

Paid Time Off (PTO) in Germany

German employees have various entitlements regarding paid time off (PTO). This summary shall help providing a first overview on the different entitlements when employing staff in Germany.

Public Holidays

Public holidays are subject to each of the Federal States in Germany. The number of statutory public holidays varies from region to region between ten (10) and thirteen (13) days, see below. On public holidays employees are usually not allowed to work but entitled to receive their remuneration. Working is only allowed under certain circumstances with prior approval of the competent authority.

Holiday	Local name (in German)	Date	Baden- Württemberg	Bavaria	Berlin	Brandenburg	Bremen	Hamburg	Hessia	Mecklenburg- Vorpommern
New Year's Day	Neujahrstag	1 January	✓	✓	✓	✓	✓	✓	✓	✓
Epiphany	Heilige Drei Könige	6 January	✓	✓						
Women's Day	Frauentag	8 March			✓					✓
Good Friday	Karfreitag	Easter Sunday – 2d	✓	✓	✓	✓	✓	✓	✓	✓
Easter Monday	Ostermontag	Easter Sunday + 1d	✓	✓	✓	✓	✓	✓	✓	✓
Labour Day	Tag der Arbeit	1 May	✓	✓	✓	✓	✓	✓	✓	✓
Ascension Day	Christi Himmelfahrt	Easter Sunday + 39d	✓	✓	✓	✓	✓	✓	✓	✓
Whit Monday	Pfingstmontag	Easter Sunday + 50d	✓	✓	✓	✓	✓	✓	✓	✓
Corpus Christi	Fronleichnam	Easter Sunday + 60d	✓	✓					✓	
Peace Festival	Friedensfest	8 August		City of Augs- burg						
Assumption Day	Mariä Himmelfahrt	15 August		✓						
German Unity Day	Tag der Deutschen Einheit	3 October	✓	✓	✓	✓	✓	✓	✓	✓
Reformation Day	Reformationstag	31 October				✓	✓	✓		✓
All Saints' Day	Allerheiligen	1 November	✓	✓						
Repentance and Prayer Day	Buß- und Bettag	Second Wednesday before the First Advent								
Christmas Day	Weihnachtstag	25 December	✓	✓	✓	✓	✓	✓	✓	✓
Boxing Day	Zweiter Weihnachtsfeiertag	26 December	✓	✓	✓	✓	✓	✓	✓	✓
Total number of holidays per state			12	13	10	10	10	10	10	10

Holiday	Local name (in German)	Date	Lower Saxony	North Rhine- Westphalia	Rhineland- Palatinate	Saarland	Saxony	Saxony- Anhalt	Schleswig- Holstein	Thuringia
New Year's Day	Neujahrstag	1 January	✓	✓	✓	✓	✓	✓	✓	✓
Epiphany	Heilige Drei Könige	6 January						✓		
Women's Day	Frauentag	8 March								
Good Friday	Karfreitag	Easter Sunday – 2d	✓	✓	✓	✓	✓	✓	✓	✓
Easter Monday	Ostermontag	Easter Sunday + 1d	✓	✓	✓	✓	✓	✓	✓	✓
Labour Day	Tag der Arbeit	1 May	✓	✓	✓	✓	✓	✓	✓	✓
Ascension Day	Christi Himmelfahrt	Easter Sunday + 39d	✓	✓	✓	✓	✓	✓	✓	✓
Whit Monday	Pfingstmontag	Easter Sunday + 50d	✓	✓	✓	✓	✓	✓	✓	✓
Corpus Christi	Fronleichnam	Easter Sunday + 60d		✓	✓	✓				
Peace Festival	Friedensfest	8 August								
Assumption Day	Mariä Himmelfahrt	15 August				✓				
German Unity Day	Tag der Deutschen Einheit	3 October	✓	✓	✓	✓	✓	✓	✓	✓
Reformation Day	Reformationstag	31 October	✓				✓	✓	✓	✓
All Saints' Day	Allerheiligen	1 November		✓	✓	✓				
Repentance and Prayer Day	Buß- und Bettag	Second Wednesday before the First Advent					✓			
Christmas Day	Weihnachtstag	25 December	✓	✓	✓	✓	✓	✓	✓	✓
Boxing Day	Zweiter Weihnachtsfeiertag	26 December	✓	✓	✓	✓	✓	✓	✓	✓
Total number of holidays per state			10	11	11	12	11	11	10	11

Vacation Leave (Statutory and Contractual)

Employees have to be granted a minimum amount of 24 days of paid vacation a year after completing six months of service, based on a 6-day-working week. Saturdays are included in the calculation. Since most employees work 5 days a week, the legal minimum vacation is 20 working days a year for most of German employees. The employment contract may increase these entitlements, typically up to 25-28 days per year.

