AGdD Association of German Development Services

The German Development Workers Act

(Entwicklungshelfer-Gesetz, EhfG)

FOREWORD

Since the 1960s, over 30,000 professionals have completed a development service assignment. The term 'development service' dates back to this period, however the nature of the service has evolved in response to numerous global changes and challenges. Of course, we still need volunteers who are willing to 'serve' in a spirit of solidarity, in countries of the Global South, for a limited period of time. The development service aims at establishing partnerships, working together to find appropriate solutions to existing problems, reducing poverty and achieving peace and justice. Although the projects development workers are involved in vary tremendously, they all speak of an enriching and formative experience once they have returned.

The German Development Workers Act (Entwicklungshelfer-Gesetz, EhfG) came into force on 18 June 1969 and provides the legal framework for this engagement. It assigns responsibility for the development service to officially recognised sending organisations, of which there are currently seven. Furthermore, the Act states that its provisions are to be implemented with the support of public funds. The Act also contains provisions on development service contracts, as well as the (social security) benefits and allowances for development workers. Other aspects of the development service are regulated by the German Federal Ministry for Economic Cooperation and Development (BMZ) in cooperation with the sending organisations.

This publication is based on the Act as last amended on 23 May 2017.

For more information about the German development service, please visit our website at www.agdd.de/en

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THE GERMAN DEVELOPMENT WORKERS ACT (ENTWICKLUNGSHELFER-GESETZ, EHFG)

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Development Workers Act dated 18 June 1969 (Federal Law Gazette I, page 549) as last amended by Article 6 (13) of the Act dated 23 May 2017 (Federal Law Gazette I, page 1228)

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Statutes / Ordinances:
Translations of these materials into languages other than German are intended solely as a convenience to the non-German-reading public. Any discrepancies or differences that may arise in translations of the official German versions of these materials are not binding and have no legal effect for compliance or enforcement purposes.

This translation of the German Development Workers Act (Entwicklungshelfer-Gesetz, EhfG) was commissioned by the Association of German Development Services in consultation with the Federal Ministry for Economic Cooperation and Development (BMZ).

PREAMBLE

The following Act is hereby passed by the German Bundestag with the approval of the Bundesrat:

I. General Part

Section 1
Development Workers

(1) Within the meaning of the present Act, a development worker is defined as a person who

1. renders service in developing countries without receiving a customary salary in order to contribute towards the progress of such countries by cooperating in a spirit of partnership (development service),

2. has undertaken a contractual commitment vis-à-vis a recognised development service organisation to perform development service for an uninterrupted period of at least one year,

3. receives only such allowances and benefits for his/her development service as are provided for under this Act,

4. is at least over 18 years of age and a German citizen within the meaning of Article 116 of the Grundgesetz (Basic (constitutional) Law) or a citizen of another member state of the European Community.

(2) A person, who is undergoing preparation by a recognised development service organisation to render development service (preparatory service), who is receiving for the preparatory service only such allowances and benefits as are provided for under this Act, who is not engaged in any paid work in addition to his/her preparatory service and who satisfies the requirements under Section 1 (1) nos. 2 and 4, shall also be deemed a development worker within the meaning of the present Act.

Section 2
Development service organisations

(1) Legal entities under private law may be recognised as development service organisations provided that they

1. solely or predominantly prepare and second development workers and provide them with personnel support services,

2. provide assurance that they shall fulfil their tasks in the long term and comply with the obligations incumbent on them pursuant to this Act,
3. undertake to second development workers only to such projects/programmes as are compatible with the promotion measures of the Federal Republic of Germany for developing countries,
4. serve solely and directly tax-privileged purposes within the meaning of Sections 51 to 68 of the Abgabenordnung (Tax Code),
5. have their registered office in the area of applicability of the Grundgesetz (Basic (constitutional) Law).

Sentence 1 no. 1 shall not apply to legal persons governed by private law who are exclusively owned by the Federal Republic of Germany and whose purpose is to help the Federal Government to achieve its development policy objectives.

