



# Attractive workplace for all: a contribution to the Lisbon strategy at company level

## National report for Germany

**Lisbon strategy at national level**

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**Bibliography**

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## Lisbon strategy at national level

The previous and current German government support the initial and revised Lisbon strategy. The **Coalition Agreement** between the parties CDU, CSU and SPD from 11 November 2005 emphasises the further development of the European social model as an element of the Lisbon strategy which is seen as a suitable framework for the economic and social renewal of Europe.

In December 2005, the government presented a **national reform programme** which addresses key targets of the Lisbon strategy. The programme identifies six challenges: knowledge society, competitiveness; business environment, the sustainability of public finances, ecological innovation and the re-orientation of the labour market.

The launch of the Lisbon Strategy was well received by the **Confederation of German Employers' Associations (BDA)** and the **German Federation of Trade Unions (DGB)**. Both share the concerns on the slow progress of the implementation of the Lisbon Strategy in the context of the mid-term review. The BDA and the DGB have been consulted to a certain extent in the process of the drawing up the National Action plans (NAP) for employment (**DE0206203T**; **DE0310205T**).

The **New Quality of Work Initiative (INQA)**, a joint initiative of ministries, social partners, health insurances, occupational health and safety agencies, foundations and other organisations was founded in 2001 as a reaction to the Lisbon strategy and **Social policy agenda**. It is seen as a platform for the rapid dissemination of knowledge and experiences in the field of quality of work, innovative work organisation and corporate culture. A **survey** conducted for INQA looks at the assessment by employees on the quality of work and particularly of factors such as motivation, work satisfaction, identification with work. (**DE0608NU06**)

The Lisbon strategy had a positive impact on policy developments already in place. As regards the target figures, only the female employment rate is almost reached. All 6 orientations reflect on policies at the national level. Nonetheless, there are significant differences between the West and East of Germany. This concerns in particular the much higher rates of (long-term) unemployment in the East and the massive lack of child care facilities in the West.

The social partners have played an active role in supporting and developing a range of projects to promote key aspects of the Lisbon strategy. Whilst trade unions have focussed strongly on issues that improve the quality of work, employers associations have been very conscious of the need to deal with demographic problems. Both social partners place a strong emphasis on qualification and further training as a key investment.

## National and company-level policies: case studies

### Orientation 1: Fostering employability

The **Coalition agreement** states that lifelong learning shall become the fourth pillar of the education system and standardised national frame conditions should establish a system of further training. Education saving schemes and an amendment of the **Capital Formation Act** should contribute to a new financing instrument. The social partners are encouraged to agree on education time accounts. The **Expert Commission on Financing Lifelong Learning** recommended especially frame conditions for a safeguarding of learning time accounts in cases of insolvency, increased endeavours for further training for semi- or unskilled workers, and a branch fund for training of temporary agency workers. The Commission welcomed the increasing number of collective agreements on further training at the sectoral and company level. **The Bund-Länder Commission for Educational Planning and Research Promotion (BLK)** developed a **strategy paper for lifelong learning**. Key features are the consideration and recognition of informal learning, self-learning, competence development and networking, learning to learn, and equal opportunities in access to lifelong learning.

The INQA initiative **emphasises** the need for the further qualification of employees on the basis of self-initiative and self-organised learning as well as the engagement of companies based on means of personnel development and continuous further training.

With the new **Vocational Training Act (BBiG)** entering into force on 1 April 2005 the act from 1969 had been fundamentally revised. The **reform of vocational and educational training** aims at securing and improving training opportunities as well as a high quality of vocational training for all young people on the background of the German dual system. The reform provides an easier access of pupils to examination by the chambers. Apprentices shall be able to obtain better qualifications and conclude their training faster. The modernised system provides adapted occupational profiles and different training periods (two or three years). It supports an open transition between education in occupational schools and in company based training, various forms of networking, transparency of regulations on occupational education.

The German government emphasises the increasing significance of so-called informal learning processes at the workplace. This reflects in the inclusion of such informal learning in the ninth **report on further training**.