Maternity Leave

Pregnant women are not obliged to work at all in the last six weeks leading up to the expected date of birth, unless they explicitly declare their willingness to do so. The same applies to a period of eight weeks following the birth, during which the mother is absolutely forbidden to work. Maternity leave starts automatically without any notice. However, if the pregnant woman has a medical certificate that states that the health of the mother or the unborn child will be endangered due to the employment, the employer may be prohibited from employing the mother-to-be before the start of the six-week period before childbirth (individual maternity protection period).

During the six weeks prior to birth and the eight weeks following birth, women are entitled to maternity pay that is equivalent to their monthly remuneration during the last three months before the start of their maternity leave. During pregnancy and until four months after the childbirth, it is illegal to terminate employment unless the competent public authorities have granted their prior consent. In practice, public authorities will only grant this consent under exceptional circumstances (for example, the shut-down of the entire business). A woman's right to terminate her employment agreement during this period remains unrestricted.

Parental Leave

I. General

Employers are not obliged to grant any contractual paid parental leave to their employees. The system is rather that employees go on parental leave and, unless they decide to work part-time during the leave, are not entitled to any salary during the leave but rather to an allowance paid by the State within certain limits. Working part-time during parental leave is permissible with up to 32 hours per week, if the employer employs more than fifteen (15) employees on a regular basis. Parental leave may be taken by either parent for up to three years. In practice, employees usually take one year or less. Parental leave can be taken for the own, adopted oder fostered child. Parental leave can be taken by same-sex life partners as well as partners of the opposite sex. In some cases, even grandparents can go on parental leave. Two years out of the full three years can be taken in the time between the child's third and eighth birthday. The full entitlement can be divided in three parts. Further parts would require consent of the employer.

An application for the third part of parental leave between the child's third and eighth birthday can be denied by the employer for urgent operational reasons. Parental leave which is shorter than two years can be prolonged only with consent of the employer. Employees who applied for parental leave are protected against dismissal from the time of application, however not earlier than eight weeks before start of the leave for parental leave before the third birthday of the child and 14 weeks for parental leave between the third and eighth birthday, and for the time of the leave. Dismissal of employees during this time would require consent from the competent state authorities. Vacation entitlements continue to accrue during parental leave but the employer can reduce the entitlement by 1/12 for every full calendar month on parental leave. The employee needs to be notified about this reduction before a possible end of employment.

II. Notification Process

Employees must notify the employer at least seven weeks before parental leave shall start for leave prior to the third birthday of the child and 13 weeks before parental leave shall start for leave after the third birthday and before the eighth birthday of the child.

III. Obligation of the Employer

The employer should informally confirm the parental leave to the employee and must complete a form. This form differs from state to state and is usually provided by the employees as it is relevant for the allowance they receive from the state. Payroll should be made aware of the parental leave so that salary payments will be stopped for the time of leave.

IV. After the End of Parental Leave

When parental leave ends the employee is entitled to continued employment within the same or an equivalent position.

Sick Leave

Every employee has the right to receive sick pay up to the amount of 100 % of his/her wages if the employment relationship has lasted for at least four consecutive weeks. The duration of such benefits is limited to the first six weeks of the illness. However, this six-week period will commence anew with the onset of each illness if it is not due to the same underlying ailment. On the basis of the same basic underlying ailment, it will recommence after six months have elapsed since the end of the last sick leave or one year has elapsed since the beginning of the first sick leave. If the sickness exceeds this six-week period, employees are entitled to receive a sickness allowance (*Krankengeld*) paid by their statutory health insurance scheme. The sickness allowance amounts to 70 % of an employee's normal pay. The maximum period for payment of the allowance is 78 weeks.

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