


Official abbreviation: BzG BW	Source	
Date of issue: 17.03.2015	:	
Valid from: 01.07.2015	Reference:	Journal of
Document type: Law	Member	Laws 2015,
	no:	161
		8000, 2289

**Baden-Württemberg Education Time Act
(BzG BW)
From March 17, 2015**

Latest available version of the complete edition as at 14.01.2021

Status: Last amendment taken into account: Section 7 amended by Article 55 of the Act of February 11, 2020 (GBl. p. 37, 44)

The state parliament passed the following law on March 11, 2015:

**§ 1
Principles**

- (1) Employees in Baden-Württemberg are entitled to educational leave from their employer. During the training period, they must be released from work by their employer with continued payment of remuneration.
- (2) Educational leave can be claimed for vocational or political training measures as well as for qualification for voluntary work.
- (3) Continuing vocational training serves to maintain, renew, improve or expand job-related knowledge, skills, development opportunities or abilities.
- (4) Continuing political education provides information about political contexts and the opportunity to participate in political life.
- (5) The qualification to carry out voluntary work serves to strengthen voluntary commitment. The areas of voluntary work for which there is an entitlement to training time are defined by statutory order. The state government is authorized to regulate the area of voluntary activities for which there is an entitlement to training time by statutory order.

**§ 2
Entitled persons**

- (1) Employees within the meaning of this Act are

1. ,
2. persons working from home and persons treated as such, as well as other persons who are to be regarded as employee-like persons due to their lack of independence. Persons similar to employees in this sense also include people with disabilities working in a recognized workshop for people with disabilities,

3. the employees involved in their training and the students of the Baden-Württemberg Cooperative State University,

insofar as the focus of their activities in the state of Baden-Württemberg.

(2) The provisions of this Act shall apply mutatis mutandis to:

1. civil servants within the meaning of Section 1 of the State Civil Servants Act and
2. Judges of the State of Baden-Württemberg within the meaning of Section 2 (1) of the State Judges and Public Prosecutors Act.

§ 3

Entitlement to training time

(1) The entitlement to training time is up to five working days within a calendar year. If the employee regularly works less than five days a week, the entitlement is reduced accordingly.

(2) For trainees and students at the Baden-Württemberg Cooperative State University, the entitlement is five working days for the entire period of training or study, limited to area of political training and qualification measures in the voluntary sector.

(3) Employees at schools who are entrusted with the teaching or supervision of pupils are only granted time off during non-teaching periods. Employees with teaching duties at universities can only educational leave during lecture-free periods.

(4) If an employee falls ill while taking training leave, the period of incapacity for work shall not count towards the entitlement to training leave if proof of incapacity for work is provided in the form of a medical certificate.

(5) If the employee has not exhausted the training leave entitlement within a calendar year, the remaining entitlement cannot be carried over to the following calendar year.

§ 4

Waiting time

The entitlement to educational leave is acquired for the first time after twelve months of employment. If an employment relationship immediately follows an employment relationship, a training relationship or a course of study at the Baden-Württemberg Cooperative State University with the same employer, the start of the previous employment or training relationship is decisive for the accrual of the entitlement.

§ 5

Relationship between training time and other leaves of absence

(1) The entitlement to training leave under this Act is a minimum entitlement. Other legal or administrative regulations, collective agreements, company agreements or individual contracts on time off for the purpose of further training remain unaffected.

(2) Time off on the basis of the regulations referred to in paragraph 1 shall count towards the entitlement to training time if it enables the objectives set out in § 1 to be achieved and there is an entitlement to continued payment of remuneration during the time off. A leave of absence shall not be credited if the further training serves the purpose of familiarization with certain company jobs or predominantly internal company requirements.

§ 6

Educational measures

(1) Educational measures within the meaning of this Act must

1. are consistent with the free and democratic basic order as defined by the Basic Law and with the of the state of Baden-Württemberg,
2. correspond to the subject areas of § 1,
3. are carried out by recognized educational institutions within the meaning of § 9,
4. be carried out as events that comprise an average of at least six hours of teaching per day. In the case of measures lasting several days, learning forms that are not face-to-face events are also permitted, whereby the attendance time must predominate.

