



[Login](#)

EMCC

European Monitoring Centre on Change

Germany: Definition of collective dismissal

[Go to list page](#)

Germany

Phase:

Management

Type:

Definition of collective dismissal

Last modified: 23 April, 2019

Native name:

Kündigungsschutzgesetz

English name:

Employment Protection Act

Article

17

Description

The definition of collective dismissals is provided in the Employment Protection Act in the article stipulating that the employer has to announce the dismissal to the public authorities (federal employment agency).

To fall within the scope of national legislation, an employer (company or establishment) with more than 20 workers (includes trainees in vocational training; excludes contracted home workers and the self-employed) must plan to make redundant more than 5 people within 30 days. Certain employees are not considered as members of staff when calculating the size of the workforce, such as senior executives or managers, heads of businesses and CEOs.

The minimum number of redundancies is 6 in establishments with 21 to 59 employees, 10% of employees (or 26 employees) in companies with 60 to 499 employees, and 30 if there are 500 or more employees. By definition, the act applies to any economically independent or dependent establishment.

The law does not specify eligible reasons for redundancies and operational difficulties are considered as a sufficient condition to justify collective redundancies, provided the works council has been informed and consulted.

Comments

It has proven successful in avoiding collective dismissals to have the economic reasons for planned dismissals audited by experts. In turn, the results of this are in many cases the basis for economically grounded suggestions to avoid dismissals.

Cost covered by

Not applicable

Involved actors other than national government

National government only

Thresholds

Company size by number of employees:






21

Number of affected employees:

6

Sources

Ullmann, K. and Bothfeldt, S. (2008), The German Employment Protection Act - How does it work in practice? WSI Discussion Paper, Duesseldorf

-  Ius Laboris (2009), Collective Redundancies Guide, Brussels
-  Alpha Consulting (2003), Anticipating and Managing Change - A dynamic approach to the social aspects of corporate restructuring, European Commission, Brussels
-  Bundesministerium für Arbeit und Soziales (BMAS) (2015), Kündigungsschutz - Was Sie wissen sollten, Berlin
-  Watson Wyatt (2006), Employment Terms and Conditions Report Europe, Volume I, Brussels, Belgium
-  Kündigungsschutzgesetz

Useful? Interesting? Tell us what you think. 

Eurofound welcomes feedback and updates on this regulation

Your name *

E-mail *

More information?

Homepage

Subject

Comment *

Save

Preview

European Monitoring Centre on Change - EMCC

[About EMCC](#)

European Restructuring Monitor

-  [About the European Restructuring Monitor](#)
-  [Restructuring events database](#)
-  [Restructuring support instruments](#)
-  [Restructuring related legislation](#)
-  [Restructuring case studies](#)
-  [ERM publications](#)

European Jobs Monitor

Labour market research

Case studies

Future of Manufacturing in Europe (FOME)

European Observatory on Quality of Life - EurLIFE

European Observatory of Working Life - EurWORK

Quick links

- Legal information
- Data protection
- Environmental policy
- Cookies
- Subscriptions
- Multilingualism
- Templates for Eurofound reports
- Eurofound style guide
- Management Board extranet
- Map - how to get to Eurofound
- FAQ
- Sitemap



Contact us

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

Phone: (00) 353 1 2043100

E-Mail: information@eurofound.europa.eu

Press: media@eurofound.europa.eu



MEMBER OF THE NETWORK OF EU AGENCIES



EUROFOUND ACHIEVES EMAS REGISTRATION



EUROFOUND IS AN AGENCY OF THE EUROPEAN UNION



[Access to internal documents](#) | [Financial information](#) | [Archives](#) | [Information centre](#) | [RSS feeds](#)

© EUROFOUND 2023

