

Dual VET Legal framework

Vocational education and
training in Germany

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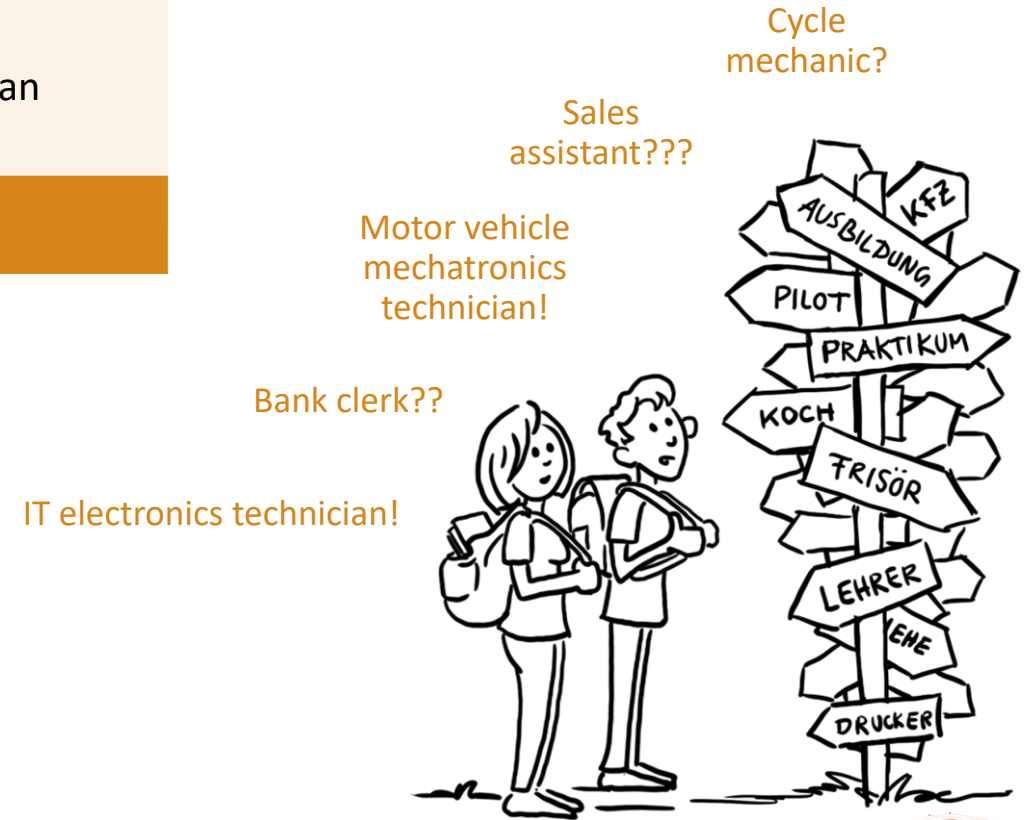
1. Foundation: German Basic Law

German Basic Law, Article 12 GG

“

All Germans shall have the right freely to choose their occupation or profession, their place of work and their place of training. Practice of an occupation or profession may be regulated by or pursuant to a law.”