The German social partners are strongly involved in the regulation and development of the system of apprenticeships and occupational training. In contrast to most other European countries, employers, trade unions and the state determine profiles of occupational training in a principle of consent. The social partners are involved in both the development of a European and a German qualification framework and in the national **Network for Early Identification of Qualification Needs (FreQueNz)** for the identification and anticipation of business qualification and training needs. They jointly elaborate and restructure training regulations for apprenticeships, further training etc. together with vocational training experts from sectoral branch organisations and companies. Between 2002 and 2003 they created 23 new job profiles. (ETUC/UNICE/UEAPME/CEEP 2006)

A number of collective agreements deal with initial or further training. Examples are:

- The agreement for the federal public service (2005), confirms the need for lifelong learning. Employees are entitled to ask for a personal dialogue with their supervisors to identify qualification needs and to define appropriate measures.
- The **agreement on qualification** (2003) in the chemical industry concerns company-related and individual occupational further training. It explicitly excludes measures on workplace related training and instructions. The agreement addresses specific interests of older workers, shift workers and of employees during and after parental leave.
- The landmark agreement for the **metal industry** in Baden-Württemberg (2001) on further training entails: annual talks about worker's training requirements and requests, worker's entitlement to be released from work for trainings measures after 5 years of service for a period up to 3 years and for full-time employed an entitlement to work part-time for this purpose. The social partners established a joint agency for the promotion of further training.

## **Orientation 2: Increasing labour market participation of underrepresented groups**

### *Young workers*

In 2004, the German government agreed the **Apprenticeship training pact** with the **Confederation of German Employers' Associations (BDA)**, **German Chamber of Industry and Commerce (DIHK)**, **Confederation of German Industry (BDI)** and **German Confederation of Skilled Crafts (ZDH)**. This agreement put on hold threatened legislation imposing a compulsory training levy on companies (**DE0407105F**). The business and employers' associations have committed themselves to provide on average 30,000 new apprenticeship positions and 25,000 entry qualifications

places per year for those whose qualifications are considered as insufficient for apprenticeships positions. In 2005, the pact partners agreed to extend the pact for another three years beyond 2006. Despite a decreasing number of new apprenticeships, the government considers that the pact in general had a positive impact. In March 2006, the DGB proposed an initiative for initial training as the pact between government and economy is not sufficient for solving the problem of young people seeking apprenticeship places.

Tackling the problem of unemployment amongst young people has become a major aim of the new government. In the CDU, CSU and SPD **coalition agreement** exists a commitment to improve young people's labour market chances. The existing coalition has set a target whereby anybody less than 25 years of age should not be unemployed for longer than three months. The current government is committed to modernising the apprenticeship and education systems as means of raising employment levels for young people. The **Annual economic report 2006** emphasises the battle against youth unemployment.

In 2003, the **agreement** 'Future with initial vocational training' had been renewed in the chemical industry in Western Germany. It aims at the improvement of initial training and the increase of the number of places for apprentices.

## *Women*

### **Gender equality at the workplace**

In 2005, Germany almost reached the target of 60% female employment rates. Figures reporting to female employment in Germany indicate a continual increase in recent years. Between 1991 and 2004 the number of women in employment went up by 1.1 million (Dressel 2005). A **study** by the **Institute for Employment Research (IAB)** on female employment reveals an increase in employment rates of women but not in terms of volume of work or regarding the number of hours worked by women. The labour market remains highly segregated. According to the **2004 Microcensus** more than half of the women in employment work in five professions, retail, office work, health care, social care and cleaning related jobs. This survey also reveals with only 21% a strong under representation of women in senior management positions.

In 2001, a **law** on gender equality at the workplace for the federal public sector became effective. In 2000, basic principles for a law on gender equality in the private sector have been presented by the **Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSWJ)** and an expert commission had been entrusted with elaboration of a bill. Due to a strong resistance of the peak organisations of the economy the bill was put on hold. In 2001, the previous government signed an **agreement** with the peak organisations representing the German employers' and business associations including BDA, BDI, DHIK and ZDH to promote gender equality at the company level whereas the trade unions kept on calling for a law on gender equality. The government and the associations agreed to monitor the progress and impact of the agreement and establish a joint committee. The **Institute for Employment Research (IAB)** should support the joint committee. If the agreement turns out not to be effective a law should be brought into the parliament. Reports on the outcome of the agreement have been published in **2003** and **2006**. **Results** of a survey among personnel directors of 500 companies on the implementation of the agreement demonstrate that about 50% of the companies were aware of the agreement and only a quarter of companies have personnel statistics according to gender.

### **Reconciliation of work and family**

The most relevant and problematic issues for female employment are the lack of available childcare facilities and the half-day school and kindergarten as standard. As regards the availability of childcare facilities, Germany is still a 'divided' country. The availability of childcare facilities is much higher in the Eastern part of Germany than in the Western part. In particular, childcare for children less than 3 years of age is very problematic. At the end of 2002, places

for child care were available for 9% of children under 3 years of age. For children in pre-school age there is coverage just below 90%. The **figures** did not change since 1998. On the background of a shortage of all-day care facilities the core solution chosen predominantly by working mothers is part-time work. 2003 Microcensus **data** demonstrate that the employment rate of women with children up to 18 years is 22.2% compared to 85.2% for men. The rates for women with the youngest child under 3 years are 12.7% in contrast to 83.7% for men.

