

Dual VET

Legal framework



**Vocational education and
training in Germany**

Funded by



The
Federal Government

on the basis of a Decision
by the German Bundestag

bibb Federal Institute for
Vocational Education
and Training

Dual vocational education and training requires legal regulations for:

- the **profile of the occupation** and the skills, knowledge and competences necessary in order to exercise it;
- **company-based learning** and **learning at the vocational school**;
- **youth protection**, the **examination system** and many other standards besides in order to guarantee uniformity of general conditions whilst also delivering training that has validity right across the country.

The federal system which exists in Germany confers so-called cultural sovereignty on the federal states and accords them the right to pass legislation in school-related matters. This produces a complex body of ordinances and federal and federal state laws.

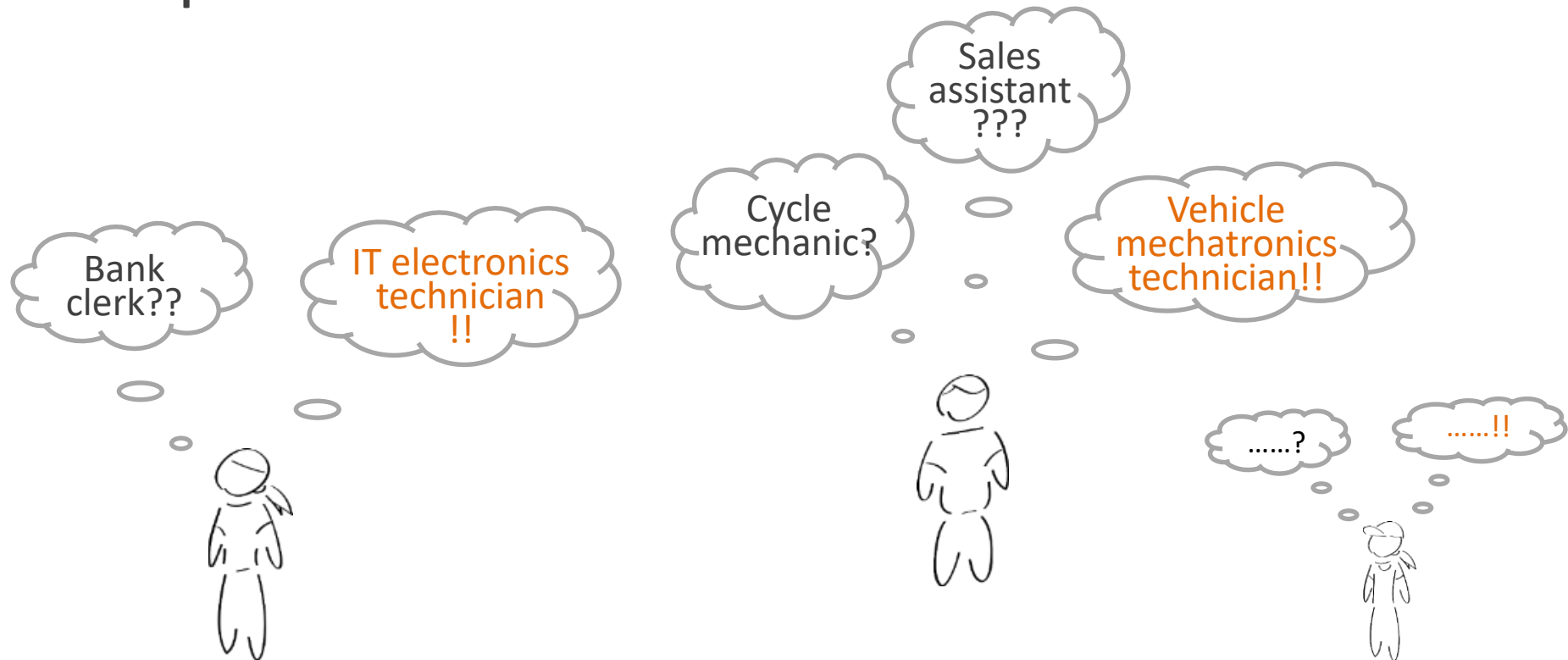
Examples of the contents of these regulations are presented below.

