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Germany: Notice period to employees

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Germany

Phase:

Management

Type:

Notice period to employees

Last modified: 08 February, 2022

Native name:

Bürgerliches Gesetzbuch (BGB); Heimarbeitsgesetz (HAG)

English name:

Civil Code; Act on homework

Article

622; Amendment to § 622, Section 622 (2) Sentence 2 of the Civil Code (BGB) and Section 29 (4) Sentence 2 of the Act on homework (HAG) repealed

Description

For individual dismissals, the Civil Code specifies the period of minimum notice to be given by the employer. The minimum notice given to all employees is:

- four weeks for less than two years of employment;
- one month for employment between 2-4 years;
- two months for employment between 5-7 years;
- three months for employment between 8-9 years;
- four months for employment between 10-11 years;
- five months for employment between 12-14 years;
- six months for employment between 15-19 years;
- seven months for service of more or equal to 20 years.

The notice period for employees working in establishments with no more than 20 workers can be four weeks independent of the duration of their employment if this notice period is agreed in the individual employment contract.

The notice period can be shorter than four weeks in case of auxiliary employment. In case of a probation period of six month, the notice period reduces to two weeks.

Employment relationships of blue-collar and white-collar workers can be terminated on the 15th or last day of each month, with a notice period of four weeks.

The regulation does not apply to workers on fixed-term contracts unless the notification period is specified in the individual contract or in a collective agreement applied by the employer.

According to the amendments to the Civil code and to the Act on homework ('Heimarbeitsgesetz', HAG), the calculation of the notice period has to take into consideration the entire duration of the employee's employment history with the same employer, without age limit. Before this amendment, which came into force on 1 January 2019, employment history was taken into account only for employees aged 25 or more.

Comments

These legal provisions apply by default only where there is no collective agreement. The length of notice periods laid down in collective agreements ranges from one week (before the weekend) for newly hired workers – in construction in general and, in some regions, in the metal and private transport industries – to six months before the end of a quarter – in the public service sector.

The amendment to the Civil code comes after the European Court of Justice ruled that the law violated EU law prohibition on age discrimination ([Case C-555/07](#)).

Cost covered by

National government

Involved actors other than national government

National government only

Thresholds

No, applicable in all circumstances

Sources

-  [Ius Laboris \(2011\), Individual Dismissals Across Europe, Brussels](#)
-  [Ius Laboris \(2009\), Collective Redundancies Guide, Brussels](#)
-  [EMCC - Legal framework for restructuring](#)
-  [Watson Wyatt \(2006\), Employment Terms and Conditions Report Europe, Volume I, Brussels](#)
-  [Knuth, M. \(2010\), National background paper - Germany: Anticipating and managing restructuring in enterprises: 27 national seminars, ARENAS Report, European Commission, Brussels](#)
-  [Bürgerliches Gesetzbuch](#)
-  [Civil Code](#)
-  [Kündigungsfristen im Teilzeit- und Befristungsgesetz](#)
-  [EC Labour Market Reforms Database](#)
-  [Heimarbeitsgesetz \(HAG\)](#)
-  [European Court of Justice \(2010\), Judgment of 19.1.2010 on Age Discrimination of Notice Periods — Case C-555/07](#)

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