



SPOTLIGHT ON PUBLIC POLICY

GERMANY

WORKING HOURS AND PART-TIME AND FIXED-TERM EMPLOYMENT ACTS

Working hours in Germany have been regulated by law since 1994 when the Government introduced the Working Hours Act on 6 June to safeguard workers from long working hours and to ensure adequate periods of rest and breaks.

The culture of long working hours with inadequate rest periods has adversely affected employees' health and well-being. Moreover, long periods of night work are especially harmful to people's health

and can endanger safety in the workplace.¹ For women, long working hours have long-term economic repercussions. They are already disproportionately burdened by primary care work, and their inability to put in long work hours leads to a lifetime of reduced earnings compared to men.² Regulating the number of hours in a working day contributes therefore to levelling the playing field for women and men workers in terms of hiring and promotion.

KEY FEATURES OF THE WORKING HOURS AND PART-TIME AND FIXED-TERM EMPLOYMENT ACTS

- A working day must not exceed eight hours, must have a 30-minute break and be followed by an uninterrupted period of 11 hours of rest. Employers who fail to comply with this can face fines as well as imprisonment.
- Sundays and public holidays must be free from work. If workers have been employed on a public holiday, they must be compensated with other periods of rest.
- On 1 January 2019, the Act on Further Development of Part-Time Employment Law³ came into force, allowing workers to temporarily work part-time to reconcile their personal needs with their working life, and to have the option to return to full-time work.
- In 2019, German law makers began considering requiring employers to offer employees a work from home option.

In 2003, the European Union introduced regulations to safeguard workers' health and safety, covering maximum working hours, rest breaks, annual leave, and night work. Member States were asked to take measures to ensure that, for each seven-day period, every worker would be entitled to a minimum uninterrupted rest period of 24 hours in addition to a daily 11 hours of rest.⁴ The concept of rest was required to be expressed in units of time (in days, hours or fractions).

OVERVIEW

The German law seeks to ensure that each working day has a definite start and end period and that there are protections for workers on Sundays and public holidays.

The Act describes working time as the period between the start of the working day and the end, excluding the time taken for breaks. For freelancers, working hours with several employers are to be counted together and, in certain professions such as mining, breaks are counted as working hours.⁶

For certain workers, such as those in the emergency services or who are on-call, if they work longer than eight hours, or on a public holiday, they must be compensated with other periods of rest. In a given year, at least 15 Sundays should be free from work.⁷

PART-TIME EMPLOYMENT

On 1 January 2019, the Act on Further Development of Part-Time Employment Law⁹ came into force, amending the Part-Time and Fixed-Term Employment Act. The law introduces the concept of temporary part-time work, or 'bridge part-time' which entitles employees to reduced working hours to care for children or other family members. Significantly, however, the law enables employees to use other reasons to reconcile work with their personal lives. The 'bridge part-time' can be used for between one and five years, with the workers entitled to return to full-time employment. This entitlement must be offered by companies with more than 200 employees.

ENTITLEMENT TO WORK FROM HOME

According to a 2019 survey by the Ministry of Labour, around 40 per cent of Germans want to be able to work from home occasionally and the Ministry and lawmakers are looking into developing a new bill to make it mandatory for employers to offer this option.¹³

The EU directive allows for the period of daily rests to be determined by collective agreements or by national legislatures. Germany has already taken significant steps to prioritize this area of economic life and regulates it seriously. According to German law, a working day must not exceed eight hours, have daily 30 minutes of breaks and be followed by an uninterrupted period of 11 hours of rest.⁵

Employers who fail to comply with this can face fines of up to EUR 15,000, and those who intentionally or persistently break the law can also face a year's imprisonment.⁸ The law also requires employers to ensure that their workers can see a copy of the Act, the statutory ordinances and related collective agreements. Employers must also maintain employees' time sheets and keep them as evidence for at least two years.

Extending the eight-hour maximum to 10 hours, can be done only by collective agreement and only for people on standby or on-call work, such as those in health care or in agricultural work subject to weather conditions. The hours can be extended only if, within a six calendar month period, an average of eight hours has not been exceeded. In this case, the period of uninterrupted rest is extended to 45 minutes.

In 2017, 27 per cent of those employed in Germany were working part-time.¹⁰ The share among women (47 per cent) was five times higher than that among men (nine per cent).¹¹ The previous law allowed workers to work part-time permanently, with temporary part-time work only for people on parental or family care schemes.¹²

NEW QUALITY OF WORK INITIATIVE

Germany has other initiatives for ensuring employees have a good work-life balance. For example, an online platform called the New Quality of Work Initiative (INQA)¹⁴ was launched in 2001 by federal and state government, along with partners from companies, insurances and foundations. The platform focuses on developing innovative, knowledge-based solutions to practical work-life issues. The

purpose of the platform is to ensure “healthy, qualified, motivated, high-performing staff” to meet contemporary economic challenges in the global economy. INQA has observed the need to meet demographic challenges because of an ageing population and launched the “30, 40, 50 plus - Healthy Work into Old Age” campaign in 2004 to advise on health and productivity in the older age bracket.¹⁵


CONCLUSION


In Germany, there is a recognition that a healthy and motivated population is best placed to meet the economic demands of today and the future. With legislation regulating working hours and allowing

for flexible work, the country has implemented promising practices to level the playing field for women and men in the workplace.

ENDNOTES

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