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# Act on Fixed-Term Employment Contracts in Academia

(Wissenschaftszeitvertragsgesetz – WissZeitVG)

Full citation: Academic Fixed-Term Contract Act of 12 April 2007 (Federal Law Gazette I, p. 506),  
as last amended by Article 1 of the Act of 25 May 2020 (Federal Law Gazette I, p. 1073)

## Section 1

### Fixed-term employment contracts

1. Sections 2, 3 and 6 of this Act apply to the conclusion of employment contracts for a defined period of time (fixed-term employment contracts) with academic and artistic staff (wissenschaftliches und künstlerisches Personal), with the exception of professors and junior professors (Hochschullehrerinnen und Hochschullehrer), at educational institutions which are public institutions of higher education under Land law. The contracting parties may not conclude agreements that deviate from these provisions. Collective agreements may deviate from the fixed-term durations set out in section 2 (1) and establish the number of permissible extensions to fixed-term employment contracts for certain subjects and research fields. Within the scope of application of such a collective agreement, contracting parties not bound by the collective agreement may agree the application of the collective provisions. The provisions and principles under labour law applying to fixed-term employment contracts and their termination must be applied to the extent that they do not contradict the provisions of sections 2 to 6.
2. The right of higher education institutions also to employ staff as defined in subsection (1) sentence 1 on permanent contracts or on fixed-term contracts in accordance with the Part-Time and Fixed-Term Employment Act (TzBfG) remains unaffected.

## Section 2

### Duration of fixed-term contracts; use of fixed-term contracts due to third-party financing

1. The use of fixed-term employment contracts for staff defined in section 1 (1) sentence 1 without doctoral degrees is permissible for a period of up to six years if the fixed-term employment is intended to further the academic or artistic training of the staff so employed. After completion of a doctoral degree, a fixed-term contract for a duration of up to six years – in the field of medicine for a duration of up to nine years – is permissible if the fixed-term employment is intended to further the academic or artistic training of the staff so employed; the permissible duration of the fixed-term employment increases by the extent to which fixed-term employment as defined in sentence 1 and the length of time studying for a doctorate without employment as defined in sentence 1 have together amounted to less than six years. The agreed duration of a fixed-term contract must be appropriate for the academic training sought. The overall duration of fixed-term employment permissible on the basis of sentences 1 and 2 increases by two years per child where one or more children under the age of 18

are looked after. Sentence 4 applies also if the child-related prerequisites set out in section 15 (1) sentence 1 of the Parental Allowance and Parental Leave Act (BEEG) are fulfilled. The overall duration of fixed-term employment permissible on the basis of sentences 1 and 2 increases by two years where there is a disability as defined in section 2 (1) of Book 9 of the Social Code (SGB) or serious chronic medical condition. Extensions to a fixed-term employment contract are also possible within the permissible duration.

2. The use of fixed-term employment contracts for staff referred to in section 1 (1) sentence 1 is also permissible if the employment is predominantly financed from third-party funds, the funding is approved for a certain task and duration and the employee is employed predominantly in accordance with the purpose of this funding; the agreed duration of the fixed term must normally correspond to the approved project period.
3. All fixed-term employment contracts covering more than a quarter of the regular working hours which have been concluded with a German higher education institution or a research institution within the meaning of section 5 and corresponding civil servant appointments with a fixed-term tenure and private employment contracts as defined in section 3 are to be counted towards the permissible fixed-term duration set out in subsection (1). This also applies to fixed-term employment contracts which have been concluded in accordance with other legal provisions. Sentences 1 and 2 do not apply to employment contracts as defined in section 6 and similar employment for students during their studies based on other legal provisions.
4. The employment contract must state if the limited term of the employment is based on the provisions of this Act. If such a statement is missing, the fixed term of the employment cannot be deemed to be based on any provisions of this Act. The duration of the fixed term in the case of employment contracts as set out in subsection (1) must be defined or definable in terms of specific calendar dates.
5. The duration of a fixed-term employment contract as set out in subsection (1) is extended, in agreement with the employee, by
  1. periods of leave of absence or of a reduction in working hours by at least one fifth of the regular working time which have been granted to look after or care for one or more children under the age of 18 years, including if the child-related prerequisites set out in section 15 (1) sentence one of the Parental Allowance and Parental Leave Act (BEEG) are fulfilled, or other dependants requiring long-term care,
  2. periods of leave of absence for academic or artistic work or for initial, continuing or further academic, artistic or vocational training undertaken outside the higher education sector or abroad,
  3. periods of parental leave taken in accordance with the Parental Allowance and Parental Leave Act (BEEG) and periods when work is not allowed as set out in sections 3 to 6, 10 (3), 13 (1) no. 3 and section 16 of the Act on the Protection of Working Mothers (MuSchG),
  4. periods of basic military and civilian service,
  5. periods of release from at least one fifth of the regular working time to perform the tasks of a staff or disabled-staff representative, tasks of a women's representative or equal opportunities officer or to hold an office which can be reconciled with the employment contract, and
  6. periods of incapacity for work due to illness for which there is no statutory or collectively agreed entitlement to continued remuneration.