1. Foundations under German Basic Law
2. The Dual System
3. The Legal Framework at a Glance
4. Structure of the Vocational Training Act
5. Regulations in Federal Law
 - ▶ for company-based training
 - ▶ for monitoring
 - ▶ for completion of training
 - ▶ for the craft trades
 - ▶ for young people
 - ▶ for remuneration
6. Regulations in Federal State Law
 - ▶ for young people
 - ▶ for schools
7. Summary of Regulations in Germany

German Basic Law, Article 12

“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**



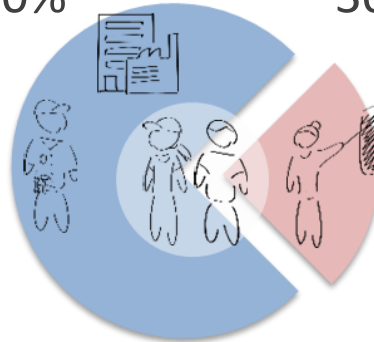
Two learning venues Shared responsibilities

Company



Source: BIBB

70%



30 %

Vocational school



Source: Ministry of Federal Affairs,
Europe and the Media of the State of North-Rhine Westphalia

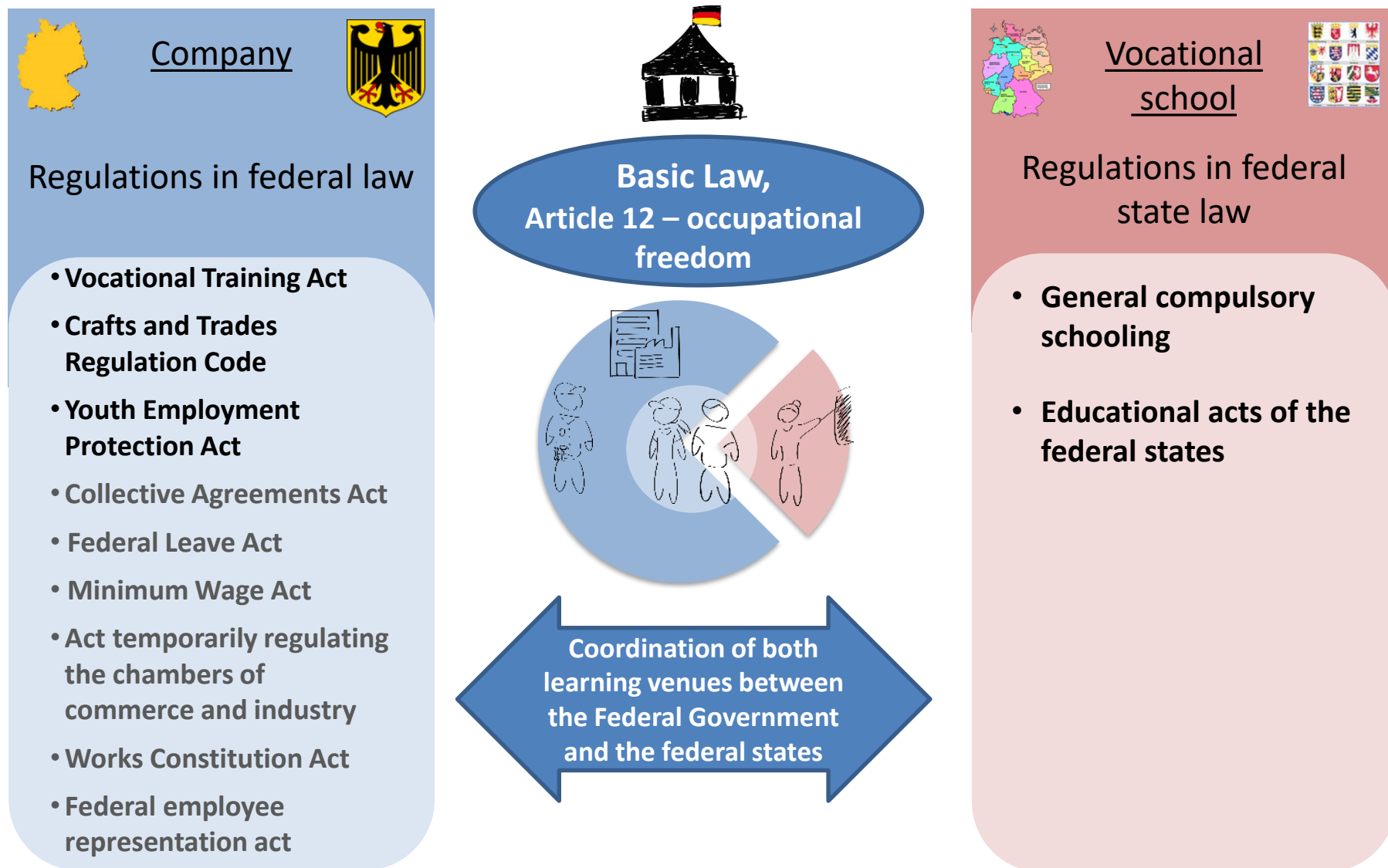


1. Vocational Training Act (BBiG)
and Crafts and Trades Regulation Code
(HwO).
➔ Training regulations
2. Youth Employment Protection Act
(JARbSchG)

