



Germany introduces “bridging part-time work”

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As one of his first reform projects after entering into office in March 2018, the Federal Minister of Labour and Social Affairs has presented a draft bill aimed to ensure that workers do not get stuck in the “part-time trap” but can return to their previous working hours.

Description

Part-time work is an important element of the work organisation and employment system in Germany. While employers use it to increase workforce flexibility, employees opt for it as a means of reconciling their work and private lives. According to Eurostat, in 2017 27% of total employment was part-time work, the share among women (47%) being more than five times higher than among men (9%). Because many employees fear that, having reduced their working hours, they will be unable to return to their previous working time, they tend not to take advantage of this option. Part-time work is therefore regarded as a trap, above all for women.

According to the existing Act on Part-Time and Fixed-Term Employment Relationships, employees are entitled to work part-time permanently (unless this is impossible for operational reasons) or temporarily if they are taking advantage of parental, long-term care or family care leave schemes. In the latter cases, they have the right to return to full-time work.

On 17 April 2018, as one of his first reform projects after entering into office in March 2018, the Federal Minister of Labour and Social Affairs presented a draft bill on the “Further Development of Part-Time Work – Introduction of Bridging Part-Time Work”. By amending the existing “Act on Part-Time and Fixed-Term Employment Relationships”, the draft bill aims to

ensure that workers do not get stuck in the “part-time trap” but can return to their previous working hours.

The main provisions of the draft bill are as follows:

- A legal entitlement to “bridging part-time work”, as a new form of part-time work, is to be introduced starting in January 2019.
- Once they have been in an employment relationship for a minimum of 6 months, employees in companies with more than 45 employees can ask to reduce their working time (whether full or part-time) for a defined period of between one and five years. No specific reason or justification has to be given.
- For companies with between 45 and 200 employees, a reasonableness clause is introduced, namely that entitlement to work part-time for a limited period of time is granted to only one in every 15 employees (this clause does not apply to companies with more than 200 employees).
- At the end of the agreed period, workers will return to their previous working hours. Under this draft bill, workers have to wait at least one year after their return to the original working time before being allowed to request to reduce their working hours again. The rules are to apply to all part-time agreements concluded from 1 January 2019 onwards.

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- The eligibility requirements and the procedure for filing applications are largely in line with the regulations governing the entitlement to work part-time indefinitely. Under current legislation, workers in existing part-time employment relationships who inform their employer of their desire to extend their working time should be given preferential treatment over similarly qualified candidates when filling vacancies, if there are no pressing operational reasons or working time requests from part-time employees.
- Currently, it is already up to the employer to furnish evidence of any pressing operational reasons why a request should be turned down, as well as to provide information on the working time requirements of other part-time employees. In future, the employer will also have to prove that there is no suitable job and that a part-time worker wishing to work longer hours is not suitable for such a position.

Outlook & commentary

This reform project had been included in the previous government's coalition agreement but had failed in the final phase of the last legislative period because the two parties in power could not agree on the size of companies to be included. The reform is part of the new coalition agreement, this time with an additional agreement on the size of company to be included.

The new draft bill is broadly based on the old bill. As a consequence, the employers' associations have again rejected the bill and the CDU/CSU has expressed strong concerns. The employers see no need for such a reform and are critical of the fact that the burden of proof has been shifted to the employers (IW 2017). As in the last legislative period, the labour unions strongly support the reform (DGB 2017) but disapprove the fact that it excludes a great number of workers and the quota system for companies with 46 to 200 employees.

There is a broad consensus among labour market experts that there is a growing need for more flexible working time arrangements, as a consequence of the increasing digitalisation and global networking of the world of work as well as of employees' desire for a reasonable work-life balance. More flexible opportunities for moving between part-time and full-time work would help to soften the division of the labour market between part-time and full-time work and would go some way towards achieving a system of working-time organisation more attuned to the various phases of the life course and to eradicating gender inequality (BMAS 2017).

After the difficulties in forming a new government, this reform project could become a key indicator of whether the new coalition is able and willing to cooperate and survive in the new legislative period. Currently, it is an open question whether this reform bill will be adopted.

Further reading

Bundesministerium für Arbeit und Soziales (2017), "Weissbuch Arbeiten 4.0" [Federal Ministry of Labour and Social Affairs (2017), "White Paper on Work 4.0"], Berlin.

Bundesministerium für Arbeit und Soziales (2018), "Referentenentwurf eines Gesetzes zur Weiterentwicklung des Teilzeitrechts – Einführung eines Brückenteilzeit" vom 17. April 2018 [Federal Ministry of Labour and Social Affairs (2018), "Draft Bill on the Further Development of Part-Time Work Law - Introduction of Bridging Part-Time Work" of 17 April 2018], Berlin.

DGB (Deutscher Gewerkschaftsbund) (2017), "Recht auf befristete Teilzeit muss für alle gelten" [DGB (Federation of German Trade Unions) (2017), "The right to work part-time for a limited period must apply to everyone"], Politik und Gesellschaft vom 1. Februar 2017, Berlin.

IW (Institut der deutschen Wirtschaft) (2017), "Teilzeitarbeit: Rückkehrrecht ist überflüssig" ["Part-time work: Right of return is superfluous"], IW-Nachricht vom 29. März 2017, Köln.

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