Germany

Thordis Reimer (University of Hamburg), Daniel Erler (pme Familienservice) and Sonja Blum (University of Hagen)

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NB. Germany is a federal state.

For comparisons 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’ 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 (14) weeks: six weeks before the birth and eight weeks following the birth. It is obligatory to take the eight weeks leave after birth.
- From the twelfth week of pregnancy until four months after the birth of a child (also stillbirth), mothers are protected from job dismissal.

*Payment and funding*

- One hundred per cent of earnings (of the mean income in the three months before maternity leave), with no ceiling on payments.
- Maternity leave benefits *(Mutterschaftsgeld)* are usually paid by the mother’s health insurance (€13 per day)\(^2\) 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. The benefits are paid direct to the mother by the employer, who can apply for reimbursement at the responsible health insurance institution
- Benefits for mothers with an income below €390 per month are paid by the mother’s health insurance alone and match their prior income.


2 Since 2006 employers have to pay a contribution to the mother’s health insurance, amounting of approximately 0.2 per cent (the particular amount is assigned by the health insurance) of the gross pay of their female workers *(Umlageverfahren 2).*
Mothers receiving unemployment benefits are also eligible to paid Maternity leave benefits by their health insurer, which match their unemployment benefit.

Self-employed and non-employed women receive no Maternity leave benefit if they have no public health insurance. However, they may apply for up to €210 per month paid by state social security.

**Flexibility in use**

Women may continue with paid work or education until the birth of a child if they explicitly declare that it is their personal decision to do so. During the period of Maternity leave after birth, however, in general no paid work is allowed for reasons of health protection. Only women with stillbirth may continue after two weeks if it is their personal decision and if there are no medical concerns.

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

All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €450 per month) as well as female students and pupils and women working in voluntary work. Self-employed workers are not eligible if they have no public health insurance.

**Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone 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 days 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.

**b. Paternity leave**

No statutory entitlement.

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

**Length of leave (‘Elternzeit’)**

Up to three years after childbirth for each parent, of which 24 months can be taken up to the child’s eighth birthday. This is an individual entitlement and non-transferable. It provides parents with employment protection rights during this period.

**Payment and funding (‘Basiselterngeld’ / ‘ElterngeldPlus’)**

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

*Basiselterngeld*

3 However, many German fathers use some of their Parental leave entitlements directly after birth, in a manner similar to Paternity leave.
Replaces a proportion of former income, if parents take leave to care for their child/ren

Duration: paid for a period of 12 (+2) months after the child is born

‘Partner months’ (Partnermonate): two bonus months are paid if both parents take at least two months of leave

Income replacement rate: paid at a level of 65 per cent\(^4\) of last years’ net earnings\(^5\) 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 30 hours)

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 employed mothers to 10 months

\textit{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 (+4) months and may be used in the first two years after childbirth

Partnership bonus (Partnerschaftsbonus): four bonus months are paid if both parents work at least in four subsequent months in part-time with 25 to 30 hours a week

Income replacement rate: paid at a level of 65 per cent (see footnote 2) of last years’ net earnings (see footnote 3) for lost earnings due to part-time, 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

- Parental leave entitlements are individual entitlements and both parents can receive their Parental leave benefits at the same time.
- Parents who are not working before birth are eligible to receive the minimum rate of €300 per month. Parents who are long-term unemployed are not eligible for additional payments with parental benefits, as it is credited against social assistance payments.
- There is a supplementary payment for parents with more than one young child (Geschwisterbonus): If there are two children under the age of three years, or three or more children under the age of six years 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 of multiple births, a supplementary payment of either €300 (Basiselterngeld) or €150 (ElterngeldPlus) per month is paid per additional child
- The Basiselterngeld and ElterngeldPlus are funded by the federal government, through general taxation.

\(^4\) 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 previous income from €1,240 and higher receive benefits at a 65 per cent rate up to the ceiling 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 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.

\(^5\) The net earnings are estimated with fixed social security reduction rates, calculated on the individual’s former gross earnings.
• Mothers (or fathers if they are the main caregiver) receive pension credits for childrearing time (Kindererziehungszeit) even if they do not make use of Parental leave. For each child born after 1 January 1992, three years of childrearing (two years for children born beforehand) are recognised in the pension system. Each year of recognised childrearing time entails a monthly pension increase of €28.14 in Western and €25.74 in Eastern Germany. Pension credits for childrearing are currently paid through Germany’s contribution based pension system.