(2) The Federal Minister for Economic Cooperation and Development shall decide on the recognition of a development service organisation upon application by the latter. He/she may make the recognition contingent on obligations, in particular regarding the general terms of the contracts to be concluded with the development workers, regarding principles for secondment that are necessary in the interest of the development worker's health, regarding insurance cover, regarding the level of support, reintegration allowances and of reimbursement for travel expenses, and regarding the type and duration of training measures (Section 22) and of the preparatory service. The obligations may be imposed subject to subsequent changes.

(3) The Federal Minister for Economic Cooperation and Development shall revoke the recognition if one of the prerequisites specified in Section 2 (1) is no longer met, unless the prerequisite under Section 2 (1) sentence 1 no. 1 fails to be met only because the majority of the seconded personnel are not deemed development workers pursuant to Section 1 (1) solely because they are not German citizens; the recognition may also be revoked for other important reasons, in particular if an obligation has not been fulfilled. The rights of the development worker as per this Act shall not be affected by the revocation or withdrawal of recognition.

Section 3

Financing by the Federal Republic of Germany

The Federal Republic of Germany may provide financing in the form of grants or commissions to cover expenses incurred in connection with the obligations incumbent on the recognised development service organisation ("Organisation") pursuant to this Act, subject to the funds available in the federal budget and the regulations applying to their allocation.

Section 4

Development service contract

(1) The Organisation shall enter into a written contract with the development worker concerning his/her development service and preparatory service; such contract must stipulate the following obligations to be fulfilled by the Organisation:

1. monetary allowances and benefits in kind to secure the necessities of life (support allowances);
2. a reintegration allowance to be paid upon completion of the development service; this shall also apply if the development service is terminated prematurely; however, if a term of less than six months has expired, this shall apply only if the development worker is not responsible for the premature termination. The reintegration allowance shall not be deemed to be income within the meaning of legal and administrative regulations on the promotion of training, vocational further training and retraining;
3. reimbursement of necessary travel expenses;
4. the assumption of duties incumbent on the employer pursuant to the Bundesurlaubsgesetz (Federal Leave Act) and the Mutterschutzgesetz (Maternity Protection Act).

(2) Further social security benefits for the development worker, his/her spouse and his/her dependent children may be agreed in the contract for development service and preparatory service within the scope of the obligations imposed by the Federal Minister for Economic Cooperation and Development pursuant to Section 2 (2).

(3) Those provisions of this Act pertaining to the existence or previous existence of a marriage shall apply mutatis mutandis to the existence or previous existence of a civil partnership. Provisions relating to the spouse shall apply mutatis mutandis to the civil partner.

Section 5
Performance of obligations by other bodies

(1) If, at the instigation of the Organisation, the development worker should participate in projects/programmes in developing countries that are being implemented by bodies other than the Organisation, the Organisation shall ensure that the other body assumes the duties specified in Section 4 (1) no. 4 vis-à-vis the development worker by means of a contract.
(2) The obligations specified in Section 4 (1) nos. 1-3, Sections 6, 7 (1), Sections 8 and 11 and the benefits permissible pursuant to Section 4 (2) may also be performed by a body in the developing country or the body within the meaning of Section 5 (1) that is implementing the project/programme.
(3) In the event of obligations being performed by other bodies pursuant to Section 5 (1) or (2), the Organisation shall also be liable to the development worker for their proper fulfilment.

II. Special Part

Section 6
Liability insurance

(1) The Organisation shall be obliged to take out and maintain adequate liability insurance for the development worker, his/her dependent spouse and dependent children who are living with him/her not only on a temporary basis, to cover loss or damage caused by them abroad in the work or private sphere.
(2) The insurance must provide for benefits for personal injury, damage to property and pecuniary loss. It shall not be admissible to agree on a retention.
(3) The insurance contract must provide the party who suffered the damage or loss a direct claim against the insurer.
(4) If a claim is made against the development worker for loss or damage that he/she has caused abroad in the work or private sphere, the Organisation shall provide protection and assistance in an appropriate manner until the insurance claim is settled.

