

Norbert Reichling

A (very) short guide to

Educational Leave in Nordrhein-Westfalen, Germany

Educational leave is regulated by laws on Länder level in Germany since the 1970s. Nordrhein-Westfalen established the right of Paid Educational Leave in 1985 by the “Arbeitnehmerweiterbildungsgesetz” (i.e. Law for further education of employees – abbreviated as AWbG) and made some fundamental changes in 2000 and in 2009. The political aim of all these laws (today in force in 14 of the 16 federal states) was to improve general qualification of employees in private industry and in the public sector (except civil servants/“Beamte”) and to give a stimulus for life long learning.

What are the issues and frameworks of learning according to the AWbG? The law entitles an employee to 5 days of company leave for purposes of socio-political learning and professional training – the minimum duration being three days. Since 2015, also apprentices are allowed to participate. Two days, of the five days claimed, can be used for internal vocational training directed by the employers. The short definitions of the law have been refined by the law courts: If the employees are using the training to improve their vocational skills there should be a minimum benefit to the current employer. Although most seminars on political questions also impart key qualifications, they are not required to give such a benefit; their usefulness for democratic citizenship has been seen as sufficient.

The procedure of educational leave is the following: people claiming to participate in a course have to announce this plan at least 6 weeks before it starts; the employer must declare his decision on the release within the 3 following weeks. The only means to refuse the leave are urgent problems of workflow. The entitlement for this kind of paid release is confined to employees working at least 6 month in their present job; smaller firms (under 10 employees) are exempt from the legal obligation. After the courses the employees have to submit a certificate of participation to their employer. The AWbG for Nordrhein-Westfalen has raised a lot of conflicts during its first decade. Although this right is seen as critical by the enterprises, the level availing of it has remained rather low – less than 1 per cent of the employees make use of it.

Under which conditions can the seminars suited for paid educational leave be offered? The law gives several guidelines for the courses, e.g. a certain intensity of learning, a duration of at least three days and a professional organisation. Only providers registered by the Land Nordrhein-Westfalen and equipped with a quality management system are allowed to be organisers. There is no certificate of recognition for single seminars in Nordrhein-Westfalen – the admitted institutions are responsible for fulfilling the further legal standards.

Where can the courses for educational leave take place? This point has been subject to the latest changes of the law: The seminars must proceed within a radius of 500 kilometers from Nordrhein-Westfalen’s boundaries or around the memorial sites for the crimes of the Nazi regime.

More advice can be procured from the educational institutions offering the seminars, from the Ministerium für Schule und Weiterbildung (Ministry for Schools and Adult Education – see below and the local centres for educational counselling.

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<http://hu-bildungswerk.de/medien/online-archiv/>

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Additional information (in German)

for the text of the law cf.:

<http://www.schulministerium.nrw.de/docs/Weiterbildung/Arbeitnehmerweiterbildung/Arbeitnehmerweiterbildungsgesetz1.pdf>

on the “Arbeitnehmerweiterbildungsgesetz” in Nordrhein-Westfalen and the providers of courses:

www.bildungsurlaub.de

on the every day problems of paid educational leave: http://www.dgb-bildungswerk-nrw.de/fileadmin/Medien/Startseite/Der_Weg_zum_Bildungsurlaub.pdf

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