

Germany²⁷⁹

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N.B. Germany is a federal state.

For comparison with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the [Leave Network website](#)). To contact authors of country notes, see the [members](#) page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: German legislation (*Bundeselternzeit- und Elterngeldgesetz (BEEG)*) differentiates two dimensions of Parental leave: 'Elternzeit' refers to job protection rights and the right to work part-time; 'Elterngeld' and 'ElterngeldPlus' refer to Parental leave benefits

a. Maternity leave (*Mutterschutz*) (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave (before and after birth)

- Fourteen weeks: 6 weeks before the birth and 8 weeks following the birth.
- It is obligatory to take 8 weeks after the birth.
- A woman may not be dismissed during her pregnancy, up to 4 months after a miscarriage after the 12th week of pregnancy and until the end of her protection period after the birth, but at least until 4 months after the birth.
- Beyond the Maternity leave period, pregnant women are also protected from workplace hazards, night work, overtime hours and – in the case of asylum seekers – from deportation.

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Payment and funding

- One hundred per cent of the average income in the last 3 months before Maternity leave, with no upper limit on payment.
- Self-employed and non-employed women who are not covered by a public health insurance do not receive any Maternity leave benefit but can apply for up to €210 per month, which is paid by the state social security system.
- A woman who is prohibited from working before or after giving birth receives maternity protection benefits from her employer. Maternity protection pay is the average income in the last three months prior to the start of the pregnancy.
- Payments are made to the mother by the employer, who can apply for reimbursement from the responsible health insurance institution.
- Payments are not taxed. However, they are counted when calculating the applicable tax rate ('progression clause'). In effect, it can lead to being grouped in a higher tax rate class, and thus to higher taxes on the rest of the income.
- Funded by the mother's health insurance (€13 per day) and the mother's employer, who – if applicable – covers the difference between the money provided by the health insurance and the mother's previous earnings. Benefits for mothers with an income below €390 per month are paid by the mother's health insurance alone and match their prior income. Employers pay a contribution to health insurance, amounting to approximately 0.2 per cent (the particular amount is assigned by the health insurance) of the gross pay of their female workers.
- Mothers receiving unemployment benefits are also entitled to paid Maternity leave benefits which are paid by their health insurance at the same amount as their previous unemployment benefit.

Flexibility in use

- Expectant mothers may choose to continue with paid work or education during the last six weeks before delivery, if they explicitly declare that it is their personal decision to do so. During the postnatal period of Maternity leave, however, no paid work is allowed for reasons of health protection, for eight weeks, or twelve weeks in the case of premature and multiple births. In case of a stillbirth, women may resume working after three weeks if it is their personal decision and if there are no medical concerns.

Eligibility (e.g., related to employment or family circumstances)

- The entitlement to Maternity leave benefits depends on whether the woman is employed and whether she is covered by health insurance. The following groups are entitled to benefits:
 - All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €520 per month)
 - Students and pupils, including vocational training
 - Female voluntary workers (voluntary social/ecological year)
 - Self-employed women

- Asylum seekers
- If not covered by public health insurance, students, pupils, women in voluntary work, self-employed women, and asylum seekers receive instead a minimum Maternity leave benefit of at most €210 per month.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- In the case of multiple births, premature births and children born with disabilities, the length of leave increases to 12 weeks after birth, plus Maternity leave that could not be taken before birth in the case of a premature birth.
- In certain circumstances (e.g., death or chronic illness of the parent), other relatives living with the new-born child may receive the benefit.
- Asylum seekers may not be deported during pregnancy and Maternity leave.
- Adoptive mothers are currently not eligible for Maternity leave but are entitled to Parental leave.

b. Paternity leave

No statutory entitlement. However, fathers in Germany living together with the mother and the child are entitled to two exclusive months of Parental leave and corresponding benefits (see 1c), which can only be used by them and not by their wife/partner. Many fathers who claim parental allowance use part of this entitlement directly after the birth in a similar way to Paternity leave (see Section 4).

c. Parental leave (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave (Elternzeit)

- Until the child reaches 3 years of age.
- Leave is an individual entitlement, i.e., both mother and father can take leave until the child is three years old. Parental leave can be taken by either parent alone or by both parents together.
- A portion of up to 24 months can be claimed between the child's 3rd birthday and the age of 8 years. The 3 years of Parental leave are counted for each child.

