

Threshold values for employers

NO. OF EMPLOYEES	ACTION	§§
1	The appointment of a company doctor and a specialist for occupational safety may be necessary (depending on the requirements of the responsible employers' liability insurance association).	§§ 2 ff. ASiG
2	A first aider should be appointed.	§ 26 DGUV
5	Protection against dismissal for employees whose employment relationship began before 01.01.2004. Part-time employees are calculated on a pro rata basis; trainees and executive bodies (e.g. managing directors) are not counted.	§ 23 KSchG
	A works council is electable.	§§ 1, 9 BetrVG
	From 5 severely disabled employees: Election of a representative body for severely disabled employees.	§ 94 SGB IX
10	There is legal protection against dismissal (exception: old employees, see above). Part-time employees are calculated on a pro-rata basis; trainees and executive bodies (e.g. managing directors) are not counted.	§ 23 KSchG
15	Employees may be entitled to part-time or parental part-time employment .	§ 8 TzBfG § 15 BEEG
20	Appointment of a data protection officer if at least 20 employees process personal data automatically.	§ 38 BDSG
	Employ severely disabled employees in 5% of all workplaces or pay a compensatory fee. The benchmark of 20 employees per month is based on the annual average.	§§ 154, 160 SGB IX

20	<p>First aiders in the following proportion: (a) in administrative and commercial establishments, 5%; (b) in other establishments, 10%; (c) in day-care centers, one first aider per group of children; (d) in institutions of higher education, 10% of the insured.</p> <p>20- 60 employees: Mass dismissal notification: Obligation to notify the employment agency if more than 5 employees are laid off within 30 calendar days (external directors of a GmbH are to be included).</p>	<p>§ 26 DGUV</p> <p>§ 17 KSchG</p>
25	<p>Entitlement to family care leave: partial time off from work for a maximum of 24 months to care for a close relative in need of care in the home environment. Trainees are not taken into account.</p>	<p>§ 2 FPfZG</p>
40	<p>Up to 40 employees: Obligation to employ at least 1 severely disabled person or payment of a compensatory fee.</p>	<p>§§ 154, 160 SGB IX</p>
60	<p>Up to 60 employees: Obligation to employ at least 2 severely disabled persons or payment of a compensatory fee.</p> <p>Mass dismissal announcement: Obligation to notify the employment agency if more than 10% of the employees or more than 25 of the employees are dismissed within 30 calendar days (external directors of a GmbH are to be counted).</p>	<p>§§ 154, 160 SGB IX</p> <p>§ 17 KSchG</p>
101	<p>Formation of an economic committee</p> <p>The works council may form works committees and working groups.</p>	<p>§ 106 BetrVG</p> <p>§ 28, 29 BetrVG</p>
500	<p>Mass dismissal announcement: Obligation to notify the Employment Agency if more than 30 employees are laid off within 30 calendar days (external directors of a GmbH are to be counted).</p>	<p>§ 17 KSchG</p>

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Who is generally considered an "employee" ?

Full-time position: count with factor 1

Part-time position: count according to the amount of work (half a position: 0.5)

Interns/working students: count if the activities are comparable to those of an employee

Freelancers: do not count, except in the case of a particularly high share of the workforce being freelancers



What period of time do you have to look at?

Generally, it is the average number of employees that counts and not the number at a specific point in time.



Gender Note

The wording is predominantly gender-neutral. In order to improve reader-friendliness, only the masculine form (generic masculine) is used in some places for personal names and personal nouns. It always refers simultaneously to female and other gender identities. The abbreviated form of language is for editorial reasons only and does not imply any valuation.