According to the **parental leave regulation** parents are entitled to be released from work for up to three years. The leave can be divided between mother and father or taken jointly. The law allows to work part-time up to 30 hours for one parent or 60 hours for both weekly. It entitles parents to work part-time in companies with more than 15 employees. The share of men availing of parental leave has risen to just less than 5% in 2003. (NAP 2004) From 1 January 2007 on, an **income compensation** of 67% of the previous average net income of the last three months up to a maximum of EURO 1,800 will be paid to employees, civil servants, self-employed and unemployed people caring for children for 12 months. The minimum amount is EURO 300. Marginally employed or parents working part-time with a previous net income below EURO 1000 may receive an income compensation of up to 100%. The income compensation will not be paid to persons working more than 30 hours a week. Two bonus months will be paid if a second parent restricts employment for the care of children. The 12 month period can also be shared by both parents. The 2001 **Part-Time and Fixed Term Employment Act** entitles all employees in companies with more than 15 employees – including those in executive positions – to work part time, once they are in an employment relationship of more than six months. The definition of part-time work considers any reduction of the regular working time. (**DE0504NU03**)

The **Works Constitution Act** addresses the issue reconciliation of family and employment. The contest ‘Family-friendly Business’ rewards companies that are committed to flexible working hours and in-house child care facilities.

### Orientation 3: Integration into the labour market of people at risk of exclusion

#### *Long-term unemployed*

Policy programmes for long-term unemployed are in particular targeted at older workers and at young people less than 25 years. Many regulations of the JOB-AQTIV Act from 2002 were based on agreement between the federal government and the social partners in the Alliance for Work, Training and Competitiveness (NAP 2003).

In 2004, the share of long-term unemployed persons in total unemployment was 38.6 %. This equals 1.7 million people unemployed for more than one year out of a total of 4.4 million unemployed people. The share of long-term unemployed women was slightly higher (47%) than their share of people employed (45%). The share of long-term unemployed people in East Germany is 42% compared to a share of 17% of all people employed. (**BT-Drucksache 16/505**)

The special programmes ‘Jump Plus’ and ‘**Work for the Long-term Unemployed**’ launched 2003 should help the long-term unemployed to enter the labour market and obtain a qualification. They were applied particularly in structurally weak regions. (NAP 2003) ‘Jump Plus’ focussed on the reduction of youth unemployment. ‘Work for the Long-term Unemployed’ aimed at the reintegration of 100,000 persons over 25 unemployed for more than six months into the labour market. The programmes expired at the end of 2004. They were understood as transitional solutions until the new regulatory instrument of pooling unemployment assistance and social welfare for employable persons entered into force on 1 January 2005. (NAP 2004) Almost 95,000 unemployed young people had access to employment and qualification in the local public sector based on ‘Jump Plus’. ‘Work for long-term unemployed’ provided employment for 70,000 long-term unemployed on fixed-term contracts (**Press release FEO No. 17, 9.3.2005**).

Government policies in the context of unemployment are the four Acts on ‘Modern Services on the Labour Market’ developed by the Hartz Committee. A **government report** from 1 February 2006 deals with the first experiences. A

cornerstone of the labour market policy of the government and **Federal Employment Office** is to offer employees the opportunity to upgrade their skills and eliminate qualification deficits and active and preventive measures as central principle. (NAP 2004)

The initiative **TeamWork for Germany** was launched by the government as a campaign involving social partners, social groups and stakeholders in the fight against unemployment. The contest '**Creating Employment – Companies demonstrate responsibility**' awards company examples that are an example for job creation and integration of people into employment. The focus of the network **Initiative for employment** is employability.

### **Early school-leavers**

The **Entry qualification (EQJ) programme** from 2004 shall support young people with difficulties in access to apprenticeship. It is a contribution to the **Apprenticeship Qualification Pact** in which the employers' associations and business federations obliged themselves for three years to recruit 25,000 places for preparation qualification. The entry qualification as preparation for an apprenticeship lasts between 6 and 12 months and is validated by a certificate of the chambers. This qualification can be credited with the length of a later apprenticeship. The government promotes the initial vocational training by refunding the trainee's wage and by paying the lump-sum share of the monthly social security contribution. The **third interim report** on the 'entry qualification' programme demonstrates that 90.4% of participants achieved an apprenticeship compared to only 75.8% in a control group (**Press release**). The Coalition Agreement emphasises that a structural new orientation of vocational training preparation will pay more attention to individual supportive needs of young people.