Occupational freedom



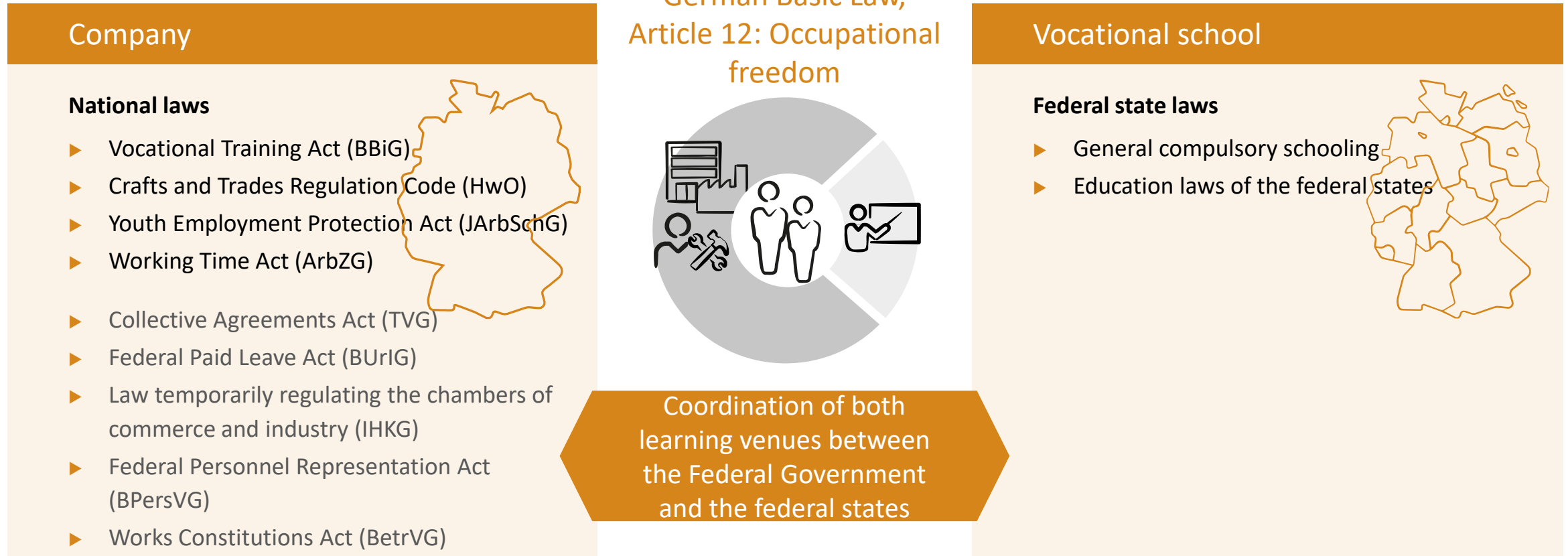
2. The dual system

Two learning locations – shared responsibilities



3. Summary of the legal framework

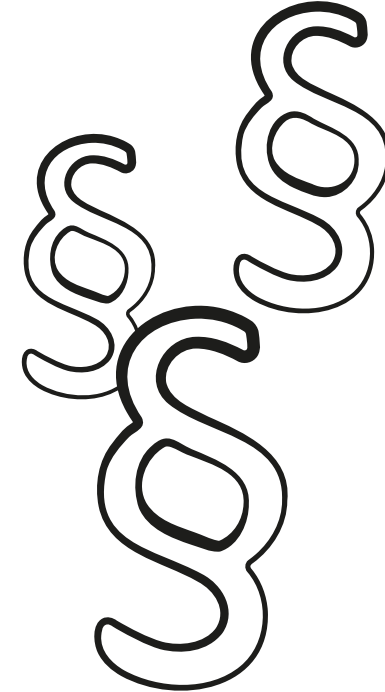
General statutory conditions – legal framework for all aspects of vocational education and training



4. The German Vocational Training Act (BBiG)

Structure of the Vocational Training Act

1. General regulations
- 2. Vocational education and training contract**
- 3. Organisation of VET**
4. Research, planning, statistics
5. The Federal Institute for Vocational Education and Training (BIBB)
6. Regulations regarding fines
7. Transitional and final provisions



5. Regulations in federal law

Introduction and updating of training occupations

Basis

- ▶ Determination of state-recognised occupations by the state itself
- ▶ Stipulation of training regulations

Training regulations

- ▶ include the occupational title
- ▶ describe the occupation
- ▶ set out the skills, knowledge and competencies to be acquired and the necessary duration in binding form
- ▶ include the general training plan
- ▶ define the examination requirements