1. Compulsory Schooling Acts
2. Educational acts of the
federal states
➔ Skeleton curricula

General legal conditions

Framework of laws covering all aspects of vocational education and training





Structure of the Vocational Training Act

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



Introduction and updating of training occupations

- Basis:
 - stipulation of state-recognised occupations by the state itself
 - stipulation of training regulations
 - **Training regulations**
 - include the occupational title
 - describe the occupation
 - define the duration of training
 - stipulate the skills, knowledge and competences required in binding terms
 - include the **General Training Plan**
- ➔ Accordingly, the training company will draw up an **in-company training plan**

5. Regulations in Federal Law



**Training occupation
and
training regulations
(General Training Plan)**



**Training contract
+ in-company training plan**

**Training Company
and
training staff**



Contents

Standards

Rights and duties



Trainees



**Contractually regulated
training relationship**



Core elements of the training regulations

- ▶ Designation of occupational title
- ▶ Duration of training – 2 to 3 years
- ▶ Training profile – the occupational skills, knowledge and competences that need to be imparted
- ▶ **General training plan** – instructions regarding content and time structure for the imparting of the skills, knowledge and competences, report book
- ▶ Examination requirements



Training company and training staff

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



Training contract (company - trainee)

A particular form of employment contract with additional regulations

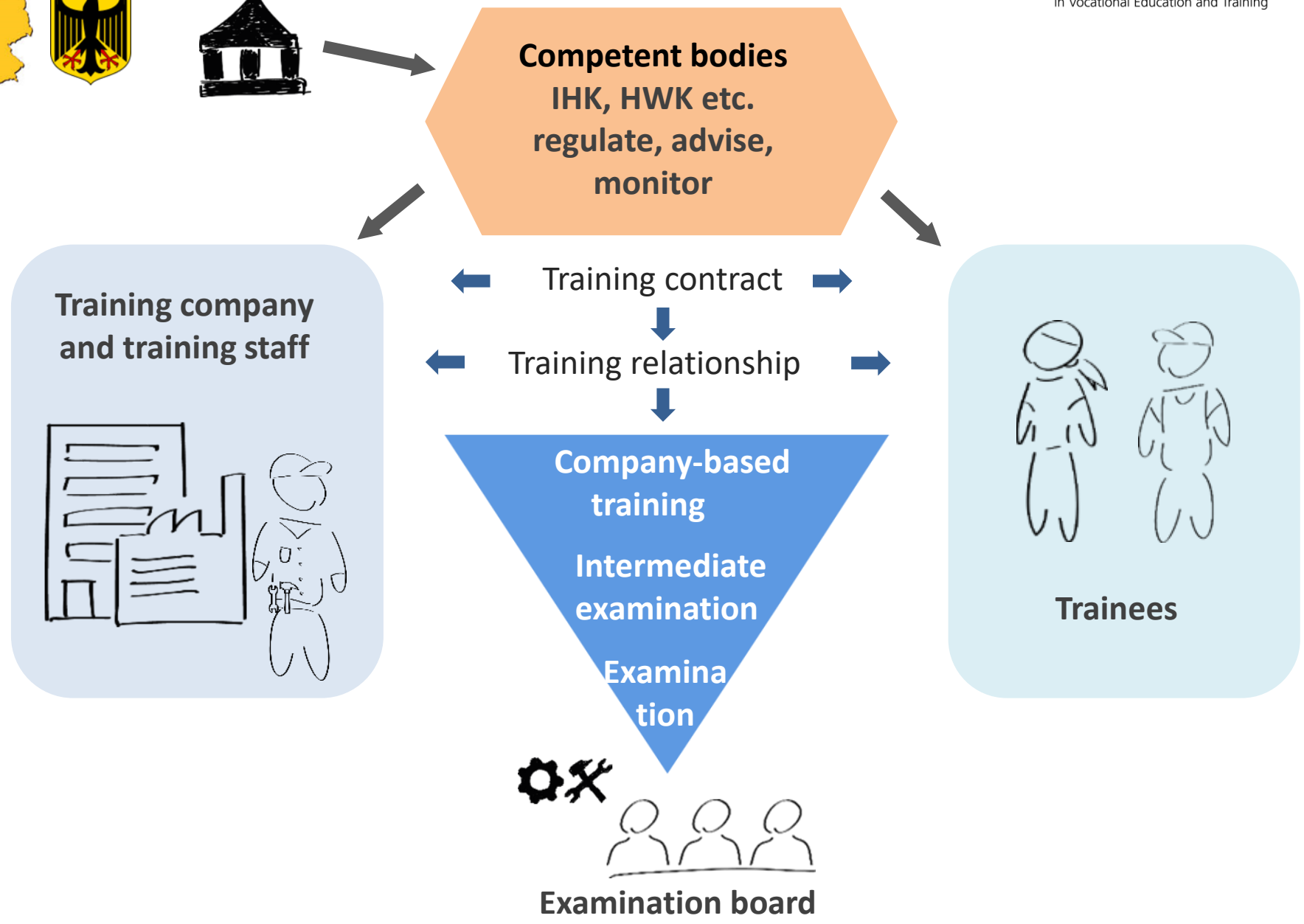
- ▶ Registration by the responsible chamber → monitoring function
- ▶ Type, content and time structuring as well as aim of the VET (vocational qualification aspired to)
- ▶ Commencement, duration, regular daily training time (→ Youth Employment Protection Act), remuneration, probationary period, leave, 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 employment contract
→ the contract expires when the examination is passed