In the cases referred to in sentence 1 nos. 1, 2 and 5 the duration of the extension must not normally exceed two years in each case. Periods referred to in sentence 1 nos. 1 to 6 are not to be counted towards the permissible duration set out in subsection (1) to the extent that they may lead to an extension of a fixed-term employment contract.

### **Section 3**

#### **Private employment contract**

The provisions of sections 1, 2 and 6 apply accordingly to a fixed-term employment contract which a member of a higher education institution, who performs tasks of their higher education institution independently, concludes with personnel within the meaning of section 1 (1) sentence 1 who are predominantly remunerated from third-party funds to provide support in fulfilling these tasks.

### **Section 4**

#### **Academic staff at state-recognised higher education institutions**

The provisions of sections 1 to 3 and 6 apply accordingly to the conclusion of fixed-term contracts with academic and artistic staff at higher education institutions which are recognised by the state under Land law.

### **Section 5**

#### **Research staff at research institutions**

The provisions of sections 1 to 3 and 6 apply accordingly to the conclusion of fixed-term contracts with research staff at public research institutions, at predominantly state-financed research institutions, at research institutions whose basic institutional funding is predominantly provided by the state and at research institutions which are financed on the basis of Article 91 b of the Basic Law.

### **Section 6**

#### **Ancillary academic and artistic services**

Fixed-term employment contracts with students who are enrolled at a German higher education institution for a course of study leading to a first or advanced degree to perform ancillary academic or artistic services are permissible for a total duration of up to six years. Extensions to a fixed-term employment contract are possible within the permissible duration.

### **Section 7**

#### **Legal basis for existing contracts; interim arrangement; authorisation to issue a statutory instrument**

1. Sections 57 a to 57 f of the Framework Act for Higher Education (HRG) in the version applicable as of 31 December 2004 continue to apply to employment contracts concluded between 23 February 2002 and 17 April 2007 at public higher education institutions, state-recognised higher education institutions and at research institutions as defined in section 5. Sections 57 a to 57 e of the Framework Act for Higher Education (HRG) in the version applicable before 23 February 2002 continue to apply to employment contracts concluded before 23 February 2002 at public higher education institutions, state-recognised higher education institutions and at research institutions as defined in section 5. Sentence 2 applies accordingly to employment contracts which were concluded between 27 July 2004 and 31 December 2004.
2. The conclusion of fixed-term employment contracts on the basis of section 2 (1) sentences 1 and 2 with persons who were already employed on a fixed-term basis by a higher education institution, a member of a higher education institution as referred to in section 3 or a research institution as defined in section 5 before 23 February 2002 is also permissible after expiry of the respective permissible duration of fixed-term employment provided for in section 2 (1) sentences 1 and 2 with a duration up to 29 February 2008. Sentence 1 applies accordingly to persons who were employed as a wissenschaftlicher Assistent or künstlerischer Assistent before 23 February 2002. Section 2 (5) applies accordingly.

3. The overall duration of fixed-term employment permissible on the basis of section 2 (1) sentences 1 and 2 increases by six months if an employment contract as referred to in section 2 (1) is in place between 1 March 2020 and 30 September 2020. The Federal Ministry of Education and Research is authorised to issue a statutory instrument with the approval of the Bundesrat to extend the permissible duration of fixed-term employment by a maximum of six more months if this appears necessary in the Federal Republic of Germany due to the continuing impact of the COVID-19 pandemic; this extension is also to be applied to employment contracts established after 30 September 2020 and before the expiry of the extension period specified in the instrument.

## **Section 8 Evaluation**

The impact of this Act is to be evaluated in 2020.