Payment and funding (Basiselterngeld/ElterngeldPlus)

- An income-related benefit is paid for a certain period if a parent takes full-time (maximum of 14 months) or part-time (maximum of 28 months) leave. Parents can choose between (or successively combine) two types of leave benefit payments: *Basiselterngeld* (full-time leave) and *ElterngeldPlus* (part-time leave).

Basiselterngeld:

- Replaces a proportion of former income, if parents take leave to care for their child/ren.
- Paid for a period of up to 12 months after the child is born.
- 'Partner months' (*Partnermonate*): two bonus months are paid on top of the 12 months if both parents take at least two months of leave or for single parents.
- Income replacement rate: paid at a level of 65 per cent²⁸⁰ of the preceding year's net earnings²⁸¹, with a minimum of €300 per month and a maximum of €1,800 per month.
- Flexibility in use: parents can choose to work part-time (up to 32 hours per week) by combining *Basiselterngeld* and *ElterngeldPlus*.
- Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *Basiselterngeld* benefit period available to mothers to 10 months (12 for single mothers).
 - Parents who have not been working before birth are eligible to receive the minimum rate of €300 per month.

ElterngeldPlus:

- Replaces a proportion of the loss in income if parents reduce their working hours to care for their child/ren.
- Duration: paid for a period of 24 months (plus 4 'partner months') and may be used in the first two years after childbirth.
- Partnership bonus (*Partnerschaftsbonus*): 2, 3 or 4 bonus months are paid if both parents work part-time at least 2, 3 or 4 subsequent months, respectively, for 24 to 32 hours per week.
- Income replacement rate: paid at a level of 65 per cent (see footnote 5) of last year's net earnings (see footnote 6) for the lost earnings due to part-time hours – at most, 50 per cent of *Elterngeld* payments, i.e., between a range of €150 and €900.
- Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *ElterngeldPlus* benefit period available to employed mothers to 22 months.

²⁸⁰ Parents with a previous net income between €1,000 and €1,240 per month receive benefits at a rate of 67 per cent and parents with a previous income of €1,240 and higher receive benefits at a 65 per cent rate, up to the limit of €1,800 per month for the parental benefit (*Elterngeld*) payment. Parents with a net income of less than €1,000 per month receive an increased benefit: for every €2 that their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with monthly incomes above €1,240, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed this sum, their parental benefit decreases by 0.1 per cent, to a minimum rate of 65 per cent. For parents on leave who work part-time during the leave, the income replacement rate is 65 per cent of the difference between the previous year's net earnings before birth and the current earnings after the birth.

²⁸¹ The net earnings are estimated with fixed social security reduction rates, calculated on the individual's former gross earnings. Special payments such as holiday pay and Christmas bonuses paid once a year are not considered in the calculation.

- Parental leave entitlements are individual entitlements and both parents can receive their Parental leave benefits at the same time. Since 2024 simultaneous use of *Basiselterngeld* from both parents is only possible for a maximum of 1 month and only within the first 12 months of the child's life.
- There is a supplementary payment for parents with more than one young child (*Geschwisterbonus*): if there are 2 children under 3 years of age, or 3 or more children under 6 years of age, or 2 children of which at least 1 is disabled and under 14 years of age in the household, the parental benefit is increased by 10 per cent (at least €75 per child for *Basiselterngeld* or €37.50 for *ElterngeldPlus*).
- For parents with multiple births, a supplementary payment of either €300 (*Basiselterngeld*) or €150 (*ElterngeldPlus*) per month is paid per additional child.
- Mothers or fathers (if they are the main caregiver) receive pension credits for child-rearing time (*Kindernerziehungszeit*) even if they do not make use of Parental leave (parents may decide how pension credits are to be divided). For each child born after 1 January 1992, 3 years of child-rearing (two years for children born beforehand) are recognised in the pension system. Each year of recognised child-rearing time entails a monthly pension increase of €33.05 in Western Germany and €31.89 in Eastern Germany. Pension credits for child-rearing are currently paid through Germany's contribution-based pension system.
- The *Elterngeld* itself is exempt from taxation, i.e., it is a net benefit with no taxes deducted. However, it is counted when calculating the applicable tax rate ('progression clause'). In effect, the parental leave benefit can lead to being grouped in a higher tax rate class, and thus to higher taxes on the rest of the income.
- The *Basiselterngeld* and *ElterngeldPlus* are funded by the federal government, through general taxation.