- ▶ are used by the place of training as a template for a company training plan



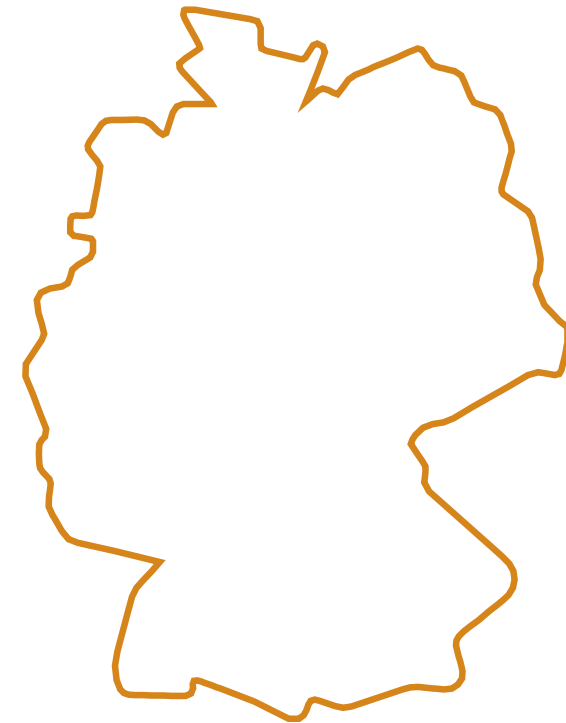
5. Regulations in federal law



5. Regulations in federal law

Core elements of the training regulations

- ▶ Title of the training occupation
- ▶ Duration of training: no shorter than 2 years, no longer than 3.5 years
- ▶ Training profile: the occupational skills, knowledge and competencies that need to be imparted
- ▶ General training plan: instructions regarding content and time structure for the imparting of the skills, knowledge and competencies, report book
- ▶ Examination requirements



5. Regulations in federal law

Place of training and training staff

- ▶ The place of training must offer:
 - ▶ appropriate facilities (premises, machines etc.)
 - ▶ an appropriate ratio between trainees/training places and skilled workers
- ▶ Staff must demonstrably be in possession of:
 - ▶ personal and professional aptitude
 - ▶ appropriate occupational and vocational teaching skills, knowledge and competencies (Ordinance on Trainer Aptitude, AEVO)
- ▶ Monitoring of the suitability of the company and the trainers by the competent body (chamber of crafts and trades/chamber of commerce and industry or similar)
- ▶ Sanctions in the event of breaches of these rules



5. Regulations in federal law

Training contract (company – trainee)

A particular form of contract of employment with additional provisions

- ▶ Registration via the chamber responsible → monitoring function
- ▶ Stipulates:
 - ▶ Type, content and time structuring and aim of the VET (vocational qualification aspired to)
 - ▶ Commencement, duration, regular daily training time (Youth Employment Protection Act, Working Time Act), remuneration, probationary period, paid leave, prerequisites regarding notice etc.
 - ▶ Rights and duties of both parties
- ▶ Written form → needs to be signed by both parties
- ▶ No right to acceptance into a regular contract of employment → the contract expires when the examination is passed



