

What will I receive from my employer?

When the employment contract ends, you are entitled to your employment documents. These include:

- Social security deregistration
- The printout of your electronic income tax statement
- An employment reference detailing your performance and conduct

Make sure that you receive your last pay slip and check that it is correct! If you still have outstanding wage or holiday entitlements, they must be paid to you. In addition, your employer must fill in a certificate of employment (Arbeitsbescheinigung) for the Agentur für Arbeit / Jobcenter and submit it to the Agentur für Arbeit so that your unemployment benefit can be calculated. You can obtain the certificate of employment form from the Agentur für Arbeit / Jobcenter.

Who can help me?

The general rule is that you do not have to sign anything immediately. If you are unsure or have questions, seek help and advice. Often only experts can judge whether an employment termination is lawful or not. You can get help from:

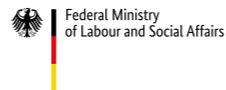
- Your Faire Integration advice centre
- Your trade union
- Your works or staff council
- A lawyer

You can find the address of an advice centre near you and further information at www.faire-integration.de

The Network "Integration through Qualification (IQ)" aims to sustainably improve the labour market integration of adults with a migration background. The programme is funded by the Federal Ministry of Labour and Social Affairs (BMAS) and the European Social Fund (ESF). Federal Ministry of Education and Research (BMBWF) and the Federal Employment Agency (BA) are strategic partners in implementing the programme.

Stand: Juli 2020

The Network "Integration through Qualification (IQ)" is a programme funded by the Federal Ministry of Labour and Social Affairs (BMAS) and the European Social Fund (ESF).



In cooperation with:



Impressum | Herausgeber: Projekt Support: Faire Integration, DGB Bildungswerk BUND e.V., Hans-Böckler-Str. 39, 40476 Düsseldorf, Redaktion: Marie Bauer, Janna Bleker, Jochen Empfen, Layout: Gereon Nolte, ZWH e.V.

Employment termination

ENGLISCH

what I need
to know!

What is a termination notice?

A termination notice ends an employment contract. You or your employer can give notice. There are two types of termination:

- For a **termination with notice** (ordinary termination), certain periods of notice apply. These notice periods are regulated by law or in a collective agreement. The statutory period of notice during the probationary period is only two weeks, thereafter at least four weeks to the 15th or the end of a calendar month. If you give adequate notice, you do not have to give a reason for termination, but you must observe the notice periods.
- For a **termination without notice** (extraordinary termination), the employment contract ends immediately. There are no notice periods. For a termination without notice, both the employer and employee need an important reason for termination, such as violence at work or theft. If you want to start a new job at another company, this is not an acceptable reason for termination without notice.

How can I defend myself?

If you want to defend yourself against employment termination, you can only do so by **filing a complaint against unfair dismissal** with the relevant labour court. If you receive a notice of termination, you must act quickly. You **only have 3 weeks** to file the complaint!

What do I have to consider?

There are **three formal conditions** that must be met if an employer wants to dismiss you. The first two conditions also apply if you want to terminate the employment contract yourself:

1. Only a signed letter - i.e. a written document - is considered to be a notice of termination. Not an email, SMS or WhatsApp message!
2. A notice of termination must actually reach you or your employer, i.e. it must arrive in the post or be handed over in person. A notice of termination is valid from the first day after receipt.
3. The employer may only dismiss you if he/she has consulted the works council. This only applies if there is a works council at your company.

Note: If you are dismissed, you must register as a **jobseeker** with the Agentur für Arbeit (Federal Employment Agency) within three days. If you do not register until a later date, this could lead to a temporary suspension of your unemployment benefit. You can register as a jobseeker in person, by telephone or online.

What does “special protection against dismissal” mean?

Certain people have special protection against dismissal and cannot be dismissed in the ordinary manner. For example, this applies to the following people:

- Members of the works or staff council
- Trainees after completion of the probationary period
- Employees on parental leave or caregiver leave
- Pregnant women and women on maternity leave
- Severely disabled persons or those treated as such



What is a termination agreement?

Not only can an employment contract be terminated by giving notice, it can also be terminated via a termination agreement. In contrast to a notice of termination, both parties sign this agreement. Both parties must therefore agree to the termination of the employment contract. No deadlines have to be observed here. Many aspects can be individually arranged in a termination agreement. But it can also be very one-sided and have many disadvantages for you. You should therefore seek advice before signing a termination agreement.

Note: If your employer terminates your employment without notice, if you sign a termination agreement, or if you terminate your employment yourself, the Agentur für Arbeit or Jobcenter can suspend your unemployment benefit for three months.

Do I have to sign a notice of termination?

A notice of termination is only signed by the person who terminates the contract. You can sign a confirmation of receipt. This must then be an additional letter which you sign to confirm that you received notice on a particular day.

Note: If your employer wants you to sign a termination document, this could be your own resignation or a termination agreement! If you sign these documents, it is very difficult to defend yourself against them afterwards. As you do not have to sign immediately, it is better to take the document home with you and read it through carefully.