The second 'Modern Services on the Labour Market' Act integrated vocational education preparation into the reform of the **Vocational Training Act (BBiG)** as an independent part of occupational training. (**BMBF 2005**) An intensive debate takes place on the so-called 'training maturity'. About 25% of all school leavers do not have the necessary basic skills enabling them to enter into a regular apprenticeship programme (ETUC/UNICE/UEAPME/CEEP 2006).

### *Disabled persons*

In 2003, the unemployment rate for severely disabled people was 17% compared to the average of 11.6%. (NAP 2004) The **Act on the Promotion of Training and Employment of Persons with Severe Disabilities** entered into force on 1 May 2004. Key aims of the law are to enhance employment opportunities of persons with severe disabilities, to increase the willingness of companies to offer vocational training places, to enhance training opportunities for young people with disabilities, and to encourage corporate integration management. Companies must employ 5% severely disabled people within their workforce. Otherwise they have to pay a fine. Employers are obliged to discuss the appropriate employment of severely disabled apprentices with the work council and representation of severely disabled. Subsidies are available for companies for training of disabled young people.

A **government report** on the situation of disabled and severely disabled regarding apprenticeships provides an overview on the legal situation, the situation regarding training and employment, initiatives for the integration, and company examples. The **Initiative 'Jobs without barriers'** is a joint initiative of the Ministry of labour, of social partners, Federal Employment Office, and a number of organisations and institutions dealing with the integration of people with disabilities into the labour market. The initiative covers a number of **good practice examples** and **projects**.

#### Orientation 4: Make work pay – Make work attractive

##### *Profit-sharing and capital sharing*

Financial participation is not widespread and some reservation by key actors is evident (Weiler 2002). In the beginning of 2006, both the German President Horst Köhler and the Chancellor Angela Merkel plead for a widespread implementation of performance-related pay. ([AGP-Mitteilungen 1-06](#))

The **position** of the DGB towards performance-related pay emphasises that such pay elements must be clearly on top of wages and salaries. The BDA is in favour of both profit-sharing and capital-sharing but financial participation exclusively on-top of the fixed income is rejected. (**Position** 13 February 2006) A **recommendation** by the BDA is to open the holiday or Christmas bonuses fixed in collective agreements into arrangements for profit-related compensation which must deviate in direct relation to the profit situation of the company. In a second step a reform of sectoral collective agreements only the job-related basic pay should be regulated plus frame conditions for profit-sharing at the company level. The BDA **pleads** for a taxation reform for foster financial participation. A main organisation engaged in financial participation, especially in form of capital sharing is the **Network for Partnership in the Economy (AGP)** and closely related the **GIZ**.

According to **data** from the **IAB Company Panel**, 9% of the companies had a profit-sharing and 2% a capital sharing scheme in September 2005. Profit-sharing is more common in larger companies and in the West of Germany. Legal and taxation provisions are considered to be less favourable than in other countries. Foreign companies in Germany more often (31%) have systems of financial participation than German companies (9%). This applies to all company sizes. Banks and insurance businesses have the highest share of companies with such schemes. Financial participation is more widespread in companies with highly qualified personnel. A comparison with the data from the 2001 IAB Company Panel reveals that the situation did not change over the last years.

According to the latest **overview** from the AGP on capital sharing from 1 January 2006, 3,600 companies in Germany had a form of capital sharing. The most frequent forms are silent partnerships (26.94%), employees' shares (16.94%) and loans (16.39). In terms of the percentages of employees included in capital sharing schemes 69.93% hold employees shares and 12.49% are silent partners.

The representative survey on works councils **reveals** that 34% of companies have introduced profit-sharing related to the results of the companies. Fiedler-Winter (2000) describes company case studies of profit and capital sharing.

According to **§ 87** of the **Works Constitution Act** the implementation and the arrangement of financial participation schemes (both profit sharing and capital sharing) are subject to the co-determination rights of the works council.

Taxation incentives for capital sharing are laid down in the Capital Formation Law and in § 19a of the Income Tax Law. Profit sharing is dealt with as a normal pay element in terms of taxation.