Section 7
Health insurance

(1) For the duration of the development service, the Organisation shall conclude and maintain a group insurance contract providing insurance cover in the event of sickness, confinement and accident for the development worker, his/her dependent spouse and dependent children while they are sojourning outside the area of applicability of the present Act, unless benefits are provided on the basis of social insurance law provisions or pursuant to Section 10 of this Act; this insurance cover shall provide at least the following benefits:

1. full reimbursement of medical expenses and confinement costs, up to EUR 2,556 per event insured against (sickness, confinement, accident);
2. reimbursement of repatriation and transportation costs.
The group insurance contract must further stipulate that the insured person is entitled to continue the insurance as individual insurance at the applicable rates within one

month of contract ceasing or expiry thereof to be covered by the group insurance contract. In this connection, any sickness that the development worker or a member of his/her family within the meaning of Section 7 (1) has contracted during the term of his/her insurance under the group insurance contract shall be included in the insurance cover without an additional risk premium.

(2) For the term of preparatory service, the Organisation shall – if the development worker is insured in the statutory health insurance scheme – assume the contributions in full; if the development worker or a member of his/her family within the meaning of Section 7 (1) sentence 1 is already insured in a private health insurance scheme, the Organisation shall assume the actual costs of the contributions or premiums, however, no more than the amount that would be payable for a compulsorily insured employee with earnings at the level of the contribution assessment limit applicable to the statutory health insurance scheme; in this respect, the contribution rate of the Allgemeine Ortskrankenkasse (Local Health Insurance Fund) responsible for the registered office of the Organisation shall be used as the basis. If the development worker and the members of his/her family within the meaning of Section 7 (1) sentence 1 are insured neither in the statutory health insurance scheme nor elsewhere in a private health insurance scheme for this term, the Organisation shall insure them as per Section 7 (1).

(3) If, owing to the occurrence of an event insured against (Section 7 (1), sentence 1, no. 1 or 2), necessary costs are incurred by the development worker or a member of his/her family within the meaning of Section 7 (1), sentence 1, which are covered neither in accordance with Section 7 (1) nor by benefits based on social insurance law provisions, these costs shall be borne by the Federal Republic of Germany provided that the total costs do not exceed the customary local costs. The Federal Republic of Germany may also assume costs on this scale that are incurred after the development service ends if this is necessary to avert undue hardship.

Section 8

Continued payment of support allowances

(1) If the development worker is prevented from rendering service and has not caused this situation deliberately, the Organisation shall continue to pay him/her the contractual support allowances for the duration of such prevention, however for no longer than the end of the sixth week; this shall apply even if the development worker's employment relationship is annulled during this period.

(2) If a development worker should become pregnant, the Organisation shall continue to pay the contractual support allowances for the duration of the work restrictions specified in Sections 3 to 6, Section 10 (3), Section 13 (1) no. 3 and Section 16 of the Mutterschutzgesetz (Maternity Protection Act), even if the employment relationship ends during the protection periods stipulated in Section 3 of the Mutterschutzgesetz (Maternity Protection Act).

Section 9

Daily allowance in the event of inability to work

(1) If the development worker is unable to work, the Federal Republic of Germany shall - subsequent to the allowances paid as per Section 8 (1) - grant him/her a daily allowance amounting to the transitional allowance from the statutory accident insurance scheme

1. if the inability to work is not the consequence of a work accident or of impaired health within the meaning of Section 10 (1),

2. if the development worker has not caused the inability to work deliberately,

3. to the extent that there is no claim to sick benefit from the statutory health insurance scheme.

If the development worker's employment relationship is annulled during his/her inability to work, this shall not affect the entitlement to daily allowances.

(2) Daily allowances for the same sickness or the same accident shall be granted for a maximum of seventy-eight weeks, calculated from the day on which the inability to work began.

