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Requesting approval for the dismissal of severely disabled people

Heruntergeladen am 25.06.2025

<https://fimportal.de/xzufi-services/8690685/L100040>

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

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SDG-Informationsbereich	Gesetzlich oder durch Rechtsverordnung geregelte Beschäftigungsbedingungen einschließlich Arbeitsstunden, bezahlter Urlaub, Urlaubsansprüche, Rechte und Pflichten in Bezug auf Überstunden, Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)
Lagen Portalverbund	Beendigung von Arbeitsverhältnissen (2030800)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	03.11.2023
Fachlich freigegeben durch	Lower Saxony Ministry of Social Affairs, Labour, Health and Equality
Handlungsgrundlage	https://www.gesetze-im-internet.de/sgb_9_2018/__168.html https://www.gesetze-im-internet.de/sgb_9_2018/__169.html https://www.gesetze-im-internet.de/sgb_9_2018/__170.html https://www.gesetze-im-internet.de/sgb_9_2018/__171.html https://www.gesetze-im-internet.de/sgb_9_2018/__172.html https://www.gesetze-im-internet.de/sgb_9_2018/__173.html https://www.gesetze-im-internet.de/sgb_9_2018/__174.html https://www.gesetze-im-internet.de/sgb_9_2018/__175.html https://www.gesetze-im-internet.de/sgb_9_2018/__168.html
Teaser	If you wish to terminate a severely disabled person or an equivalent disabled person, you must first obtain the consent of the Integration Office (in Bavaria and North Rhine-Westphalia: Inclusion Office).
Volltext	Severely disabled persons and persons with equivalent disabilities have special protection against dismissal. You must therefore obtain the approval of the Integration or Inclusion Office before giving notice.

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The approval is independent of the reason for the intended dismissal:

- personal reasons
- for operational reasons
- behavioral

dismissal is required. The special protection against dismissal also applies regardless of the size of your company.

You need the approval of the Integration or Inclusion Office for all types of dismissals, i.e. for

- ordinary dismissals,
- extraordinary dismissals (without notice) and
- notices of change.

In addition to the main reason for the dismissal, the Integration or Inclusion Office also examines other points before deciding whether the dismissal is legal, for example

- Size and economic situation of the company
- Fulfillment of the employment obligation

As well as the following points about the severely disabled person:

- Type and severity of the disability,
- age,
- personal circumstances
- the length of service with the company and
- the 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 is clarified in the dismissal protection proceedings. Among other things, it is clarified what the company or department and the company integration team did to prevent the dismissal and whether preventative measures were taken.

In the case of extraordinary dismissals (without notice), the integration or inclusion office checks whether the

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dismissal is related to the severe disability. If this is not the case, it should 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. If there is no representative body for severely disabled employees in the company, there is no obligation to involve them.

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

They 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 notice, for example by means of a termination agreement.

Erforderliche Unterlagen

- Severely disabled person's pass (not always required)
- Notification of recognition from the pension office about the severe disability (will be requested by the Integration Office for employees. The employer is not entitled to this document) (not always required)
- Notice of equal opportunities from the Federal Employment Agency (not always required)
- Job description
- Detailed justification of the intention to terminate the contract

Voraussetzungen

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Kosten

Verfahrensablauf

You must apply for consent to the dismissal of a severely disabled person in writing:

- Contact your regional integration or inclusion office to receive the application form for consent to termination. Fill it out completely and send it to the Integration Office with the required documents. An informal application is also possible
- Upon receipt of the application for consent to termination, the Integration Office will examine the facts. To this end, it listens to the severely disabled person and obtains the opinion of the works or staff council and the representative body for severely disabled persons. Tip: You can obtain the opinion of the works or staff council and the representative body for severely disabled employees in advance and add it to your application. Statement to the Integration Office with the date of application or thereafter.
- If necessary, the Integration Office will also call in specialists (e.g. the Integration Service or the Technical Advisory Service) and obtain further opinions and expert opinions. In order to clarify the facts, it may also conduct the examination of witnesses.
- The Integration Office is obliged to work towards an amicable settlement at every stage of the procedure. This can be done particularly well in an oral hearing with all parties involved.
- Within the framework of an amicable settlement, the Integration Office can also offer services of accompanying assistance in working life from funds from the compensatory levy, for example for the 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 after dutiful discretion and consideration of the mutual interests of the two parties. Special regulations apply in the case of dismissals in connection with business closures, significant operational restrictions and insolvencies.
- To this end, the Integration Office issues a notice of dismissal, which is addressed to you as the applicant

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	and at the same time to the employee as a party to the proceedings. In addition to the decision, the decision contains a detailed statement of reasons and an appeal.
Bearbeitungsdauer	<p>2 Woche(n)</p> <p>In the event of approval for extraordinary termination (without notice), the Integration or Inclusion Office shall decide within 2 weeks of receipt of the application. Approval is deemed to have been granted if a decision is not made within this period.</p> <p>1 Monat(e)</p> <p>The Integration or Inclusion Office should give its approval for ordinary termination within 1 month. To do so, the Integration or Inclusion Office must have all the information it needs to make a legally sound decision.</p>
Frist	<p>1 Monat(e)</p> <p>In the event of approval for ordinary termination, you must give notice of termination within 1 month of receiving approval from the Integration or Inclusion Office. After that, the approval for termination expires. You can then only seek a new ordinary termination procedure.</p> <p>In the event of approval for extraordinary termination (without notice), you must give notice of termination immediately after receiving approval from the Integration or Inclusion Office. If this does not happen, the approval of the Integration or Inclusion Office is invalid. You can then only seek a new ordinary termination procedure.</p>
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Consent to the dismissal of severely disabled persons • There is special protection against dismissal for severely disabled persons and persons with equivalent disabilities • Employers must obtain the consent of the Integration Office before dismissal (regardless of the reason for

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	<p>termination)</p> <ul style="list-style-type: none"> • Special protection against dismissal applies regardless of the size of the company • no consent required: in the case of dismissals within the first 6 months of employment, regardless of the duration of the probationary period, if the employee resigns himself, or if the employee has reached the age of 58 and is entitled to severance pay or similar benefits in the event of dismissal for weather reasons, if the employer gives a binding promise of reinstatement, if, at the time of termination, the status as a severely disabled person could not be determined by the competent authorities. • Responsible: Regional Integration Office (in Bavaria and North Rhine-Westphalia: Inclusion Office)
Ansprechpunkt	Approval is granted by the Integration Office of the Lower Saxony State Office for Social Affairs, Youth and Family.
Zuständige Stelle	
Formulare	
Ursprungsportal	Requesting approval for the dismissal of severely disabled people, Zustimmung zur Kündigung schwerbehinderter Menschen beantragen