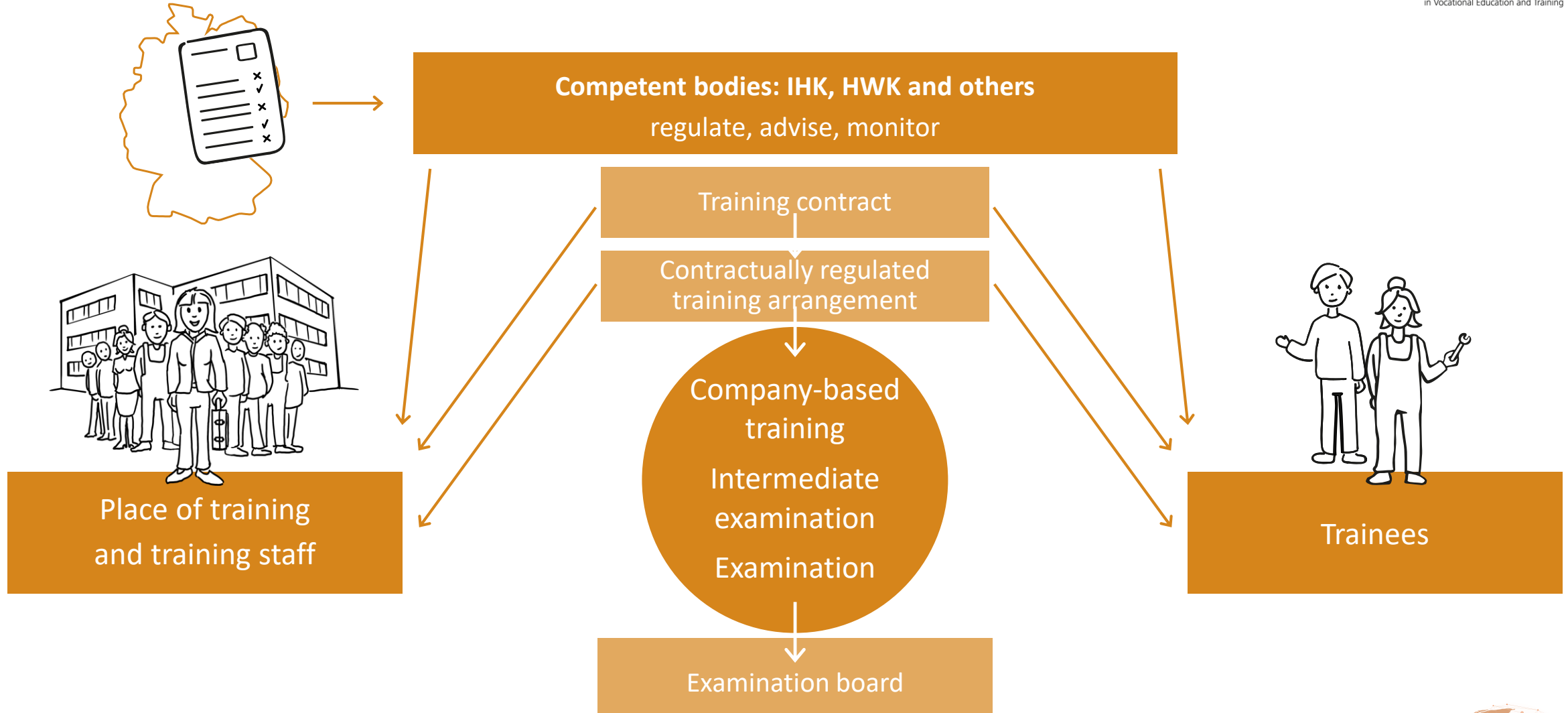
5. Regulations in federal law

Calculation of remuneration

- ▶ Annual increase by year of training
 - ▶ Benefits in kind are possible (no more than 75% of gross pay).
 - ▶ Allowance is paid monthly.
 - ▶ Allowance is also paid if trainees are released to attend an inter-company training centre during training.
 - ▶ Amount of remuneration is aligned to the collective wage agreement applicable in the industry or to a guidance value stipulated by the chamber which may be undercut or exceeded.
- ▶ **Minimum wage:**
 - ▶ does not apply to trainees.
 - ▶ does not apply to young people who have not completed a vocational qualification.



5. Regulations in federal law



5. Regulations in federal law: Qualification

Examination system

Final examinations in all recognised training occupations

Legal regulations exist in respect of:

- ▶ Intermediate examination and final examination or extended final examination
- ▶ Prerequisites for admission: written record of training, participation in the intermediate examination, exceptional regulations etc.
- ▶ Object of examination: candidates are required to demonstrate employability skills.
- ▶ Execution: conducted by the examination board of the competent body.
- ▶ Final certificates: chamber certificate, certificate from company, vocational school certificate



5. Regulations in federal law: Craft trades

Crafts and Trades Regulation Code (1953/2010)

- ▶ Law regulating the craft trades (HwO or HandwO)
- ▶ Second part – **Vocational Education and Training** (in this regard a special law accompanying the Vocational Training Act)
- ▶ Regulates:
 - ▶ practising craft trades in the private sector;
 - ▶ VET and continuing training in the craft trades;
 - ▶ the master craftsman examination;
 - ▶ self-administration of this economic sector.