(3) The entitlement to daily allowances shall end on the day as from which one of the following is awarded:

1. a pension because of full reduction in earning capacity or permanent incapacity to work, or a retirement pension from the statutory pension insurance scheme, or

2. a corresponding benefit from a life insurance policy providing exemption from compulsory insurance pursuant to Article 2, Section 1 of the Angestelltenversicherungs-Neuregelungsgesetz (Revised Employees' Insurance Act) as amended in the Finanzänderungsgesetz 1967 (Finance Amendment Act) of 21 December 1967 (Federal Law Gazette I, page 1259), the employer having participated in this life insurance policy by subsidising contributions, or

3. a corresponding benefit from an insurance or pension scheme within the meaning of the rule on exemption from compulsory insurance in the statutory pension insurance scheme.

If a daily allowance has been paid beyond this date, the claim for the benefits specified in 9 (3) sentence 1 up to the amount of the daily allowances paid for the same period shall pass over to the Federal Republic of Germany. If the daily allowances exceed the specified benefits, the excess amount may not be demanded back.

(4) If, while drawing daily allowances, the beneficiary is awarded a pension from the statutory pension insurance scheme because of partial reduction in earning capacity or occupational disability, the daily allowance shall be reduced by the amount of the pension granted for the same period. In this respect, the pension entitlement shall pass over to the Federal Republic of Germany if the pension from the statutory pension insurance scheme is granted retroactively. The same shall apply mutatis mutandis to benefits as per Section 9 (3), sentence 1, nos. 2 and 3 if such benefits are granted owing to partial reduction in earning capacity or occupational disability.

(5) There shall be no entitlement to a daily allowance while a transitional allowance is being granted by a pension insurance institution. Section 9 (3) sentences 2 and 3 shall apply mutatis mutandis.

(6) If, while drawing daily allowances, the beneficiary is awarded remuneration, pension payments and related benefits in accordance with civil service regulations or principles, or in accordance with corresponding church law provisions, or is awarded a pension from a supplementary pension institution of the public service or sick benefits as an employee in the public service or as a church employee, Section 9 (3) shall apply mutatis mutandis if the payments are not less than the daily allowance; otherwise Section 9 (4) shall apply mutatis mutandis.

Section 10

Benefits in the event of impaired health or death as a consequence of risks typical of the developing country

(1) If the development worker's impaired health or death is attributable to conditions that are inherent to the developing country and constitute a particular danger for the development worker even outside the development service, and if such impaired health or death was not caused by a work accident or an occupational disease, the Federal Republic of Germany shall grant the entitled person the benefits he/she would receive from the statutory accident insurance scheme in the event of a work accident or an occupational disease. There shall be no entitlement to such benefits if the development worker has caused the impaired health or death deliberately.

(2) If, owing to impaired health within the meaning of Section 10 (1), the development worker's earning capacity is reduced or if he/she becomes occupationally disabled (Sechstes Buch Sozialgesetzbuch – German Social Code Vol. VI) or dies as a consequence of such impaired health, and if the qualifying period for pension insurance has not been completed, the entitled person shall receive from the Federal Republic of Germany benefits to the amount that he/she would receive from the statutory pension insurance scheme if the qualifying period were completed. This shall not apply if the entitled person receives a pension in accordance with civil service regulations or principles, or in accordance with corresponding church law provisions, or receives a pension from a supplementary pension institution of the public service, or has received a subsidy from

the Organisation for contributions towards an insurance policy with a public or private insurance company providing exemption from compulsory insurance under social security for employees. Section 10 (1) sentence 2 shall apply mutatis mutandis.

(3) If a benefit as per Section 10 (1) should coincide with a benefit as per Section 10 (2), the provisions of the Sechstes Buch Sozialgesetzbuch (German Social Code Vol. VI) governing the coincidence of pensions and benefits from accident insurance shall apply mutatis mutandis.

