Germany

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N.B. 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’ 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)

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

• Beyond the Maternity leave period, pregnant women are also protected from dismissal, workplace hazards and – in the case of asylum seekers – from deportation.

Payment and funding

• 100 per cent of earnings (of the mean income in the three months before Maternity leave), with no upper limit 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.
• 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 for 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 the birth, however, in general, no paid work is allowed for reasons of health protection. Only women who have had a 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)

• The following are eligible (after meeting the requirement of residency or an employment contract in Germany):
  o All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €450 per month)

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\(^2\) Since 2006, employers have had to pay a contribution to the mother’s 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 (Umlageverfahren 2).
Students and pupils
Female voluntary workers (voluntary social/ecological year)
Self-employed women
Asylum seekers
- Students, pupils, women in voluntary work, self-employed women, and asylum seekers receive (only when secured by family or private insurance) a minimum Maternity leave benefit overall of at most €210.

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.
- Asylum seekers may not be deported during pregnancy and Maternity leave.

b. Paternity leave
No statutory entitlement.³

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 until 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)

³ However, German fathers are entitled to two exclusive Parental leave benefit months. Most of the fathers who take up Elterngeld, use (parts of) these entitlements directly after birth, in a manner similar to Paternity leave (see Section on ‘uptake’).
two types of leave benefit payments: *Basiselterngeld* and *ElterngeldPlus*.

*Basiselterngeld*
- Replaces a proportion of former income, if parents take leave to care for their child/ren.
- Parents who have not been working before birth are eligible to receive the minimum rate of €300 per month. However, Parental leave benefits are offset to unemployment benefits. Parents who receive unemployment benefits but who have been employed *before* the birth of the child/ren are entitled to receive up to 300€ *Elterngeld* on top of their unemployment benefits.
- Paid for a period of 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 cent$^4$ of the preceding year’s 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 per week)$^6$.
- 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 ten (12 for single mothers) months.

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$^4$ 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 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.

$^5$ 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.

$^6$ As of 1 September 2021 this is extended to 32 hours per week.
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 (plus four) months and may be used in the first two years after childbirth.
- Partnership bonus (Partnerschaftsbonus): four bonus months are paid if both parents work part-time at least four subsequent months, for 25 to 30 hours\(^7\) per week.
- Income replacement rate: paid at a level of 65 per cent (see footnote 4) of last year’s net earnings (see footnote 5) 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.

- Parental leave entitlements are individual entitlements and both parents can receive their Parental leave benefits at the same time.
- There is a supplementary payment for parents with more than one young child (Geschwisterbonus): if there are two children under three years of age, or three or more children under six years of age, or two children of which at least one is disabled and under 14 years of age in the household, the parental benefit is increased by ten 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.
- The Basiselterngeld and ElterngeldPlus are funded by the federal government, through general taxation.
- Mothers or fathers (if they are the main caregiver) receive pension credits for child-rearing time (Kindererziehungszeit) 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, three 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.

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\(^7\) As of 1 September 2021 the range of allowed part-time changes to 24 to 32 hours.
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 (32 as of 1 September 2021) 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.
- Both parents are entitled to take leave at the same time and Parental leave can be separated into a maximum of three leave intervals (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.

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 per 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. During the Parental leave, parents must not be employed more than 30 (32 as of 1 September 2021) hours per week.
- Parental benefit (*Basiselterngeld & ElterngeldPlus*):
  - all parents not employed more than 30 (32 as of 1 September 2021) 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

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8 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 can also still take basic parental allowance later, even though their child is older than 14 months.
self-employed parents
same-sex couples
parents with a net income equal to or less than €500,000 or a single parent with equal or less than €250,000 income
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; lone 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 of age or if the parent is still in education or vocational training.
- From 1 September 2021, if a child is born at least six weeks before the due date, parents receive an additional month of parental allowance; if the child is born eight weeks early, there are two additional months of parental allowance, at twelve weeks three months and at 16 weeks four

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

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. In Bavaria, parents get an income-related payment of €250 per month for the first and for the second child, and €300 per month for the third and further children. They are paid under the condition that parents do not use state-subsidized childcare institutions and provide beneficial infant care, e.g. including taking their children to health check-ups. Since January 2020, parents of children aged between one and three years old who attend a state-subsidized childcare centre or family day-care are entitled to a childcare benefit (Krippengeld) of up to €100 per child and month. This is capped at €34,000 net household income (€31,000 for single parents, increasing for each additional child by €4,440). In Saxony, parents receive

