Bayerisches Staatsministerium für
Familie, Arbeit und Soziales

Munich, March 13, 2020

Coronavirus

Information for parents

The number of coronavirus infections has increased significantly in Bavaria in the last few days. The State Ministry of Health and Care, in agreement with the State Ministry of Family, Labour and Social Affairs, therefore issued a general decree on 13 March 2020 for the attendance of day care and therapy-based day care centres.

According to this decree, children are not allowed to enter day care facilities or therapy-based day care centres until 19 April 2020. The general decree is valid from Monday, 16 March 2020, which means that regular childcare services are no longer available.

Excluded from this regulation are children whose legal guardians work in areas of critical infrastructure and are prevented from caring for their children due to official or operational necessities. This includes in particular all facilities that serve to maintain health care and nursing as well as assistance for the disabled, child and youth welfare, public safety and order, including non-police danger prevention (fire department, ambulance service and civil protection), the securing of public infrastructures (telecommunications services, energy, water, public transport, waste disposal), the supply of food, and the ability of central authori-ties of the state, justice and administration to act.

A further criterion is that no other parent or guardian is available to take over the care. In cases in which only one of the two guardians is employed in the area of critical infrastructure, there is no exception, as the other parent must then take over the care. In the context of single parents, it is sufficient if the single parent belongs to the group mentioned. In cases of question, the childcare facilities can ask for a confirmation from the employer or a equivalent document (e.g. for self-employed persons).

Additionally, the following conditions apply, if:

- the child has no symptoms of illness,
- the child has not been in contact with infected persons or 14 days have passed since contact with infected persons and the child does not show any symptoms of the disease,
- the child has not stayed in an area that was designated as a risk area by the Robert Koch Institute (RKI) at the time of the stay or was designated as such within 14

days thereafter (daily updated here), or 14 days have passed since returning from this risk area and no symptoms of illness have been observed.

Children who are allowed to attend a childcare facility in accordance with this regulation are taken care of in the facility they usually attend. Each day care or therapy-based day care centre shall provide appropriate care. The providers shall offer appropriate care services.

The Bavarian State Government is well aware that the restrictions confront parents with the greatest challenges. We would like to thank you explicitly for your contribution to infection control.

The following applies if you are unable to attend work due to the care of your child:

If your child is ill, you may be entitled to child sickness benefit under health insurance law. This is regulated in § 45 of the Fifth Book of Social Law (SGB V). The precondition is that the mother or father, according to a medical attestation for the care of their sick and also legally insured child, stays away from work, another person of trust is not available for care and the child has not yet reached the age of twelve or is disabled and is in need of assistance. For the duration of the entitlement to child sickness benefit (up to 10 working days per year for each child, and up to 20 working days per year for single parents) there is a entitlement to unpaid release from work against the employer. If you have any questions, you should contact your health insurance company.

If your child is healthy and you cannot go to work because you have no other means of childcare, you must inform your employer immediately. Often an agreed solution can be found in such situations. Examples include holidays or a reduction of overtime. If necessary, it is also possible to work from home in a home office, if this is permitted in the company. Depending on the individual situation, it might also be worth considering, for example, agreeing a temporary reduction in working hours with the employer in order to better reconcile work and childcare. If you already work part-time, a temporary change in your working hours could also be a helpful step. For example, you could agree with your employer that you will work longer on certain days when childcare is otherwise provided and in return stay at home on other days. Under certain circumstances, a claim to continued payment of your salary could arise from the provision of § 616 of the German Civil Code (BGB). This stipulates that employees continue to receive their salary if they are unable to work for a comparatively short time due to "an obstacle to performance for which they are not responsible". However, this regulation can be excluded in the employment contract or tariff agreement, which is often the case in practice.

It is therefore important in any case to seek a dialogue with the employer, to approach him/her and to clarify together which solution is best for all parties involved.

The regulations in the corresponding childcare contract are decisive for the question of whether parental contributions are still to be paid despite the prohibition of entry.