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 when trainees are released to attend an inter-company training centre and while attending vocational classes at school
- ▶ Amount of remuneration is aligned to the collective wage agreement applicable in the branch 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 – Monitoring





Examination system

Final examinations in all recognised training occupations

Legal regulations exist in respect of the following:

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



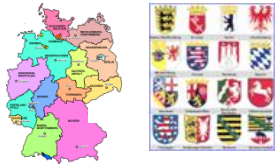
Crafts and Trades Regulation Code

- ▶ Act 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:
 - the exercising of craft trades in the private sector;
 - VET and continuing training in the craft trades;
 - the master craftsman examination;
 - self-administration of this economic sector.



Youth Employment Protection Act

- ▶ An act aimed at protecting young people (aged 15 to 17) who are working
- ▶ With regard to young people, the act regulates:
 - 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 (extensions/shortenings)
 - **Breaks** – frequency and duration
 - **Leave** – 21-25 working days per year depending on age
 - Exceptions: weekend work (e.g. in hospitals)



Compulsory Schooling Act

- ▶ An act that requires children, adolescents and young people to attend school until a certain age or until completion of schooling, at least until they reach the age of maturity.
- ▶ Differentiation between
 - a) **Full-time compulsory schooling** – usually ten years of schooling
 - Requirement to register for a school, choose a school and attend school
 - b) **Mandatory attendance at vocational school**
 - 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



Educational acts of the federal states

- ▶ Stipulate:
 - Conditions under which teaching and learning take place
 - Rights and duties of teachers and learners
 - Aims of teaching
- ▶ They regulate:
 - Structure of the school system in a federal state
 - Teaching contents, compulsory schooling, school constitution, school providers, inspectorate, financing etc.
- ▶ They determine the respective **skeleton curriculum**:
 - Learning objectives and subjects
 - 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)

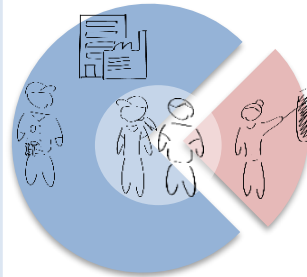


Company



Occupational freedom

- Occupational titles
- Occupational profiles
- Training regulations
- General training plans – contents and standards
- Company training plan
- Company providing training
- Training staff
- Training contract
- Trainees (rights & duties)
- Duration of training
- Training objective
- Working times/breaks/leave
- Remuneration
- Examination system/certification
- Monitoring/advice
- Craft trades/chambers
- Protection of young people at work



Vocational school



- Compulsory schooling
- Full-time compulsory schooling/mandatory attendance at vocational school
- Teaching staff – rights and duties
- Pupils – rights and duties
- Teaching – general aims and contents
- Ratio between occupationally related and general subjects (2/3 to 1/3)
- Skeleton curricula – learning objectives and contents
- Selection and scope of general subjects
- Transcripts of records
- Certification

Coordination
between both
learning venues



Minimum Wage Act (MiLoG)

A act to protect employees against wage dumping

- ▶ 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
- ▶ The general minimum wage does not displace higher minimum wages applicable in a sector
- ▶ Transitional regulation – minimum wages within a branch are permitted to be lower than the general minimum wage on an individual case basis until the end of 2017
- ▶ **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**

**The one-stop shop for
international
vocational education
and training
cooperation**

GOVET



German Office for International Cooperation
in Vocational Education and Training



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