

## AGF Position Paper:

# Right of Return from Part-Time Up To the Original Weekly Working Time

These demands of the Family Associations are minimum requirements for the right of return to be effective. More extensive regulations, which to some extent already exist in individual collective agreements or company agreements, are explicitly welcomed and supported by the AGF. The minimum standards formulated here are meant to be implementable also for small and medium-sized companies.

### Right of Return / Time-Limited Part-Time:

- 1) The right to reduce the extent of work to part-time further remains for **all employees**.
- 2) Newly complementing the above: The introduction of an **entitlement to reduce the working hours for a limited period of time**. A minimum time limit is not specified.
- 3) The entitlement applies for all employees. **In a case of conflicting wishes to this new entitlement, employees with familial care responsibilities are given priority**. Employees with familial care responsibilities include all employees, who look after or care for an under-age child or a close relative in accordance with §7 Pflegezeitgesetz (Elderly Care Leave Act).
- 4) If no claim is asserted to prolong the time period of reduced working hours, then **after the expiry of the time-limited period of part-time an automatic right of return up to the original weekly working time applies**. To return to an extent of work with less working hours per week than originally valid before, a claim has to be asserted at least 6 months before the end of the part-time work period.

Furthermore from the viewpoint of the AGF the following fundamental changes in the Act on Part-Time Work and Fixed-Term Employment (TzBfG) are necessary:

### Refusal of the Wish to Work Part-Time:

The refusal of a wish to work part-time shall only be possible if there are adverse "urgent operational reasons" that stand against it. This means an alignment with §9 TzBfG and §15 BEEG.

### Increase of working hours:

In order to make it easier to increase the work scope, especially for persons with familial care tasks, paragraph 9 TzBfG should be supplemented. The AGF's proposal is:

When filling a corresponding vacant workplace and if qualifications are the same, the employer is obliged to preferentially consider a part-time employed employee, who has expressed his or her wish to increase his or her contractually agreed number of working hours, unless there are adverse urgent operational reasons or wishes to work of other part-time employed employees standing against it. The preferential treatment especially applies to employees with familial care responsibility.

The possibility to increase should not only exist in the case of a vacant full-time position but also if it is possible to combine the currently held part-time position with another free or newly created part-time position.