Flexibility in use

• Parents can choose between Elterngeld and ElterngeldPlus or combine both types of leave.
• Recipients of Elterngeld and ElterngeldPlus may work up to 30 hours a week. Then, however, they only receive parental benefit for the lost income: That is, if a parent e.g. worked 40 hours weekly before taking Parental leave, and continues working 30 hours thereafter, s/he receives 65 per cent of the margin between the present and the former income in addition to her/his employment income.
• Both parents are entitled to take leave at the same time and both can take up to two leave intervals.

Regional or local variations in leave policy

• Parental leave legislation is federal. However, two federal states (Bavaria and Saxony) pay a means-tested parental benefit (Landeserziehungsgeld) extended to the third year of Parental leave, ranging from €150 to €300 per month and child. For more information, see 1d below.

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

• Parental leave (Elternzeit): all parents gainfully employed at the date of birth.
• Parental benefit (Basiselterngeld & ElterngeldPlus):
  o all parents not employed more than 30 hours a week
  o parents have to live in the same household with the child
  o other persons who take over the care, when parents are ill, disabled or dead
  o adoptive parents and foster parents
  o parents with a net income equal to or less than €500,000 or a single parent with equal or less than €250,000 income
  o citizens of the EU, EWR and Switzerland if they are employed in Germany or live in Germany (According to EU legislation)
  o 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.
• Self-employed parents are eligible for leave and benefit, as are same-sex couples.

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

• Grandparents are entitled to unpaid 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.

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 breaks

Until July 2015, a cash-for-care benefit (Betreuungsgeld) of €150 per month was paid to parents who care for their one and two-year-old children at home and/or do not make use of public childcare facilities. However, the German Constitutional Court declared the Betreuungsgeld legislation was incompatible with federal law. However, in two federal states, Bavaria and Saxony, cash-for-care allowances (Landeserziehungsgeld) are still granted, available from the 13th month after childbirth and until the child’s 3rd birthday. The benefits are paid in addition to other social benefits but not at the same time with Parental leave benefits. In Bavaria, parents get income-related payments up to €150 for the first child (for 6 months), up to €200 for the second and up to €300 for the third and further children (for up to 12 months), capped at €34,000 net household income (€31,000 for single parents; increasing for each additional child by €4,440). They are paid under the condition that parents take their children to health check-ups. In Saxony, parents receive Landeserziehungsgeld if they declare they will not use childcare facilities during the second and/or the third year after birth. Parents get income-related payments up to €150 for the first child, up to €200 for the second and up to €300 for the third and further children. Beginning at a net household income of €17,100 (€14,100 for single parents), payments are successively reduced.

e. Other employment-related measures

Adoption leave and pay

• For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

• In case of 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 ten days of leave per child (20 days for a single parent), receiving 80 per cent of earnings from their health insurer with no ceiling. The maximum annual leave period per working parent is 25 (50) days a year, even in case of three or more children.
• A relative of a care-dependent person is entitled to ten days of short-term leave if that person has an unexpected illness, as well as six months of long-term care leave. Both entitlements are unpaid.
• During pregnancy and during 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.
• Pflegezeit (caring time) entitles employees with care-dependent relatives to apply for up to ten days of paid leave (over a care-dependent's life-time) at 90 percent of their income; a medical certification of care-dependency is required and the wage replacement is financed by the public long-term care insurance. Moreover, employees with care-dependent relatives are entitled to take up to six month 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, for a period of up to two years, to reduce their working time to a minimum of 15 hours, if they need to care for a dependent relative. During this period employees are paid a lower income, though the reduction in income is less than the reduction in hours; employees repay the difference by receiving the same amount of reduced earnings for an equivalent period after returning to full-time employment. For example, if employees reduce their working time from 100 to 50 per cent for two years, they will receive 75 per cent of their income during that time and for a further two years after returning to full-time work again. The compulsory long-term care insurance covers additional pension contributions during the caring time if care is given for at least 14 hours and employment is limited to a maximum of 30 hours per week. Since January 2015 Familienpflegezeit is a legal entitlement for employees, if they continue to work for at least 15 hours per week.

