

Contacts at the Leipzig University

Representative for Employees with Severe Disabilities

The elected representative of the interests of employees with severe disabilities advises and supports employees in matters involving the employer.

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Employer's representative for matters relating to persons with disabilities

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**GUIDANCE ON SEVERE DIS-
ABILITY AND EQUIVALENT STATUS**

Disability and equivalent status

Under Section 2 (1) of Book IX of the Social Code, a person has a disability if they have a physical, psychological, intellectual or sensory impairment that is highly likely to prevent them from participating equally in society for more than six months. The effects of the impairment are expressed as the degree of disability in increments of 10, from 20 to 100. There are national guidelines for determining the degree of disability: the Health Care Principles. The decisive factor is the overall view of the actual impairment. Multiple values relating to degrees of disability are not added up.

If an individual has a disability or chronic illness, it may be useful for them to have a severe disability pass or recognised equivalent status to persons with severe disabilities in order to receive assistance and support in the workplace and in everyday life. There are many provisions, benefits and compensation measures – whether at work, travelling on public transport or dealing with tax matters.

Severe disability – what to do

Recognised persons with severe disabilities are persons with a degree of disability of at least 50. In this case, the individual has the right to apply for a severe disability pass. You can apply to the relevant social affairs office (Versorgungsamt) for your individual degree of disability to be checked. The social affairs office (e.g. City of Leipzig or District of Leipzig) then decides whether you are entitled to receive a pass. You can find further information about determining disability and applying for a severe disability pass at <https://0cn.de/schwerbehinderung>.

Equivalent status – what to do

If you have applied to the social affairs office and your degree of disability has been determined as over 30 but less than 50, you can obtain equivalent status to a person with a severe disability. Your local employment agency (Agentur für Arbeit) is responsible for this. Submit the reply from the social affairs office together with the corresponding application form for equivalent status to the local employment agency in your place of residence. More information about applying for equivalent status is available at <https://0cn.de/gleichstellung>.

Does the employer need to be informed about a severe disability or equivalent status?

In the application process, questions relating to severe disability are generally not permitted if the disability is irrelevant to performing the job concerned. In an ongoing employment relationship, there is no obligation to disclose a severe disability. Questions relating to severe disability or equivalent status, or to an application made in this regard, may be permitted in an existing employment relationship after six months so that the employer can, for example, comply with protection obligations in accordance with Book IX of the Social Code. This information is not a substitute for legal advice. The representative of persons with severe disabilities can provide individual advice.

Rights of employees with severe disabilities

Employees with severe disabilities have the right to the following from the employer:

- a job in which they can use and further develop their skills and knowledge as fully as possible;
- preferential consideration for in-house vocational training to enhance career opportunities;
- facilitation to a reasonable extent to participate in external training.

Prevention

If difficulties arise during the employment of employees with severe disabilities/persons with equivalent status that jeopardise their job, public institutions are obliged to conduct a preventive procedure. During the preventive procedure, all options for resolving the difficulties should be discussed with the employee representatives and the integration office. The aim is to maintain the employment relationship for as long as possible, e.g. by providing advisory or support services.

Protection against dismissal

Employees with severe disabilities and persons with equivalent status have special protection against dismissal. Where an employee has a recognised severe disability or has applied for a disability assessment in good time, employers must seek approval from the integration office before any notice of termination is served. During the approval procedure, the integration office checks whether the proposed dismissal is directly related to the identified disability and the resulting difficulties.

Exemption from overtime

Employees with severe disabilities and persons with equivalent status must be exempted from overtime at their request. Overtime is work that exceeds the normal legal working limit of eight hours per working day. However, the provision in Section 207 of Book IX of the Social Code does not constitute a ban on overtime.

Additional leave

Employees with severe disabilities are entitled to additional paid leave of one working week. The actual amount of additional leave depends on the employee's regular working hours per week. Employees with a degree of disability under 50 are not entitled to additional leave.

Pensions for persons with severe disabilities

Persons with severe disabilities may be entitled to an early retirement pension of up to five years – but this may involve significant reductions.