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Requesting approval for the dismissal of severely disabled people

Heruntergeladen am 25.06.2025

<https://fimportal.de/xzufi-services/387959882/L100008>

Modul	Sachverhalt
Leistungsschlüssel	99015005001000, 99015005001000
Leistungsbezeichnung I	Requesting approval for the dismissal of severely disabled people
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen-Anhalt
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Menschen mit Behinderung (015)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	

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Lagen Portalverbund	Beendigung von Arbeitsverhältnissen (2030800)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	01.10.2019
Fachlich freigegeben durch	Federal Ministry of Labor and Social Affairs (BMAS)
Handlungsgrundlage	https://www.gesetze-im-internet.de/sgb_9_2018/_168.html https://www.gesetze-im-internet.de/sgb_9_2018/_168.html
Teaser	If you wish to dismiss a severely disabled person or a disabled person with equivalent status, you must first obtain the approval of the Integration Office (in Bavaria and North Rhine-Westphalia: Inclusion Office).
Volltext	<p>Severely disabled persons and persons with equivalent disabilities have special protection against dismissal. You must therefore obtain the approval of the Integration Office (in Bavaria and North Rhine-Westphalia: Inclusion Office) before giving notice.</p> <p>Approval is required regardless of the reason for the intended dismissal (personal, operational or behavioral). The special protection against dismissal also applies regardless of the size of your company.</p> <p>You need the approval of the Integration Office for all types of dismissals, i.e. for</p> <ul style="list-style-type: none"> • ordinary dismissals, • extraordinary dismissals (without notice) and • notices of change. <p>In addition to the actual reason for dismissal, the Integration Office takes into account the following factors when making its decision as part of the legally required balancing of mutual interests:</p> <ul style="list-style-type: none"> • Size and economic situation of the employer and • fulfillment of the employment obligation

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as well as:

- The nature and severity of the disability,
- age,
- personal circumstances of the severely disabled person,
- the length of service with the company and
- his or her chances of finding another job on the general labor market in the event of dismissal.

Particularly in the case of dismissals for personal and behavioral reasons, the dismissal protection proceedings will clarify what the company or the department and the company integration team did to avert the dismissal in advance and whether any preventative measures were taken.

In the case of extraordinary dismissals (without notice), the Integration Office checks whether the dismissal is related to the severe disability. If this is not the case, it will approve the dismissal and thus open the way to the labor court.

Dismissal without the involvement of the representative body for severely disabled employees (if present in the company) is invalid.

Dismissal without the prior consent of the Integration Office is also invalid. It cannot be subsequently approved by the Integration Office either.

You only do not need approval if the severely disabled employee

- resigns themselves,
- has worked in your company for less than 6 months,
- has reached the age of 58 and is entitled to a severance payment or similar benefit,
- in the event of dismissal for weather-related reasons, if the employer has given a binding promise of re-employment,
- if the status as a severely disabled person could not be determined by the competent authorities at the time of termination, or
- the employment relationship is terminated without

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	notice, for example by means of a termination agreement.
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Severely disabled person's pass • Recognition notice from the pension office about the severe disability (is requested by the integration office for employees. The employer is not entitled to this document) • Equal opportunities notice from the employment agency • Job description • Detailed justification of the intention to dismiss
Voraussetzungen	<ul style="list-style-type: none"> • Recognition as a severely disabled person: a degree of disability of at least 50 must have been determined by the pension office. • Equality: if you have a degree of disability of 30 or 40, you must have been granted equality with a severely disabled person by the employment agency.
Kosten	none
Verfahrensablauf	<p>You must apply in writing for consent to the dismissal of a severely disabled person:</p> <ul style="list-style-type: none"> • Contact your regional integration or inclusion office to obtain the application form for consent to dismissal. Fill it out completely and send it to the integration office with the required documents. • After receiving the application for approval of dismissal, the Integration Office will examine the facts of the case. To do this, it will hear the severely disabled person and obtain the opinion of the works or staff council and the representative body for severely disabled employees. Tip: You can obtain the opinion of the works or staff council and the representative body for severely disabled employees yourself in advance and add it to your application. • If necessary, the Integration Office will also involve specialists (e.g. the specialist integration service or the technical advisory service) and obtain further opinions and expert reports. It may also interview witnesses to clarify the facts of the case. • The Integration Office is obliged to work towards an amicable agreement at every stage of the proceedings. This can be done particularly well in an oral hearing

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with all parties involved.

- As part of an amicable agreement, the Integration Office can also offer services of accompanying assistance in working life from funds from the equalization levy, for example for disability-friendly workplace design or to compensate for extraordinary burdens that may be associated with the employment of the severely disabled person.
- If an amicable agreement cannot be reached, the Integration Office will make a decision on the application at its own discretion and after weighing up the mutual interests of both parties. Special regulations apply to dismissals in connection with the discontinuation of operations, significant operational restrictions and insolvencies.
- The Integration Office issues a notice of dismissal addressed to you as the applicant and at the same time to the employee as a party to the proceedings. In addition to the decision, the notice contains detailed reasons and a legal remedy.

Bearbeitungsdauer

- Approval for extraordinary termination (without notice): Decision by the Integration Office within two weeks of receipt of the application. If no decision is made by the Integration Office within this period, approval is deemed to have been granted.
- Approval for ordinary termination: Decision by the Integration Office within one month, if the Integration Office has all the information it needs to make a legally sound decision. The average processing time nationwide is 7 weeks.

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- Approval for extraordinary termination (without notice): You must give notice of termination immediately after approval by the Integration Office. Immediately means within 3 working days. If you miss this deadline, the approval of the Integration Office is no longer valid. You can then only seek a new ordinary termination procedure.
- Approval for ordinary termination: You must give notice of termination within one month of receiving approval from the Integration Office. After that, the approval for termination expires. You can then only seek a new ordinary termination procedure.

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weiterführende Informationen	https://www.bih.de/integrationsaemter/ https://www.bih.de/integrationsaemter/aufgaben-und-leistungen/kuendigungsschutz/ https://www.bih.de/integrationsaemter/ https://www.bih.de/integrationsaemter/aufgaben-und-leistungen/kuendigungsschutz/
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Consent to the dismissal of severely disabled people Issue • There is special protection against dismissal for severely disabled persons and persons with equivalent disabilities • Employers must obtain approval from the Integration Office before dismissal (regardless of the reason for dismissal) • Special protection against dismissal applies regardless of the size of the company • no consent required: for dismissals within the first 6 months of employment regardless of the length of the probationary period, if the employee resigns themselves or if the employee has reached the age of 58 and is entitled to a severance payment or similar benefit in the event of termination for weather-related reasons, if the employer has given a binding promise of reinstatement, if the employee's status as a severely disabled person could not be determined by the relevant authorities at the time of termination. • Responsible: regional integration office (in Bavaria and North Rhine-Westphalia: inclusion office)
Ansprechpunkt	Contact the Integration Office. https://www.bih.de/integrationsaemter/kontakt/ https://www.bih.de/integrationsaemter/kontakt/
Zuständige Stelle	
Formulare	Forms: you can obtain the application form from your regional integration or inclusion office Personal appearance necessary: no

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Ursprungsportal

Zustimmung zur Kündigung schwerbehinderter Menschen beantragen, Requesting approval for the dismissal of severely disabled people