Flexibility in use

- Parents can choose between *Basiselterngeld* and *ElterngeldPlus* or combine both types of paid leave.
- Recipients of *Basiselterngeld* and *ElterngeldPlus* may work up to 32 hours per week. Then, however, they only receive parental benefit for the lost income: i.e., if a parent worked, for example, 40 hours per week before taking Parental leave, and continues working 30 hours per week thereafter, they receive 65 (67 to 100 for lower incomes) per cent of the margin between the present and the former income, in addition to their employment income.
- Parental leave can be separated into a maximum of three leave periods (more intervals are subject to employer approval). However, once the child is over 14 months old and both parents completed their parental benefits, they cannot apply for a new period of parental benefit receipt even if they have not exhausted the maximum length.²⁸²

²⁸² Parents who were 'key workers' during the COVID-19 pandemic (i.e., working in a 'system-relevant' occupation) were entitled to postpone Parental leave benefit months that they wanted to take between 1 March and 31 December 2020 until after the crisis. They

- Most (24 months) of the unpaid Parental leave period can be taken until the child's eighth birthday.

Regional or local variations in leave policy

- Parental leave legislation is federal. However, two federal states (Bavaria and Saxony) provide additional payments to carers/families (for more information, see 1d).

Eligibility (e.g., related to employment or family circumstances)

- Parental leave (*Elternzeit*): all parents gainfully employed at the date of birth. During the Parental leave, parents must not be employed more than 32 hours per week.
- Parental benefit (*Basiselterngeld & ElterngeldPlus*):
 - all parents not employed more than 32 hours per week
 - parents must live in the same household with the child (this includes separated parents with joint custody)
 - other people who take over the care, when parents are ill, disabled, or have died
 - adoptive parents and foster parents
 - self-employed parents
 - same-sex couples
 - parents or a single parent with a net income equal to or less than €200,000²⁸³ (from 1 April 2024)
 - citizens of the EU, EWR, and Switzerland if they are employed in Germany or live in Germany (according to EU legislation)
 - citizens of other countries with a permanent residence permit or with a working contract in Germany; asylum seekers are eligible after having lived in Germany for at least three years

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the parents

- Grandparents are entitled to Parental leave if their child, i.e., the parent of their grandchild is younger than 18 years or if the parent is still in education or vocational training.
- If a child is born at least 6 weeks before the due date, parents receive an additional month of parental allowance; if the child is born 8 weeks early, there are 2 additional months of parental allowance; in the case of 12 weeks early 3 months; and in the case of 16 weeks early 4 months.

can also still take basic parental allowance later, even though their child is older than 14 months.

²⁸³ Reduced as of 1 April 2024, before that only parents with a maximum income of €300,000 and single parents with a maximum income of €250,000.

Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Many collective and individual company agreements allow parents to utilise their Parental leave entitlement within 12 years or, in the public sector, within 18 years after childbirth.

d. Childcare leave or career break

- Two federal states, Bavaria and Saxony, grant cash-for-care allowances (*Landeserziehungsgeld/Familiengeld*), available from the 13th month after childbirth and until the child's third birthday. The benefits are paid in addition to other social benefits.
- Bavaria grants parents €250 per month for each child in the second and third year of life, i.e., from the 13th to the 36th month of life, increased to €300 per month from the third child onwards. It is a benefit for all families, regardless of income or employment. Parents in Bavaria can also receive family allowance if the child attends a crèche or is looked after by the family.
- In Saxony, parents receive *Landeserziehungsgeld* if they do not use childcare facilities during that time. They may also not work more than 30 hours per week during the time the payments are received (exception: if they are in training). Duration: If starting to receive state child-raising allowance in the second (third) year of the child's life: for the first child: for 5 (9) months, for the second child: for 6 (9) months, from the third child: for 7 (12) months. Parents get income-related payment of up to €150 per month for the first child, up to €200 for the second, and up to €300 for each additional child. Beginning at a net household income of €24,600 (€21,600 for single parents), payments are successively reduced. This threshold rises per additional child by €3,140.