5. Regulations in federal law: Young people

Youth Employment Protection Act (JARbSchG)

- ▶ A law aimed at protecting young people (aged 15 to 17) who are working
- ▶ With regard to young people, the law regulates the following.
 - ▶ **Number of** working days per week: 5
 - ▶ Permitted **hours of work**: 6 am to 8 pm
 - ▶ **Weekly working time**: 40 hours
 - ▶ Flexibilisation solutions on individual days depending on the sector (extensions/shortenings)
 - ▶ **Breaks**: frequency and duration
 - ▶ **Paid leave**: 21–30 working days per year depending on age
 - ▶ Exceptions: weekend work (e.g. in hospitals)



6. Regulations in federal state law: Young people

Compulsory Schooling Act

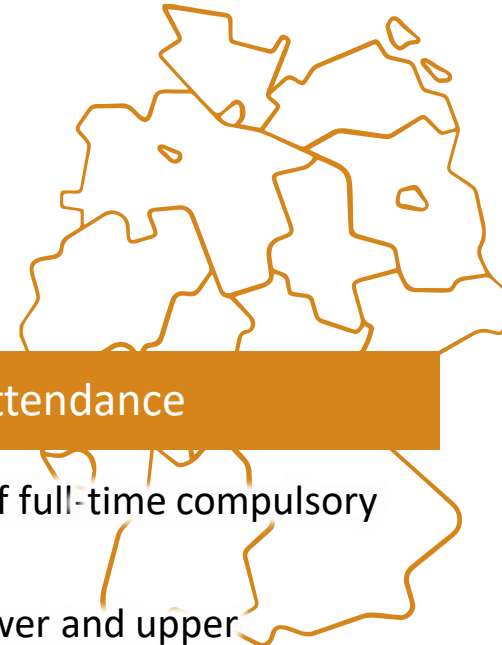
- ▶ Mandatory school attendance:
 - ▶ Up to a certain age (maximum 18) or completion of schooling

a) Compulsory full-time school attendance

- ▶ Generally ten years of schooling
- ▶ Requirement to register for a school, choose a school and attend school

b) Compulsory vocational school attendance

- ▶ Commences after expiry of period of full-time compulsory schooling
- ▶ Can be fulfilled via attendance of lower and upper secondary schooling or within the scope of a programme of vocational education and training
- ▶ Concludes when a person reaches the age of 18 (age of maturity) or
 - ▶ concludes VET or
 - ▶ completes 12 years of school attendance



6. Regulations in federal state law: Young people

Education laws of the federal states

Stipulate:

- ▶ Conditions under which teaching and learning take place
- ▶ Rights and duties of teachers and learners
- ▶ Aims of teaching

Govern:

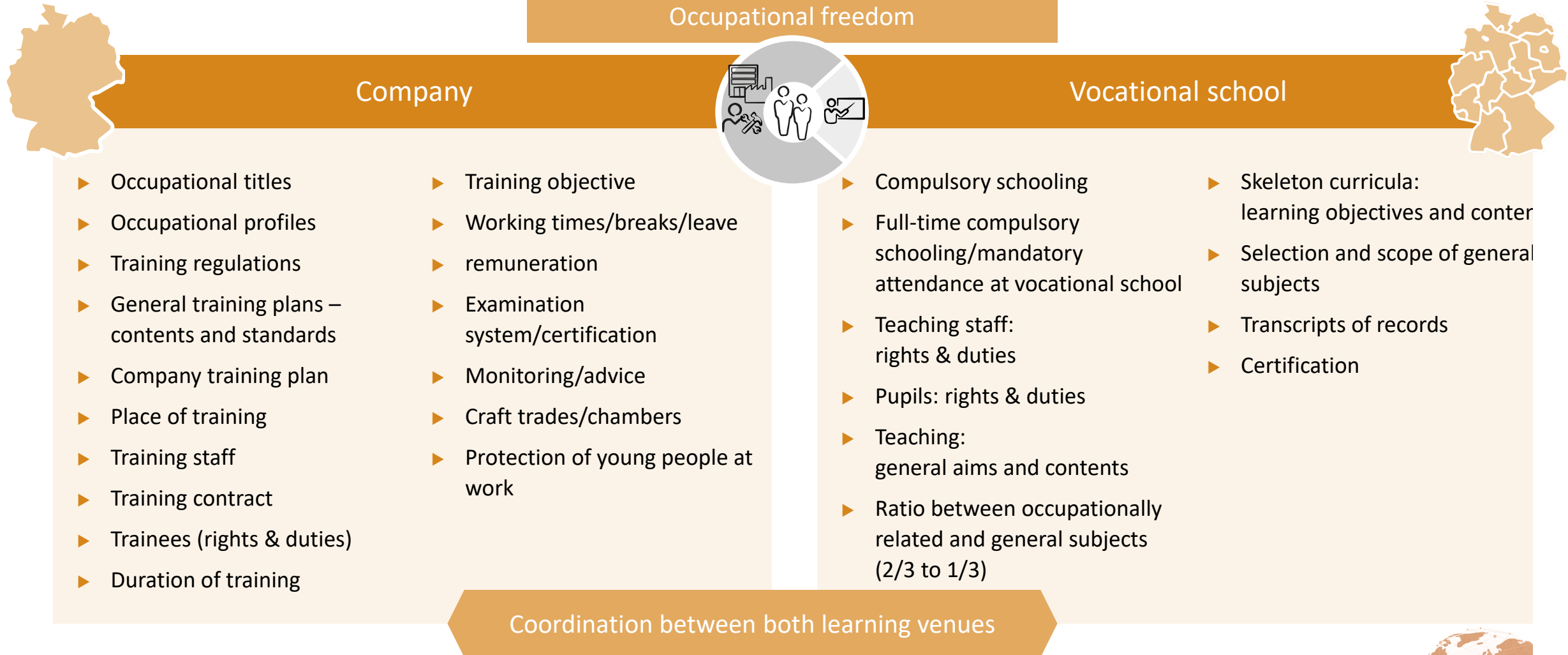
- ▶ Structure of the school system in the respective federal state
- ▶ Teaching contents, compulsory schooling, school constitution, school providers, inspectorate, financing etc.

Contain skeleton curricula on:

- ▶ Learning objectives and contents
- ▶ Vocationally related subjects: **two thirds** of teaching
- ▶ General education subjects: **one third** of teaching
- ▶ Written and oral transcripts of records (relevant to final evaluation of trainees by the school)



Regulations at a glance



5. Regulations in federal law

Minimum Wage Act (MiLoG)

A law to protect employees against low pay.

- ▶ Applies everywhere in Germany since 1 January 2015.
 - ▶ Covers all employees and voluntary interns who have completed training from their 4th month in the company.
 - ▶ General minimum wage does not displace higher minimum wages applicable in a sector.
- ▶ Does not apply to trainees, who conclude training contracts rather than contracts of employment.
 - ▶ Does not apply to young people who have not completed a vocational qualification.



This presentation, further presentations and information on German vocational education and training and international VET cooperation are all available on our website at:

www.govet.international/en

Sources

- BIBB Data Report ([link](#))
- KMK ([link](#))
- BMBF Data Portal ([link](#))
- Destatis statistics on VET personnel ([link](#))



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