

長照照顧安排假—以德國照顧假雙法為中心

Arrangement of Caregiver's Leave for Long-term Care:

Referring to Two German Caregiver Leave Acts

林谷燕(Ku-Yen Lin)

中文摘要

德國於 2008 年 7 月 1 日開始實施照顧假法，2012 年 1 月 1 日實施家庭照顧法，2015 年 1 月 1 日實施此雙法之新修法，並於 2020 年起因 COVID-19 疫情而修法提供過渡期規定。

此雙法以提供家庭照顧者更多彈性及經濟上更安全之職業與照顧調和為目的，內容包括至多 10 日之緊急照顧假、6 個月全職或局部時間照顧之照顧假、3 個月生命末期之陪伴假、為期最長 24 個月之具照顧需要未成年照顧假、每週平均工作至少 15 小時之家庭照顧假最長 24 個月。家庭照顧者於照顧假期間原則上受雇主不得解約之保護，有權向聯邦政府請求無息貸款，以及於緊急照顧假期間得受領長照保險法之照顧支持津貼。此外，家庭照顧者於照顧假開始前有義務以書面方式通知雇主，與雇主協商，或出示相關證明資料。

COVID-19 疫情期間，緊急照顧假改為增至 20 日，自長照保險所取得之照顧支持津貼也調整為 20 日之津貼；通知雇主之方式由書面改為電子方式；而照顧假與家庭照顧假之混合使用，最長仍維持在 24 個月。

關鍵字： 德國、照顧假、家庭照顧假、長期照顧、家庭照顧者

Abstract

In Germany, the Caregiver Leave Act was promulgated on July 1, 2008 and Family Leave Act was promulgated on January 1, 2012. The amendments in 2015 to both acts provide more flexibility and financial security to balance work and care. Owing to COVID-19 pandemic, the Legislators in Germany had amended both of the acts since 2020.

The acts set forth contain up to 10 days of emergency care leave; 6 months of full-time or partial time care leave; 3 months company leave for a close relative with palliative care; up to 24 months care leave for minors with care needs, and up to 24 months family care leave with minimum of 15 hours of work per week . Caregivers are protected from the employer's layoff during care leave, and have the right to request an interest-free loan from the federal government. Furthermore, caregivers in the emergency care leave have the right to receive the care support allowance under the German Long-term Care Insurance Law. Notwithstanding the forgoing, caregivers are obliged to notify their employers in writing ; negotiate with their employers or provide certification for leave before they take care leaves.

During the COVID-19 pandemic, the emergency care leave was added up to 20 days, and the length for receiving care support allowance was also added up to 20 days. The method of notification to the employer was changed from written to electronic notification. Care leave and family care leave can be mixed and up to 24 months.

Keywords: Germany, German Caregiver Leave Act, Family Leave Act, Long-term-care, Caregiver