e. Other types of leave and flexible working

Time off for the care of dependants

- In case of the sickness of a child (below 12 years of age), working parents with statutory health insurance (not parents with private health insurance) may each take up to 15 days of leave per child (30 days for a single parent). Parents usually receive 90 per cent of their net salary during the period of leave. The maximum annual leave period per working parent is 35 days per year (70 for single parents), even in case of three or more children. If the child is hospitalized, the annual leave period is unlimited.
- A relative of a care-dependent person is entitled to 10 days of short-term leave if that person has an unexpected illness, as well as 6 months of long-term care leave. Both entitlements are unpaid.
- *Pflegezeit* (caring time) entitles employees in a workplace with more than 15 employees to apply for up to 10 days of paid leave (over a care-dependent's lifetime) at 90 per cent of their income, if they need to care for a dependent relative; a medical certification of care-dependency is required, and the wage replacement is financed by public long-term care insurance. Moreover, employees with care-dependent relatives are entitled to take up to 6 months

of full or partial unpaid caring time. During this period, employees have the legal right to receive an interest-free loan from the Federal Office for the Family and Civil Engagement, in order to compensate for their lost income. *Pflegezeit* does not require the consent of employers.

- *Familienpflegezeit* (family caring time) permits employees in a workplace with more than 25 employees to reduce their working time to a minimum of 15 hours per week for a period of up to 2 years, if they need to care for a dependent relative. During this period, the lower income of employees can be compensated by receiving an interest-free loan from the Federal Office for the Family and Civil Engagement. The loans have to be paid back within 48 months after the start of the leave of absence. The compulsory long-term care insurance covers additional pension contributions during the caring time, if care is given for at least 14 hours per week and employment is limited to a maximum of 30 hours per week. *Familienpflegezeit* is a legal entitlement for employees if they continue to work for at least 15 hours per week.

Employment protection

- During pregnancy and Parental leave, mothers are protected by law against dismissal. Fathers are protected against dismissal during Parental leave, plus eight weeks before their leave period starts.

Specific provision for (breast)feeding

- Mothers have a right of 60 to 90 minutes for breastfeeding per day. This time must be fully paid. Mothers who work from home have to be paid the average hourly wage for breastfeeding time.

Flexible working

- Part-time leave taking is possible during Parental leave as described above in Section 1c.
- Reductions to part-time (*Teilzeit*)²⁸⁴: employees who have worked longer than 6 months in the same workplace with more than 15 employees are entitled to reduce their working hours, unless there are operational reasons to oppose it. The operational reasons include the cases where the reduction in working hours causes severe impairment in workflow, organisation, and safety issues, or results in a disproportional amount of costs. Reduction to part-time hours (*Teilzeit*) does not entitle employees to return to full-time afterwards.
- Temporary part-time ("*Brückenteilzeit*"): employees who have worked longer than 6 months in the same workplace with more than 45 employees are entitled to reduce their working hours for 1 to 5 years and then return to full-time afterwards. Employers may refuse employees' requests for such temporary working hours reductions on the grounds of operational reasons.

²⁸⁴ In Germany, 27 per cent of women in part-time employment have reduced their working hours due to childcare, compared to just under 6 per cent of men (https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/04/PD24_N017_13.html).

- There are no statutory regulations that entitle employees to request to work from home, although many collective and individual company agreements include the possibility to work from home.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is three years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus two more months if at least two months' leave is taken by each parent. There is an entitlement to Early Childhood Education and Care (ECEC) for all children from the age of one year. Thus, there is no gap between the end of well-paid leave and an ECEC entitlement. The federal law regulating the entitlement to ECEC (SGB VIII) does not specify how many hours of ECEC children are entitled to, but maintains that it can be defined on the basis of need (e.g., full-day care needed according to employment hours). An influential review²⁸⁵ of this federal law suggested that four hours per day Monday through Friday are the minimum hours necessary to adequately promote the development of 1 to 3 year-olds and thereby created an almost *de facto* minimum of 20 hours per week. Ten federal states explicitly defined their own mostly longer minimum hours thresholds. Yet, many services in Western German states still do not offer opening hours that allow for the full-time employment (of both parents), while full-day care has remained the norm in Eastern German states.