Flexible working

• Working mothers have a right to 60-90 minutes for breastfeeding per day. This time has to be fully paid. For homeworkers, 75 per cent of earnings have to be paid, at least €0.38 per working day.
• During three years after Elternzeit, a parent has the right to reduced working hours of 15-30 per week (calculated as monthly average). This applies to employers with more than 15 employees.

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

The maximum period of post-natal leave available in Germany 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. From August 2013, there has been a legal entitlement to ECEC for all children from the age of one year (before then, the entitlement for all children, i.e. independent of an employment of the parents, only began at three years of age). Thus, there is no gap between the end of well-paid leave and an ECEC entitlement. The entitlement, however, does not specify hours per day or per week; many services in Western Germany still do not offer opening hours that allow for a full-time employment (of both parents), while full-time opening has remained the norm in Eastern Germany.

Levels of attendance at formal services for children under three years are at about the average for the countries included in this review and OECD countries; but well above the average for children over three years. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on cross-country comparisons page.

In 2016, nearly 720,000 children under the age of three were in day-care. In contrast, a demand of 780,000 places in day-care are the estimated demand. 32.7 per cent of children up to three years were in day-care, 85.4 of those in day-care centres (Kindertagesbetreuung) and 14.6 per cent in private day-care (Tagespflege). 2.5 per cent of children up to one year old were in day-care, 36.1 per cent of children between one and two years and 60.6 per cent of children between two and three years old. Still there is a considerably gap between East Germany and West Germany: Whereas in East Germany 66.2 per cent of children between one and up to two years old were in day-care facilities, the percentage in West Germany was at a level of 28.8 per cent.

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6 Reference date December 2016 (https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/KinderJugendhilfe/KindertagesbetreuungRegional5225405167004.pdf?__blob=publicationFile)
3. Changes in policy since May 2017 (including proposals currently under discussion)

A change in Maternity leave legislation was passed in 2017, to be implemented in January 2018 (with the exception of job protection after miscarriage and the extended leave for mothers with a disabled child, which are already effective since April 2017). The new legislation includes:

- protection from job dismissal if employee has a miscarriage after the third month of pregnancy
- employers’ duty to assess the exposure to hazards for pregnant employees
- work prohibition only in cases where hazards for pregnant women at their workplace cannot be managed by a new organization of the workplace
- pregnant employees only have a working permission if such an assessment has been made and the results reveal no potential hazards (‘unverantwortbare Gefährdungen’) to the employee
- working hours during pregnancy after 8 pm and on weekends have to be authorised by the authorities

4. Take-up of leave

a. Maternity leave

There is a 100 per cent take-up as it is prohibited to work for eight weeks after birth.

b. Paternity leave

No statutory leave entitlement.

c. Parental leave and Parental benefit

In 2015, 24.1 per cent of mothers with children below the age of six years were on Parental leave (Elternzeit), compared to 1.5 per cent for fathers. The proportion of parents on Parental leave is higher when the youngest child is below the age of three years: 41.6 per cent of mothers, and 2.5 per cent of fathers.

Parents with children born after 1 July 2015 are entitled to choose between Elterngeld and ElterngeldPlus. Among all Parental leave applications in the fourth quarter of 2017, 69.7 per cent concerned Elterngeld and 30.3 per cent ElterngeldPlus, from which 5.5 per cent were paid as part of the Partnerschaftsbonus regulation.

Among all monthly Parental leave benefit payments in the fourth quarter of 2016, 53.8 per cent were calculated on former earnings through gainful employment. In 24.1 per cent of all cases, payments were at the level of the minimum entitlement of €300, and 20.2 of payments were made on the basis of a wage replacement rate of up to 100 per cent of former earnings. Additional payments for several children in a family (Geschwisterbonus) were made in 22.5 per cent of all payments; payments for multiple births were received in two per cent of payments. The average (mean) wage replacement rate was €742 per month (Elterngeld: €857; ElterngeldPlus: €478). Mothers received on average €688 (Elterngeld: €791; ElterngeldPlus: €473) and fathers €1,084 (Elterngeld: €1201; ElterngeldPlus: 544). In

the fourth quarter of 2016, 13.6 per cent of Parental leave (in months) and 19.8 per cent of Parental leave (of total payments) were received by fathers.\(^8\)

