



Information sheet No. 33

Laws regarding reconciliation of nursing care and working life

If close family members want to care for a person in need of care for a certain period, they have the opportunity to seek leave of absence from work. Under the law to improve reconciliation of work and care there is a legal entitlement to an exemption by the employer. It should provide employees with the option of providing home nursing care for close relatives.

Close relatives for the purposes of this law are parents, in-laws, step-parents, grandparents, spouses, partners of a matrimonial or life partnership relationship, siblings, children, children-in-law or grandchildren, adoptive and foster children and sisters and brothers-in-laws.

Short term absence from work

Rapid action is needed if an urgent care situation occurs in the family. The family members must quickly organise and ensure nursing care or supervision. In this case employees can be absent from work for 10 working days and use these days for this purpose. Once employees opt for this short-term care leave, the employer must be informed. At the request of the employer, employees must provide proof of the need for care of close relatives. This may, for example, be a certificate from a doctor.

There is a salary replacement arrangement for this ten-day break.

Up to 90 percent of lost net salary is paid in principle as **care support money**, financed by the care insurer.

Multiple months care period up to 6 months

If family members choose to care for or supervise a dependent person over a longer period at home, in this case up to a 6-month care period may be taken. Employees may be entitled to full or partial leave of absence. They must give their employers as well as the medical insurance fund advance notification in writing of relatives needing care.

Employers must be informed in writing no later than 10 days before the beginning of several months of care time about how long and to what extent, the exemption will be required. Employees must also provide their employer with proof of the need for care of close relatives, and prove the need for the exemption.

If employees wish to make only a partial exemption claim, the employer and the employee must conclude a written agreement on the reduction and distribution of working time. Employers should agree here to the wishes of the employee, unless there are compelling operational reasons to the contrary. There is a legal claim against employers with more than 15 employees.



If the employee takes a general break of between 4 weeks and up to 6 months, they are no longer covered by health insurance through the employer. In this case, there is the possibility to be insured through a family member (family insurance). Alternatively, the caregiver may insure themselves voluntarily in the respective fund. The caregiver must pay the contributions themselves. The amount of the contributions is dependent on the extent of the break. At the same time the carer should submit an application to the care fund of the person in need of care for "A contribution subsidy to social security benefits". Accident protection is still provided for the caregivers through the care fund of the person receiving care.

Reduction of working for up to 2 years

Persons in employment have the ability to reduce their working hours for a period of up to two years. The required minimum working time of 15 hours per week must be only an average over one year. This can be divided up according to the needs of the employee and the family member receiving care. Taking care of underage close relatives can take place both in the home and in an institution. There is a legal claim against employers with more than 25 employees. The advance notice to employers here is 8 weeks. There is protection against dismissal beginning with the notification of the exemption - but not more than 12 weeks before the date notified - until the end of the exemption. The respective notice periods and the different requirements depending on the size of the company are to be observed.

Anyone, who makes use of the option of leaving their job for six months or quits their job entirely or partially, or reduces their working time over a longer period in order to care for their close relatives, has a legal right to an interest-free loan. This will make it easier for those affected to maintain their livelihood during the care phase. For additional information, contact the Federal Office of Family and Civil Responsibilities by calling: 0221 / 3673-2615 or on the Internet at www.bafza.de.

Temporary part-time work

As of 01.01.2019, employees in companies with 46 or more employees have the right to reduce their working hours for between one and a maximum of five years. The employment relationship must have existed for more than 6 months. The application must be submitted in writing to the employer at least 3 months before this period starts. There do not have to be any reasons for the reduction in working hours (e.g. raising children, providing care). For employers of smaller companies with up to 200 employees, there is a special limit in terms of what can be expected: Even if the requirements are met, the entitlement may be denied if more than 1 person per 15 employees wishes to claim temporary part-time work. Operational reasons may also stop temporary part-time work being granted.

The staff at the care support centre will be happy to help you.

Free service number 0800 59 500 59

www.pflegestuetzpunkteberlin.de

Support for the care support centres is provided by the state of Berlin and the care and health insurance in Berlin