In 2023, 856,584 children under the age of three were in day care (including children at 'day parents'. The childcare ratio nationwide in March 2023 was 36.4 per cent (2022: 35.5 per cent). A considerable gap remains between East Germany and West Germany: in East Germany 54.2 per cent of children under the age of three attended day care facilities compared to 32.7 per cent in West Germany. For the age group three years up to six years (mandatory school age), 90.9 per cent of children attended kindergarten in March 2023, and here the difference between West Germany (90.4 per cent) and East Germany (93.3 per cent) was small.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

For births from 1 April 2024, both parents can receive *Basiselterngeld* for a maximum of 1 month at a time; previously it was 2 months. It is also now only possible within the first 12 months after the birth.

²⁸⁵Meysen, T. and Beckmann, J.M. (2013) *Rechtsanspruch U3: Förderung in Kita und Kindertagespflege* [Legal claim U3: Funding in daycare and child day care]. Baden-Baden: Nomos

A new upper income limit for the Parental leave benefit came into force on 1 April 2024:

- For births until 31 March 2024, couples who jointly earn up to €300,000 per year can receive Parental leave benefit. For single parents, the limit is €250,000.²⁸⁶
- From 1 April 2024, this limit will fall to €200,000 for both couples and single parents.
- From 1 April 2025, the income limit will fall once again to the maximum amount of €175,000 per year, both for couple and single parents.

4. Uptake of leave

a. Maternity leave

There is a 100 per cent uptake as it is prohibited to work for 8 weeks after birth.

b. Paternity leave

No statutory leave entitlement; please see numbers of fathers' uptake of Parental leave in the first month after the birth of a child below.

c. Parental leave and parental benefit

In 2023, about 1.3 million women and 462,101 men in Germany received parental benefits. The share of fathers amongst parental benefit recipients overall was 26.2 per cent in 2023.²⁸⁷ In the same year, 614,000 recipients of Parental leave benefits planned to claim *Elterngeld Plus*, namely 40.9 per cent of eligible mothers and 17.7 per cent of fathers. Overall, the proportion of recipients of paid Parental leave who also planned to receive part-time Parental leave was 34.8 per cent (2022: 32.8 per cent). Demand for paid Parental leave in part-time has therefore steadily increased since its introduction in 2015. The average duration of planned paid Parental leave in 2023 was for those who claimed these benefits as in the year before significantly longer for women (14.8 months) than for men (3.7 months). 57 per cent of fathers who claim parental leave benefit do so (also) for the first month after the birth of the child and thus use Parental leave entitlements as an equivalent to Paternity leave

The data on the final payments for births in 2020²⁸⁸ show that 67 per cent of the parents of children born in 2020 who claimed Parental leave benefits were employed before the birth of the child (90.8 per cent of fathers and 56.4 per cent of the mothers).

The 2007 Parental benefit reform had the explicit aim to raise fathers' uptake of leave, and the data by the Federal Statistics Office show that the proportion of fathers taking Parental leave benefits has risen since its introduction in that year.

²⁸⁶ The upper limits relate to taxable income, not gross earnings.

²⁸⁷ Statistisches Bundesamt [Federal Statistical Office] (2024) https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/03/PD24_124_22922.html

²⁸⁸ Destatis 2024: https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Elterngeld/_inhalt.html#236198

For births in 2020, parental benefit was taken up by 43.7 per cent of fathers (2015: 36.9 per cent; 2019: 43.5 per cent). The proportion of fathers in the group of those who claim paid Parental leave entitlements remain almost unchanged at 26.2 per cent in 2023 (2022: 26.1 per cent). However, the proportion of fathers has risen continuously since 2015, when it stood at 20.9 per cent. There were substantial regional variations amongst the German federal states, from only 20.4 per cent in Saarland to 30.1 per cent in Saxony.²⁸⁹

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https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/03/PD24_124_22922.html