The 2007 Parental benefit reform had the explicit aim to raise the take-up of leave by fathers, and recently published data by the Federal Statistics Office\(^9\) show that the proportion of fathers taking parental benefit has risen significantly and steadily since its introduction in 2007. For births in the second quarter of 2015, parental benefit was taken up by 35.7 per cent of fathers (compared to 3.5 per cent of fathers in 2006, before the new legislation); however, there were substantial regional variations amongst the federal states, from only 24.5 per cent in Saarland to 46.7 per cent in Saxony.\(^10\) The mean duration of Parental leave benefit use by fathers in 2014 who took any leave benefits was 3.1 months (compared to mothers’ mean of 11.6 months). The Parental benefit reform therefore has been successful in raising the take-up of leave by fathers, although 78.9 per cent took no more than their individual two month entitlement (compared to 0.9 per cent of mothers); by contrast, only 6.1 per cent of fathers in this period took 11-12 months of Parental leave benefits (compared with 90.1 per cent of mothers). The fathers’ overall share of Parental leave benefit months for children born in 2014 was 8.7 per cent.\(^11\)

d. Childcare leave or career breaks

In the fourth quarter of 2016, there were 131,386 recipients of the cash-for-care benefit ’Betreuungsgeld’; 94.8 per cent of the monthly benefit was paid to mothers and 90.9 per cent are expected to receive payments for the maximum take-up period of 22 months.\(^12\)

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Since the implementation of new Parental leave legislation in 2007 many studies have been conducted to analyse accompanied changes in the gender division of labour between the sexes, i.e. Parental leave uptake and employment behaviour of parents. For the analyses

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often German panel data (German Socio-economic Panel) and data of the Federal Statistical Office are used.

b. Selected publications since April 2017


In this article, Parental leave reforms in two different welfare states and care regimes, Sweden and Germany, are compared in the context of varying paradigms: social investment and gender equality. Starting with theorizing these two approaches, the authors develop an analytical framework of the overlaps and differences between them. They then empirically analyse paid Parental leave reforms since the turn of the millennium: the first, in Sweden, which is the prototype of a two-earner/carer model, and then in Germany, a (modernized) male breadwinner model. While gender equality aims dominate Swedish parental leave politics, the social investment strategy is more prominent within German policy debates. The actual design of policy instruments, however, shows less clear differences as the parental leave policies are influenced by a mixture of the two paradigms in both countries. In our conclusion, we interpret our empirical findings with regard to social policy traditions and trajectories.


This study assesses the short, medium, and longer run employment effects of a Parental leave reform in Germany. In 2007, a means-tested monthly lump-sum Parental leave benefit for up to two years was replaced by an income related transfer payment for up to one year. The reform generated winners and losers with heterogeneous response incentives. The study finds that the reform speeds up the labour market return of both groups of mothers after benefit expiration. Since the reform in 2007, the average paid leave period of mothers before returning to the labor declined by 10 months. The authors argue that such substantial reform effects are also the result of changing social norms and increased preference of mothers for economic independence.


This paper examines the effects of a substantial change in publicly funded paid Parental leave in Germany on child development and socio-economic development gaps. For children born before January 1, 2007, Parental leave benefits were means-tested and paid for up to 24 months after childbirth. For children born thereafter, these benefits were earnings-related and only paid for up to 14 months. Higher-income households benefited more from the reform than low-income households. The authors study the reform effects on children’s language skills, motor skills, socio-emotional stability, and school readiness using administrative data from mandatory school entrance examinations at age six and a difference-in-differences design. They find no impact of the reform on child development and socio-economic development gaps. The results suggest that even substantial changes in Parental leave benefits are unlikely to impact children’s development. These findings are consistent with recent studies showing that temporary unrestricted transfers and maternal part-time employment have a limited impact on parental investments in their children.
In recent years, German family policy has been subject to major reforms. The changes have even been called a “paradigm shift” and their implications are subject to controversial discussions. While some welcome the latest family policy reforms because of their assumed effects on gender equality, criticism is articulated by others referring to the selectivity of the reforms: their effects for mothers and fathers differ significantly depending on their position on the labour market, individual income and migrant or residence status. This article deals with the emerging conflict between gender, class and ethnicity. The question is whether family policy is confronted with the dilemma of implementing policies that either promote gender equality or other categories of social equality. Within the scope of an intersectional sensitive policy analysis the authors investigate the impact German family policy may have on parents’ choices, considering their social positioning. The range of mothers’ and fathers’ choices over their life course is our benchmark.

