbirth. In the event of a miscarriage after the 12th week of pregnancy, dismissal is also not permitted until at least 4 months after the birth.

In order for the special protection against dismissal to take effect, the employer must be aware of the pregnancy, the miscarriage after the 12th week of pregnancy or the delivery. The woman can make up for this notification at the latest within 2 weeks of receiving the employer's notice of termination.

There is also protection against dismissal during the entire period of parental leave. This begins from the time an employee requests parental leave, but no more than 8 weeks before the start of parental leave.

In special cases, the competent authority may exceptionally approve a dismissal in accordance with the Maternity Protection Act (MuSchG), the Federal Parental Allowance and Parental Leave Act (BEEG), the Caregiver Leave Act (PflegeZG) or the Family Caregiver Leave Act (FPfZG).

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.

The application should include

- Address and contact details of the employer
- Contact person in the company
- Address of the employee
- Date of birth of the employee
- (Expected) date of confinement, duration of parental leave or duration of care leave
- Reason for termination
- Evidence (e.g. business deregistration, shareholder resolution, resolution to open insolvency proceedings)

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	<ul style="list-style-type: none"> • Statement from the representative body (works council, staff council, employee representative body or similar)
Voraussetzungen	<ul style="list-style-type: none"> • 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. • The applicant must substantiate the existence of a special case in accordance with the Maternity Protection Act (MuSchG), the Federal Parental Allowance and Parental Leave Act (BEEG), the Caregiver Leave Act (PflegeZG) or the Family Caregiver Leave Act (FPfZG) and submit suitable documents as evidence.
Kosten	Verwaltungsgebühr: 200€ - 400€
Verfahrensablauf	<p>An employer or insolvency administrator can apply for dismissal during maternity leave, parental leave or care leave. The competent authority will decide whether this dismissal is permissible.</p> <p>You can submit the application online or by post.</p> <p>If you want to submit the application online:</p> <ul style="list-style-type: none"> • Call up the online service "Apply for termination of protection against dismissal". • The online service will guide you through the application step by step and request the necessary evidence. • The state of Thuringia uses this online service from Hamburg. It is therefore temporarily necessary for you to create a company account on the Hamburg portal until the central account from the federal government "My company account based on Elster" is connected. • The online service will send your application to the Thuringian State Office for Consumer Protection. • Your application will be checked. During this review, both you and the employee concerned will be given the opportunity to make a detailed presentation or comment. • Once your application has been reviewed, you will

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	<p>receive a decision.</p> <p>If you would like to submit your application by post:</p> <ul style="list-style-type: none"> • Download the application form. • Complete the application in full, attach the supporting documents and send all documents to the Thuringian State Office for Consumer Protection. • The next steps are the same as for the online application.
Bearbeitungsdauer	The processing time depends on the complexity of the application and can take considerably longer in individual cases. However, a processing time of at least 4 weeks can generally be assumed.
Frist	You must submit the application before notice of termination is given. If an extraordinary termination is to be declared in accordance with Section 626 (2) of the German Civil Code (BGB), the application must be received by the responsible office no later than 14 days after the facts of the case have been clarified.
weiterführende Informationen	https://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz-73756 https://verbraucherschutz.thueringen.de/arbeitsschutz/mutterschutz https://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz-73756 https://verbraucherschutz.thueringen.de/arbeitsschutz/mutterschutz
Hinweise	<p>As the applicant, you have a duty to cooperate and are therefore obliged to present comprehensible facts and suitable evidence.</p> <p>The decision of the supervisory authority does not affect the other provisions of employment law. The supervisory authority cannot retroactively declare a termination that has already been declared admissible.</p> <p>The termination of the employment relationship by the employer (in the sense of employment law) can only be declared by the employer if the official declaration of admissibility of the termination is in the hands of the person entitled to terminate.</p>

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If the employer gives notice of termination in ignorance of the pregnancy, the preclusive period of 3 weeks in accordance with Section 4 of the Protection against Dismissal Act (KSchG) applies to any action brought by the pregnant woman before the labor court.

Rechtsbehelf

You and the person concerned have the right to appeal against the decision on your application or against a decision that was not made within the deadline in accordance with the Administrative Court Regulations (objection, if applicable, action before the Administrative Court).

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 until the end of 4 months after a miscarriage after the 12th week of pregnancy until the end of the protection period after the birth, but at least until 4 months after the birth 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
- Special protection against dismissal during pregnancy and the protection period under the Maternity Protection Act, parental leave and care leave can only be circumvented with the approval of the competent authority. Mandatory reasons for dismissal must be proven. Fees apply.
- Responsible: competent regional inspectorate of the Thuringian State Office for Consumer Protection (TLV) Occupational Health and Safety Department

Ansprechpunkt

Please contact the Thuringian State Office for Consumer Protection (TLV), Occupational Health and Safety Department.

Zuständige Stelle

Thuringian State Office for Consumer Protection (TLV),

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	Occupational Health and Safety Department
Formulare	
Ursprungsportal	Applying for suspension of protection against dismissal during maternity leave, parental leave or nursing care, Aufhebung des Kündigungsschutzes bei Mutterschutz, Elternzeit oder Pflege beantragen