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9 As of 1 September 2021, only parents with a maximum income of €300,000.
Landeserziehungsgeld if they declare they will not use childcare facilities during the second and/or third year after the child’s birth under the condition that the recipient does not work more than 30 hours per week during the time the payments are received. 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 employment-related measures

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 ten days of leave per child (20 days for a single parent). Parents receive 70 per cent of their gross salary during the period of leave, but no more than 90 per cent of their net salary. The maximum annual leave period per working parent is 25 (50) days per 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.
- Pflegezeit (caring time) entitles employees with care-dependent relatives to apply for up to ten days of paid leave (over a care-dependent’s lifetime) at 90 per cent of their income; 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 six 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, for a period of up to two years, to reduce their working time to a minimum of 15 hours per week, 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. Since January 2015, 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.

**Flexible working**

- Working 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.
- Part time leave taking is possible as described above in section 1c.

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

In March 2020, nearly 830,000 children under the age of three were in day care, equalling 35 per cent.\(^{10}\) 1.8 per cent of children up to one year of age were in day care; 37.5 per cent of children between one and two years of age; and 64.5 per cent of children between two and three years of age.

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\(^{10}\) Reference date March 2020
years old. There is still a considerable gap between East Germany and West Germany: in East Germany 52.7 per cent of children between the ages of one and two were in day care facilities, while the percentage in West Germany was 31 per cent.

3. Changes in policy since April 2020

The government introduced changes to the Parental leave legislation, which are effective as of 1 September 2021, namely:
- The eligible maximum income for receiving Parental leave benefits is reduced from €500,000 to €300,000 per year per couple;
- Part-time will be allowed during Parental leave for up to 32 hours per week (before: 30 hours);
- The working time regulations for the partner bonus are extended to 24 to 32 hours per week (before, 25 to 30 hours);
- Parents with a preterm born child receive up to three months of additional Parental leave (one month for children born six weeks before the expected date, two months for children born eight weeks early and twelve weeks for children born twelve weeks early);
- The $ElterngeldPlus$ eligibility period is reduced from 46 to 32 months after childbirth.

Policy response to the Covid-19 pandemic up to end March 2021

Childcare and schools

- In Germany, responsibility for education policy, including ECEC, lies with the federal states. During the pandemic, the federal states agreed on a common course, but set different details for school and ECEC closures and re-openings (please see also the German country note 2020 for details on the changes during the first wave of the pandemic).
- Childcare: ‘Emergency childcare’ was kept open in most of the childcare centres, but in almost all federal states this was restricted to children of "key workers" (in German called "occupations of systemic relevance" or "critical infrastructure") during the first wave. Since the end of May 2021, German childcare facilities have been re-opened again for all children, and during the second wave in autumn/winter 2020/21, closures were partial, with more children keeping access (again, with differences between the federal states).
• Schools: See country note 2020 for details on closures during the first wave in spring 2020 (see also Blum & Dobrotic, 2021\textsuperscript{11}). During the second wave, schools were again closed as of mid-December 2020, with re-opening beginning in March 2021 (with different dates and details for each federal state, and with the exception of single areas with high incidence rates). Especially for older children, re-opening often happened in shifts, with half of classes being taught in-class, and the other half in distance mode.

**Parental leave**

• If the general eligibility conditions are met, parents could also take up regular Parental leave during the childcare/school closures. However, this was not actively supported and only applies to a very small number of parents affected by the closures.

• In 2020, the Parental leave benefit was adapted to the time of the Covid-19 pandemic. This contains three measures: 1) Parents working in ‘critical infrastructure’ (key workers) are allowed to postpone the take-up of parental-leave benefit, and exceptionally receive it after the child has reached 14 months of age (but until June 2021 at the latest). 2) If parents have to work more/less hours due to the Covid-19 pandemic, they do not have to pay back the *Partnerschaftsbonus* (see above), which usually requires them to both work a certain amount of part-time hours in parallel. 3) Months with income losses (e.g. due to short-time work) can be exempt from calculating the Parental leave benefit for expecting parents; also, income replacement measures (such as the short-time work benefit) do not reduce the Parental leave benefit level for current receivers.\textsuperscript{12}

**Other measures for parents and other carers**

• A special benefit was introduced on 23 March 2020 (the legislation has no end date) via the German Protection against Infection Act (Infektionsschutzgesetz; IfSG). It offers an income replacement, if employed persons are unable to work due to a closure of childcare centres, schools, or facilities people with disabilities. It applies for parents of children up to 12 years, or older children with disabilities. The income replacement does *not* apply during the time of regular school holidays. Replaced are 67 per cent of the lost earnings, up to a maximum amount of €2,016 per month. The payment is made by the employer, who can then apply for