The popularity of the ‘Elterngeld’ – the current parental allowance legislation in Germany – is growing considerably among fathers. By means of a multiple-method research approach, the influence of employment on paternal leave patterns is investigated through the example of Bavaria – a federal state that has a particularly high rate of fathers taking Parental leave. Contextual factors that might influence fathers’ involvement at the district level are investigated based on aggregated regional data using linear regression. The research shows that a low rate of unemployment, job opportunities for highly qualified workers and an equitable balance in the participation of women and men in working life correlate with a higher rate of fathers’ use of leave. Individual rationales for taking Parental leave are reconstructed on the basis of problem-focused interviews with Bavarian fathers and couples during leave. The analysis reveals that, besides financial considerations, the emotional attachment to working life is of great importance for the decision of fathers taking Parental leave. Even though the high income level in Bavaria is not – differently than previously assumed – crucial for the extensive use of ‘father months’, the findings confirm the overall importance of employment and the income level of both parents for the fathers’ decision on taking Parental leave.

In fatherhood research, there is an ongoing question of how to measure fathers’ engagement in childcare. Recent studies mainly use (1) the amount of time spent on childcare and/or (2) the use of paid Parental leave as core indicators of paternal involvement. To examine how these two indicators of fathers’ engagement have to be understood differently, this study juxtaposes the determinants of these indicators, also differentiating between absolute and relative (i.e., compared to their partner) measures. Four negative binomial regression models are conducted with German Socio-Economic Panel data on 712 fathers with a child born between 2007 and 2013. The results indicate that there are distinct relationships behind the four different measures of fathers’ engagement. Fathers’ absolute and relative time for childcare is mostly explained by other time-use measures and a couples’ employment participation. With regard to fathers’ Parental leave use, the absolute rather than the relative measures might be more suitable to explain fathers’ constraints to take up Parental leave that are aligned to their work situation.

Social norms and attitudes towards gender roles have been shown to have a large effect on economic outcomes of men and women. Many countries have introduced policies that aim at changing gender stereotypes, for example fathers’ quota in Parental leave schemes. In this paper, the authors analyse whether the introduction of the fathers’ quota in Germany in 2007, which caused a sharp increase in the take-up of leave by fathers, has changed the attitudes towards gender roles in the grandparents’ generation. To this end, the authors exploit a quasi-experimental setting of a 2007 reform and compare grandparents whose son had a child born before the 2007 Parental leave reform to grandparents whose son had a child born afterwards. The results suggest that such policy programmes not only induce direct behavioural responses by the target group but also have indirect effects on non-treated individuals through social interaction and can thus change attitudes towards gender roles in a society as a whole.


There is limited knowledge about eligibility for leave benefits in general, and about leave rights of parents less securely attached to the labour market in particular. Consequently, social inequalities in access to leave benefit rights remain hidden, which may be particularly pronounced in countries where a certain duration or form of employment is a principal condition to exercise leave rights. In this article, an innovative conceptual framework based on the social rights literature is developed, which takes into account how access to Parental leave benefits is granted (in-)dependent of labour market position. Four ideal types are presented: the universal parenthood model, the selective parenthood model, the universal adult-worker model, and the selective adult-worker model. Finally, we these types are illustrated with three country case of Parental leave systems: Germany, Belgium, and Croatia.

**c. Ongoing research**


This project analyses how fathers engage in childcare during and after Parental leave use and examines their motivation to take Parental leave. A particular focus is on couples’ negotiation processes. Both quantitative and qualitative methods are applied. Contact: Barbara Thiessen at barbara.thiessen@haw-landshut.de.