Section 11
Benefits in the event of reduction in earning capacity, permanent incapacity to work, occupational disability or death

The Organisation shall be obliged to apply for compulsory insurance in the statutory pension insurance scheme upon commencement of service for all development workers who satisfy the requirements specified therein and are not exempt from compulsory insurance under social security for employees on the basis of Section 18 para. 3 of the Einkommensgrenzen-Erhöhungsgesetz (Income Threshold Increase Act) of 13 August 1952 (Federal Law Gazette I, page 437) or on the basis of Article 2, Section 1 of the Angestelltenversicherungs-Neuregelungsgesetz (Revised Employees' Insurance Act), each as amended from time to time. Development workers for whom an application for insurance pursuant to sentence 1 is not to be made and who are voluntarily insured in the statutory pension insurance scheme or in an insurance scheme with a public or private insurance company exempting them from compulsory insurance, shall be granted subsidies by the Organisation for their contributions towards these insurance policies to the amount of the contributions that the Organisation would have to pay in the case of compulsory insurance upon application, however no more than the amount of the contributions actually paid. The obligation of the Organisation as per sentences 1 and 2 shall not apply if the development workers are guaranteed a right to a future pension for life and surviving dependants' pensions in accordance with civil service regulations or principles, or in accordance with corresponding church law provisions.

Section 12
Professional reintegration

Development workers seeking new employment upon completion of development service should be placed and receive vocational support, with due regard to the special experience and knowledge they have acquired during their development service and preparatory service.

Section 13
Compensation payments in the event of unemployment

(1) For the purposes of a claim to benefits in accordance with the Drittes Buch Sozialgesetzbuch (German Social Code Vol. III), periods of development service including preparatory service shall be equal to periods of employment with compulsory insurance pursuant to the employment promotion law.

(2) The remuneration pursuant to Section 152 of the Drittes Buch Sozialgesetzbuch (German Social Code Vol. III) shall be used as the basis for the period of service to be taken into account in accordance with Section 13 (1) when determining the remuneration that shall be decisive in assessing the benefit.

(3) The Federal Republic of Germany shall reimburse additional expenditure that arises for the Bundesagentur für Arbeit (Federal Employment Agency) by virtue of the provision contained in Section 13 (1). Administrative expenses shall not be reimbursed.

Section 14 **(repealed)**

Section 15
Daily allowances in the event of unemployment

(1) If the unemployed person becomes unable to work within four weeks of completing his/her development service, of completing a subsequent employment with compulsory statutory health insurance or of having drawn unemployment benefits, and if he/she is not entitled to sick benefits

from the statutory health insurance scheme, he/she shall receive a daily allowance in the amount of the unemployment benefit as from the day on which the inability to work began.

(2) If the unemployed person is admitted to a hospital, convalescent home, sanatorium or a curative establishment at the expense of an insurance scheme pursuant to Section 7 (1), (2) or the Federal Republic of Germany pursuant to Section 7 (3), twenty-five percent of the daily allowance shall be payable. This amount shall be increased to sixty-six and two thirds percent for the first family member predominantly supported by him/her to date, and by a further ten percent – up to the full amount of the daily allowance – for each further such family member. The daily allowance calculated in accordance with Section 15 (2) sentence 2 may be paid out directly to the family members if it exceeds twenty-five percent of the full daily allowance.

(3) There shall be no entitlement to a daily allowance if three years have passed since the development service ended. In other respects, Section 9 shall apply mutatis mutandis.

Section 16

Determining the benefits, administrative responsibility

(1) The benefits to be provided by the Federal Republic of Germany pursuant to Section 7 (3) and Sections 9 and 10 of the present Act shall be determined upon application.

(2) The performance of the tasks pursuant to Section 7 (3), Sections 9, 10 and 15 of this Act shall be incumbent on the Unfallversicherung Bund und Bahn (UVB accident insurance scheme).

(3) (repealed)

Section 17

Civil service regulations

(1) If a development worker or former development worker who committed himself/herself to development service employment for a period not exceeding three years, and whose obligation to perform basic military service or civilian service has been discharged by virtue of the development service rendered, applies for employment as a civil servant within six months of ending his development service employment, and if he is accepted into pre-service training, the appointment following acquisition of eligibility for the civil service career must not be deferred beyond the date on which the civil servant would have qualified for appointment, had he not performed development service up to the duration of basic military service. This shall not affect the completion of the prescribed probationary period. Section 17 (1) sentences 1 and 2 shall apply analogously for promotions if the work performance justifies a promotion during the probationary period.

