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Germany: Employers obligation to provide skill development plans or training

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Germany

Phase:

Anticipation

Type: Employers obligation to provide skill development plans or training

Last modified: 07 February, 2022

Native name:

Betriebsverfassungsgesetz; Qualifizierungschancengesetz

English name:

Works constitution act; Qualification opportunities act

Article

96-98; Qualification opportunities act 1

Description

Under the Works constitution act, both the employer and the works council should promote vocational training and occupational education of employees, in cooperation with the authorities responsible for training and training support. They are, however, not obliged to do so.

On request of the works council, the employer has to investigate the training demand among employees and discuss questions regarding training. The employer and the works council have to consider enabling workers to participate in training, taking into account the company related requirements. The specific needs of older employees, part-time employees and employees with family obligations ought to be considered.

The Qualification opportunities act has expanded the subsidies provided by the Federal Employment Agency to train employees whose employment activities can be replaced by technologies, that are otherwise affected by structural change, or seek further vocational training in a bottleneck job. Before the reform, the training was reserved to unqualified workers, older workers in SMEs, and workers at risk of unemployment.

The Qualification opportunities act changes the support lines in Social code III. Employees and employers are entitled to guidance for qualification and training measures (Art. 29) and can receive subsidies for training measures (Art. 82) through the Federal Employment Agency. A number of conditions will apply for qualifying to the training (e.g.): Knowledge and skills must go beyond job-related, short-term adaptation training; professional qualification must date back at least four years; duration of the training must be at least 160 hours and training must not be provided by the employer.

Comments

According to the Federation Institute for Vocational Training and Education ('Bundesinstitut für Berufsbildung', BIBB), the latest results of the fourth European Continuing Vocational Training Survey (CVTS4-Z) indicate only a mediocre training provision in German establishments (Morall, 2015). About 20-25% of the training provided is mandatory and focuses on occupational safety and health. As indicated by the Adult Education Survey data, most training is targeting skilled workers and managerial staff. Provisions for low and unskilled workers are comparatively rare (Behringser and Schönfeld, 2014).

The CVTS4-Z data indicate also that the works council plays a positive role in the provision of further training and that further training is best institutionalised if work agreements on training or joint training committees are in place. In more than 70% of large manufacturing companies, joint further training committees composed of HR staff and works council members exist. However, these committees remain rare in the service sectors.

The Qualification Opportunities Act was adopted in December 2018 and entered into force in 2019.

Cost covered by

Employer

Involved actors other than national government

Works council

Other

Involvement others

Authorities responsible for training and training support


Thresholds

No, applicable in all circumstances

Sources

 [Works Constitution Act](#)

 [Betriebsverfassungsgesetz](#)

 [Behringer, F. and Schönfeld, G. \(2014\), Lernen Erwachsener in Deutschland im europäischen Vergleich, in: BIBB Datenreport zum Berufsbildungsbericht, Bonn, pp. 381-413](#)

 [Morall, D. \(2015\), Nationale Zusatzserhebung zur vierten europäischen Weiterbildungserhebung in Unternehmen CVTS4 - Zusatzserhebung CVTS4- 2. Bonn](#)

 [Qualifizierungschancengesetz \(Qualification Opportunities Act\)](#)

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Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

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