

99006045129000

Admissibility in the case of special prohibitions on dismissal

Explanation

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/S1000020010000011912/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99006045129000
Leistungsbezeichnung I	Admissibility in the case of special prohibitions on dismissal Explanation
Leistungsbezeichnung II	Apply for lifting of protection against dismissal in the case of maternity leave, parental leave or care
Typisierung	3a - Bundesaufsichtsverwaltung: Regelung, Land: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div >employer<="" >employers<="" >employment="" >maintenance<="" >maternity="" >osh<="" >parental="" <div="" <="" ban<="" div>,="" lang="en-x-mtfrom-de" leave<="" protection<="" td=""></div>

Modul	Sachverhalt
	<code>lang="en-x-mtfrom-de">dismissal</div>, <div lang="en-x-mtfrom-de">Protection against dismissal</div>, <div lang="en-x-mtfrom-de">Declaration of Eligibility</div>, <div lang="en-x-mtfrom-de">employee protection</div></code>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	10.05.2022
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • [§ 17 paragraph 2 Maternity Protection Act (MuSchG)](https://www.gesetze-im-internet.de/muschg_2018/_17.html) • [§ 18 paragraph 1 Federal Parental Allowance and Parental Leave Act (BEEG)](https://www.gesetze-im-internet.de/beeg/_18.html) • [§ 5 Nursing Leave Act (PflegeZG)](https://www.gesetze-im-internet.de/pflegezg/_5.html) • [§ 2 Family Care Leave Act (Family Care Leave Act)](https://www.gesetze-im-internet.de/fpfzg/_2.html)
Teaser	If you want to dismiss a person with special protection against dismissal, you can apply for this protection against dismissal to be lifted under certain conditions.
Volltext	If you have to give notice to a person who is subject to special protection against dismissal, you can apply for a declaration of admissibility or approval of dismissal before the termination is given.

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	<p>The following groups of people are under special protection against dismissal:</p> <ul style="list-style-type: none"> • women during pregnancy • Parents on parental leave • People who care for a relative in need of care
Erforderliche Unterlagen	<p>If necessary, the responsible body can request further information and documents if there are any questions about the information provided.</p>
Voraussetzungen	<p>You will receive approval to terminate a person with special protection against dismissal if</p> <ul style="list-style-type: none"> • there is a valid reason for termination, • You employ employees who are subject to a special ban on dismissal, • You want to terminate employees with special protection against dismissal and • You have not yet terminated the employee.
Kosten	<p>The administration fees are variable and depend on the time it takes to process the relevant case. Please contact the relevant office to find out about applicable processing fees. The fee schedule for occupational safety, technical supervision and radiation protection (GebOAS) applies.</p>
Verfahrensablauf	<p>In order to terminate employees under special protection against dismissal, you must submit an application for a declaration of admissibility to the responsible authority before the termination.</p> <p>You can apply for the declaration of admissibility electronically via the online service or using a PDF form.</p> <p>If you want to apply for the declaration of admissibility via the online service: Access the online service.</p> <ul style="list-style-type: none"> • Sign in using the Business service account. • Your company data will be transferred from the service account to the online application. • As the applicant, you enter all the necessary data. • Submit all required documents. You can upload

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	<p>evidence for this.</p> <ul style="list-style-type: none"> • Your application will be examined by the responsible authority. • You will receive a notification by post. <p>You need the consent (notice) of the responsible authority before you can legally give notice of termination.</p> <p>If you want to apply for the declaration of admissibility using the PDF form:</p> <ul style="list-style-type: none"> • Open the corresponding PDF form. • Please, fill in the application! • Submit the application and all required documents to the responsible authority. • Your application will be examined by the responsible authority. • You will receive a notification by post. • You need the consent (notice) of the responsible authority before you can legally give notice of termination.
Bearbeitungsdauer	The processing time is usually 3 weeks to 4 weeks. The processing time depends on the complexity of your application and can take significantly longer in individual cases.
Frist	You need the consent of the responsible authority before you can legally terminate a person with special protection against dismissal.
weiterführende Informationen	<p>https://serviceportal.hamburg.de/HamburgGateway/Service/Entry?id=AufBesKuen#:~:text=Die%20zust%C3%A4ndige%20Beh%C3%B6rde%20kann%20diesen,und%20eine%20Ausnahmegenehmigung%20zu%20beantragen.</p> <p>https://serviceportal.hamburg.de/HamburgGateway/Service/Entry?id=AufBesKuen#:~:text=Die%20zust%C3%A4ndige%20Beh%C3%B6rde%20kann%20diesen,und%20eine%20Ausnahmegenehmigung%20zu%20beantragen.</p>
Hinweise	The termination is only effective after the approval of the authority. False information in the application can lead to criminal prosecution.

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The dismissal protection regulations are regulated differently.

When it comes to care, protection against dismissal applies not only during care, but also when you are notified that you will be unable to work. The protection is valid for a maximum of 12 weeks before the announced start.

Protection against dismissal applies not only when care is provided, but also when care is organized.

Protection against dismissal for parents on parental leave begins when the application is submitted. There is a special ban on termination 8 weeks before the start of parental leave or 14 weeks before the start of parental leave.

The responsible authority will only grant you consent if a verifiable reason for termination can be proven.

Rechtsbehelf

Objection within one month of receipt of the decision

Kurztext

- Apply for cancellation of protection against dismissal for maternity leave, parental leave or care
 - The special protection against dismissal applies to:
 - women during pregnancy
 - Parents on parental leave
 - Persons who care for a relative in need of care in accordance with the Care Leave Act or the Family Care Leave Act
 - Protection against dismissal can be repealed by the responsible authority.

Ansprechpunkt
Zuständige Stelle

Justice and Consumer Protection Authority

Formulare
Ursprungsportal

Hamburg Service, Hamburg Service (Currently this link is only available in german)