(2) If – subsequent to his development service – a former development worker who had committed himself/herself to employment in the development service for a period not exceeding three years and whose obligation to perform basic military service or civilian service has been discharged by virtue of the development service rendered, commences a course of training (university or technical college education or practical training) that is prescribed for his future profession as a civil servant or judge, or if such course of training is interrupted by the development service, Section 17 (1) shall apply mutatis mutandis if he applies for employment as a civil servant or judge within six months of completing the training, and is employed on the basis of this application. Periods of service that are a prerequisite for a promotion shall commence for the judge employed under the requirements of Section 17 (2) sentence 1 on the date on which he would have qualified for appointment as a civil servant for life if he had not performed development service up to the duration of basic military service.

(3) Section 17 (1) and (2) apply mutatis mutandis to a former development worker whose training for subsequent employment as a civil servant takes the form of stipulated work over a period of several years in an employment relationship, instead of the pre-service training otherwise prescribed.

Section 18
Reference
Upon completion of his/her development service, the development worker may demand that the Organisation provide him/her with a written reference with respect to the nature and duration of the development service and preparation. Upon request, the reference shall cover the development worker's performance and conduct during the period of employment.

Section 19
Legal recourse
(1) The labour courts shall have jurisdiction over any civil law disputes arising between the Organisation and the development worker.
(2) Legal recourse to the courts of social jurisdiction shall apply for public law disputes in cases pertaining to Section 7 (3) and Sections 9, 10 and 15 of the present Act.

III. Amendment of laws

Sections 20 to 22 **(repealed)**

IV. Transitional and concluding provisions

Section 23
Previous legal status
If a person sustained a loss or damage in the service of a development service organisation before the latter was recognised as such, which would substantiate an entitlement to allowances and benefits pursuant to Section 7 (3), Sections 8, 9, 10 or 15 of the present Act, these allowances and benefits shall be granted with effect from the day on which the development service organisation gains recognition. Loss or damage within the meaning of Section 10 shall also include unemployment and the consequences of an accident or sickness suffered by a person before the development service organisation was recognised as such, in the course of work that is equivalent to the work of a development worker, provided the accident or sickness is not a work accident or occupational disease. Any allowances and benefits, which the entitled person has received or is

receiving due to the loss or damage from the development service organisation or from private contracts of insurance concluded for him/her by the development service organisation or a body in the developing country before the Organisation was recognised pursuant to Section 2 of this Act, shall be deducted.

Section 23a **(repealed)**

Section 23b
Transitional provision for Section 13
Periods of development service, including preparatory service rendered before the entitlement to unemployment allowances arose, shall not be considered for an entitlement to unemployment benefit in accordance with the Drittes Buch Sozialgesetzbuch (German Social Code Vol. III).

Section 23c
Transitional provision for Section 10
Periods of development service, including preparatory service rendered before the entitlement to unemployment allowances arose, shall not be considered for an entitlement to unemployment benefit in accordance with the Drittes Buch Sozialgesetzbuch (German Social Code Vol. III).

Section 24 **(repealed)**

Section 25
Effective date
The present Act shall take effect on the day after it is promulgated.

Federal Ministry
for Economic Cooperation
and Development

Source: German Federal Ministry of Justice and Consumer Protection
www.gesetze-im-internet.de/ehfg/BJNR005490969.html

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You will also find links to the job sections of these Organisations at:
www.agdd.de/en/before/application-and-vacancies

The **Association of German Development Services (AGdD)** is the umbrella association for the seven officially recognised development service providers, which recruit and place skilled volunteers under the German Development Workers Act.

Our members

AGIAMONDO – Personal und Beratung für internationale Zusammenarbeit

coworkers – Christliche Fachkräfte International e.V.

Dienste in Übersee – Partner von Brot für die Welt

EIRENE

giz – Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

ProPeace

wfd – WELT FRIEDENS DIENST e.V.

The **AGdD** also provides ongoing support for development workers on their return to Germany/Europe.
The reintegration programme includes:

- individual advice (e.g. on careers, applications and training)
- seminars and discussion groups
- information (print and online)
- contacts and networks

Contact

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