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# EMCC

European Monitoring Centre on Change

## Germany: Public authorities information and consultation on dismissals

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Germany

Phase:

Anticipation

Type:

Public authorities information and consultation on dismissals

Last modified: 16 May, 2019

Native name:

Kündigungsschutzgesetz

English name:

Employment Protection Act

### Article

17

### Description

The employer has to inform the local Federal Employment Agency (Bundesagentur für Arbeit) within a period of 1 to 30 days before employees are notified about dismissal or redundancy.

The procedure applies to companies with 21–59 employees enacting at least 6 dismissals or termination contracts, to companies employing 60–499 employees and reducing their staff by at least 10% or 26 and more persons and to companies employing 500 or more workers dismissing (or terminating the work contract of) at least 30 persons.

Employers must provide the following information:

- the reasons for the proposed redundancies;
- the number and occupational groups of proposed dismissals and employed regularly;
- the timeframe within which the dismissals are to be effected;
- the positions and professions which are affected;
- the selection criteria for dismissal;
- the criteria for the calculation of compensation payments, if applicable.

A copy of this notification also needs to give information on gender, age, occupation and nationality and show that the selection has been approved by the works council.

If a works council is in place in the establishment or in the mother company, the employer has to inform and consult the council in due time before the notification of the employment agency. The opinion of the worker representatives should be attached to the notification. If a statement is not available because of ongoing consultations or disputes, the employer has to prove to the agency that the works council has been informed. Otherwise a decision will not be taken. The works council may attach its statements to the notification or send this to the agency separately.

The employment agency's decision is either taken by the local agency's manager or by a standing committee. The agency is not allowed to take decisions without information on the works council's opinion. It holds the right to extend the waiting period to two months if it feels that the interests of the local employment market and the more general public would otherwise be affected. It cannot altogether reject the planned collective redundancy, however.

### Comments

Notification to the Federal Employment Agency is not mandatory for small companies of up to 20 employees, public establishments not pursuing an economic business interest, maritime ships and seasonal companies (excluding construction).

### Cost covered by

Not applicable

## Involved actors other than national government

Public employment service  
Works council

## Thresholds





Company size by number of employees:

21

Number of affected employees:

6

## Sources

-  [Kündigungsschutzgesetz](#)
-  DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
-  Ius Laboris (2009), Collective Redundancies Guide, Brussels
-  [EMCC - Legal framework for restructuring](#)

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