\textsuperscript{12} https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/elterngeld-wird-kurzfristig-anangepasst/154564
reimbursement at a federal state agency. On 20 May 2020 – with childcare and school remaining to be closed – the measure was prolonged: The maximum take-up duration are ten weeks for each employed person; or 20 weeks for employed single parents.\textsuperscript{13}

- During the period of 30 September 2020 to 30 June 2021, persons with care shortages due to the pandemic are entitled to an additional care support allowance of ten days (in addition to the previous ten days p.a.).

- In addition, family care time and care time entitlements can be taken up more flexibly with the employer’s consent. The application period is reduced from eight weeks in advance to ten days. Furthermore, loss of income due to the pandemic will not be taken into account when applying for loans after the family care period.\textsuperscript{14}

- A \textit{Notfall-Kinderzuschlag} (emergency child supplement) was installed with the ‘Corona protective shield’ (Corona-Schutzschirm) on 23 March 2020 for families with lower income. It amended the conditions for regular Kinderzuschlag, which amounts to €185 per month and child (paid additionally to the regular child benefit) and is tested for income, family size and housings costs.

- A child bonus was introduced, amounting to €300 per child in 2020 and €150 in spring 2021. For single parents, the tax allowance for children is doubled. The “child bonus” is paid out to all parents, without income-testing, and – unlike other measures – it is not calculated against social assistance payments. However, as it is calculated against the tax allowances for children, higher-income families have no additional profit when the profits due to taxes exceed the bonuses.

- Also as part of the \textit{Corona-Schutzschirm} (Corona protection shield), it was decided that landlords may not evict tenants if they cannot pay their rent between April and June 2020 due to Corona-related income losses.\textsuperscript{15} For the same reasons and time span, if payments for telephone, electricity, or gas are delayed, the delivery of those services must not be cut.

\textsuperscript{13} \url{https://www.bmas.de/DE/Presse/Meldungen/2020/entschaedigungsanspruch-verlaengert.html;jsessionid=270EAF9FAB8CABFE8046DBC057DED12} (19 April 2020)

\textsuperscript{14} \url{https://www.wege-zur-pflege.de/service/corona.html; https://www.wege-zur-pflege.de/familienpflegezeit.html} (6 March 2021)

\textsuperscript{15} \url{https://www.bmjv.de/DE/Themen/FokusThemen/Corona/Miete/Corona_Miete_node.html}
4. Uptake of leave

a. **Maternity leave**

There is a 100 per cent uptake 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 2020, 1.9 million women and men in Germany received parental allowance. This was around 4,000 or 0.2 per cent less than in 2019. The number of men receiving parental allowance increased by 6,500 (+1.4 per cent) compared to the previous year, while the number of women receiving benefits decreased by 10,500 (-0.7 per cent). 34.7 per cent of eligible women and 14.2 per cent of men chose *Elterngeld Plus*. The proportion of fathers with (planned) Parental leave use rose to 24.8 per cent (2019: 24.4 per cent). The average duration of planned Parental leave for women in 2020 was 14.5 months (2019: 14.3 months); the planned duration of Parental leave by fathers was 3.7 months and has remained constant in recent years.\(^{16}\)

The data on the final payments for births in 2017 show that 77.4 per cent of the parents of children born in 2017 who took Parental leave (*Elternzeit*) were employed. 92.4 per cent of fathers with Parental leave benefits were employed and 71.3 per cent of the mothers.\(^{17}\)

The 2007 Parental benefit reform had the explicit aim to raise fathers’ uptake of leave, and recently published data by the Federal Statistics Office\(^{18}\) show that the proportion of fathers taking parental benefit has risen significantly and steadily since its introduction in that year. For

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births in 2017, parental benefit was taken up by 40.4 per cent of fathers (compared to 97.8 per cent of mothers); however, there were substantial regional variations amongst the federal states, from only 28.4 per cent in Saarland to 51.9 per cent in Saxony. The 2017 mean duration of Parental leave benefit used by fathers who took any leave benefits was 3.9 months (compared to the mothers’ mean leave of 13.5 months). Whereas the percentage of fathers with Parental leave use increased steadily since the introduction of exclusive entitlements to Parental leave for the 2nd partner in 2006, their mean duration of leave is stagnating in recent years at a mean duration of below four months.