

## Germany (BDA) (last updated 4 May)

### Overall approach and state of play

More than 307,000 refugees have arrived in Germany as of April 4<sup>th</sup>. More than 80 % are female.

Integration of Ukrainians has been successful so far: In 2018 - latest available data - 322,000 people with a Ukrainian migration background lived in the Federal Republic, 145,000 of them without German citizenship. 52% were employed, which corresponds to the average of the foreign population. The proportion of university graduates was 50%, meaning that Ukrainian migrants had above-average qualifications. 11% were unemployed, 13% received basic benefits.

### Coordination of joint social partner or social partner and government actions

With the Council Decision on activating the Temporary Protection Directive, [section 24 of Germany's Residence Act](#) ("Aufenthaltsgesetz") on granting residence for temporary protection applies immediately to those people referred to in the Council Decision. This means that these people may apply for a temporary residence permit at the responsible foreigners' authority in Germany as of 4 March 2022.

- **Access to the labour market** needs to be approved by the Foreigners' Registration Office. No approval by the Federal Employment Agency needed. Already upon application for the temporary residence permit and while waiting for the appointment where all necessary documents need to be handed in (which indeed can take weeks to months), a certificate of fiction will be issued. It serves as a provisional proof of a temporary right of residence until a residence permit can be issued; bridging the time/waiting gap.
- Most importantly, on this provisional residence permit it is noted that **paid employment is already permitted**. This means that the provisional residence document already allows for self-employment or salaried employment in Germany. Of course, specific conditions for access to the profession (e.g. a license for doctors or a permit for a business that requires this) also apply to those granted temporary protection. However, the procedures for recognising foreign occupational qualifications are also open to the persons affected. With the provisional document there's also access granted to advice from the local government employment agencies and help finding a job as well as access to integration programmes and courses.
- **Social benefits** are granted according to the Asylum Seekers' Benefits Act. All those people to whom section 24 of the Residence Act applies may receive assistance to support themselves.
- **Labor market support:** support instruments are available for persons with a residence permit according to § 24 Residence Act. Measures for activation and vocational integration; integration grants, placement budget.
- **IVET:** permission to take up vocational training (Residence Act), access to training preparation support instrument by the federal employment agency (such as vocational orientation, vocational integration and career entry support, assisted training etc.) if individual support requirements are met (residence title, language skills); financial support instruments available (vocational training allowance).
- **School:** compulsory education in Germany, responsibility of the federal states: access to school for children and young people, e.g. through welcome classes, language

lessons (currently looking for Ukrainian- and Russian speaking teachers), participation in Ukrainian curriculum under discussion, daycare places.

- **University:** contact point for students established, no significant demand yet, Ukraine = member of Bologna Process = recognition of academic degrees.

## Initiatives

**#WirtschaftHilft:** To support needs-based aid, the four leading associations BDA, BDI, the Chambers and Skilled Crafts have worked closely together to **launch the initiative #WirtschaftHilft** (“economy helps”) initiative. At [www.WirtschaftHilft.info](http://www.WirtschaftHilft.info), companies and associations can obtain comprehensive information on needs-based donations, labour market integration of refugees and the impact on companies and employment.

**Germany4ukraine:** platform of federal government where refugees receive support with accommodation and medical care.

**Help for Refugees:** Federal Employment Agency provides information about counseling options and offers information and support for arriving in Germany and later also for finding a job or apprenticeship.

**Erfolgreich integrieren:** website by BDA, BDI, ZDH (skilled crafts) and employment agency set up during the refugee crisis in 2015 and now adjusted to the current challenges. In the future, events, practical examples and initiatives will be compiled here in a clear and concise manner.

## Company impact

For affected companies, short time work allowances are possible in the event of a significant loss of working hours (including due to economic reasons).

The recall of conscripts and reservists (Ukraine) may also affect employees in Germany.

The Workplace Protection Act protects the workplace in the event of conscription to military service. It applies to foreigners employed in Germany if they are called up for military service in their home country to fulfil their compulsory military service there, if they are nationals of the contracting parties to the European Social Charter of October 18, 1961 (including Ukraine) and have their legal residence in Germany.

When in force:

the employment relationship pauses during a military service “freeze” / protected against termination of contract, employee needs to inform employer immediately, temporary working contracts will not be extended to compensate time during military service.

For employees subject to compulsory insurance in Germany who are called up for reserve services in another EU country (e.g. Poland), there are no special regulations in German social security law.

Regulation 883: A person called up or recalled for military or civilian service of a Member State shall, in principle, be subject to the legislation of that Member State. Law of the MS who called into military service (e.g. Poland or Romania) then applicable.

During military service, remuneration is not continued to be paid. Continuation of pay possible in cases where overtime, flexitime credits or paid leave is used.