(2) Educational measures within the meaning of this law are not events,

1. where participation is made dependent on membership of a particular party, trade union/professional association, religious community or similar association,
2. that directly serve the implementation of political goals,
3. which are used for recreation, entertainment, private household management or personal hygiene,
4. which are used for sporting, artistic or craft activities,
5. which serve to practise psychological or similar skills without professional reference,
6. which serve to acquire a general driving license or similar authorizations,
7. which are organized as study tours with a predominantly touristic character.

§ 7

Procedure for claiming training time

(1) The entitlement to training time under this Act must be asserted to the employer in writing or electronically as early as possible, but no later than eight weeks before the start of the training measure.

(2) The employer can only refuse the claim if urgent operational interests within the meaning of § 7 of the Federal Leave Act or approved leave requests from other employees conflict with this.

(3) An urgent operational need is also deemed to exist if, on January 1 of a given year, the employer's company employs fewer than ten people in total, excluding those employed for vocational training, or if ten percent of the training time to which employees are entitled on January 1 of a given year has already been taken or granted.

(4) The employer shall decide on applications from employees in accordance with paragraph 1 in writing or electronically without delay, but no later than four weeks before the start of the training event. In the event of a rejection, a written or electronic explanation of the reasons is required. If the employer does not notify the decision in due form within the period specified in sentence 1, approval shall be deemed to have been granted.

(5) Proof of proper participation in a training event must be provided to the employer at the end of the event. The certificates required as proof must be issued to the employees by the training provider.

(6) In urgent cases, the employer may withdraw consent to the use of training time that has already been approved if unforeseeable operational reasons have arisen, such as illness of other employees, which would have made a rejection possible at the time of the application in accordance with paragraph 2. In this case, the employer shall bear the unavoidable costs incurred by the employee as a result of the refusal, including the cancellation costs, for which proof must be provided.

§ 8

Continued payment of wages, ban on gainful employment and discrimination

(1) During the training period and in the event of illness during the training period, remuneration shall continue to be paid and calculated in accordance with §§ 9, 11 and 12 of the Federal Leave Act.

(2) No gainful employment contrary to the purpose of this Act may be pursued during the period of training leave.

(3) No one may be disadvantaged because of the use of educational leave.

§ 9

Recognized educational institutions

(1) Educational measures may only be carried out in recognized educational institutions. Recognition requires that the provider

1. has for at least two years,
2. systematically plans, organizes and conducts courses,
3. seal of approval to prove the quality of the educational work, which is recognized and published by the Ministry of Economics,
4. plans educational measures within the meaning of § 6.

(2) Other equivalent seals of quality shall be deemed equivalent to a seal of quality pursuant to paragraph 1 sentence 2 number 3. A seal of quality is equivalent if, in particular, the quality of the services offered by the facility and the qualifications of the staff guarantee that the objective and purpose of this Act are achieved.

(3) The state government is authorized to regulate the recognition procedure for training measures for qualification measures in the voluntary sector by means of legal regulations in deviation from paragraph 1.

§ 10

Recognition procedure

(1) The institutions submit their applications for recognition as a provider by 31 August of each year. A later application for recognition is permissible if this is the only way to ensure the entitlement to continuing education and the free movement of services within the European Union.

(2) The Karlsruhe Regional Council decides on the applications.

(3) If the requirements of § 9 are met, the competent authority in accordance with paragraph 2 shall grant the institution the status of a recognized institution.

(4) A decision on the application shall be made within a period of three months, unless an equivalence assessment is required in accordance with Section 9 (2). If no decision is made within the period specified in sentence 1, recognition is deemed to have been granted.

(5) Recognition is granted for an indefinite period and is linked to the requirement to provide proof of renewal at the end of the seal of approval's term.

(6) Recognition may be revoked in particular if the recognized sponsor conducts events as educational measures within the meaning of this Act that do not meet the requirements of Section 6 (1) or constitute events pursuant to Section 6 (2).

(7) The authority responsible for recognition shall publish a list of recognized institutions in an appropriate manner.

§ 11

Review of the effects of the law

The effects of this Act shall be reviewed by the state government after a period of four years following the entry into force of this Act. The state government shall inform the state parliament promptly of the results of the review.

§ 12

Entry into force

The law comes into force on July 1, 2015.

The above Act is hereby executed and shall be promulgated. STUTTGART, March

17, 2015

The government of the state of Baden-Württemberg:

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