#### Orientation 5: Towards a balanced flexibility

##### *Flexible working time arrangements*

The public debate on working time is strongly shaped by a discussion on an extension of working time and on flexibility for companies. Working time autonomy for workers perceives less attention. A survey on working time (**DE0412NU01**) revealed an increase in the number of employees with working time accounts from 37% in 1999 to 41% in 2003. On average, these employees work less unpaid overtime than those without working time accounts. However, **research** reveals that employees are not taking advantage of working time accounts, which have opened up the possibility of

greater working time flexibility, to a full extent. Key reasons are outlined as deficits in staffing and work organisation in the companies. (DE0404NU04) A study on working time on trust demonstrates that this model must be embedded in working time cultures and work organisations in order to be viewed positively in terms of enhancing working conditions (DE0408NU06).

### *Non-permanent employment contracts*

Young people are increasingly concerned by fixed-term and temporary work agency contracts. According to the Microcensus 2004 (Press Release 26.4.2005) 40% of people less than 20 years of age and 29% aged 20-24 work on a fixed-term contract. According to data from the German Socio-Economic Panel (GSOEP) 11.5% of employees were employed on a contract of fixed duration in 2003. (DE0506TR01)

Fixed-term contracts for more than two years require an objective justification. In November 2005, the European Court of Justice (EJC) ruled that the exemption of people over the age of 52 from the general requirements for permitting fixed-term employment does not comply with the age discrimination provisions of the EU framework equal opportunities Directive (DE0512104F).

According to the latest government report on temporary agency work (TAW), 1.5% of employees are subject to social insurance work under such a contract. The majority of TAWs work on a permanent contract. (DE0506TR01) With the revision of the Temporary Employment Act (AÜG) in 2004 restrictions on temporary agency work regarding time limit of assignments up to 24 months, the ban of re-employment and synchronisation have been abolished and the principle of equal pay and equal treatment implemented. A deviation from the principle is only allowed on the basis of collective agreements. In February 2003, the Federal Association of Temporary Employment Agencies (BZA) and representatives of all trade unions affiliated to the German Federation of Trade Unions (DGB) signed a landmark agreement laying the 'cornerstone' for a number of national cross-sector collective agreements (DE0303202N) In 2005, all trade unions affiliated in the DGB signed a further agreement with the Association of German Temporary Employment Agencies (IGZ) (DE0503202N).

In May 2006, the bargaining partners in the TAW sector achieved an agreement on minimum wages. As the IGZ and the BZA employ more than 50% of TAW covered by collective agreements this would establish the opportunity for the Minister for Economy to declare the minimum wage as extended based on the Posting of Workers Act (§ 1, 2a AEntG).

### **Orientation 6: Business creation and entrepreneurship**

Germany has – compared to other industrialized countries – a major problem concerning entrepreneurship and business creation. This general and well-known assessment was confirmed by the findings of the Global Entrepreneurship Monitor (GEM). The GEM-country report on Germany 2005 highlights the following facts:

- Early-Stage Entrepreneurial Activities (business not older than 3.5 years): Germany ranks 23rd amongst the 35 countries participating;
- German adults are very pessimistic towards their future chance to become an entrepreneur (rank 30); their fear to fail stops them to found a business at all (rank 32).

The report states that this is mainly a problem of dominant values and the rather bad image entrepreneurship generally has. Additionally the study found that tertiary education provides insufficient preparation for entrepreneurs.

The political system is quite aware of these deficits and their problematic effects on the German economy. The coalition agreement of the present German government emphasized the necessity for a 'business creation offensive' under the heading: 'More courage for entrepreneurship'. The national reform programme from December 2005 has allocated a

chapter to ‘Improving the general conditions for entrepreneurship’. Within this broader context several concrete initiatives have been started, ranging from a special website ‘[existenzgruender.de](http://existenzgruender.de)’ where all necessary information about public programmes, tools and help is presented to the foundation of a special agency concentrating on helping women to become successful entrepreneurs as a joint project by three federal ministries (‘**Bundesweite Gründerinnenagentur – bga**’). Similar programmes to support and encourage possible entrepreneurs have been developed by the different German ‘Länder’ (e.g. **start-up in Bavaria**), usually in form of joint initiatives by governments, regional chambers of industry and commerce and other industry organizations.

Several programmes have been initiated to address the lacking entrepreneurial spirit being imparted in the education system to the younger generations. A special programme has been started by the federal government to boost spin-offs out of universities and to prepare students better than before to become successful entrepreneurs (‘**Exist – Existenzgründungen aus Hochschulen**’). The employer-related ‘**Institut der deutschen Wirtschaft Köln – IW**’ has organized several initiatives, e.g. the ‘**Junior**’ or ‘**Go-to-School**’ which aim at promoting entrepreneurial education at schools.

The idea of entrepreneurship and business creation is increasingly linked to the idea of economic clusters. The connected ideas of local networks, of science-based communities and of specialized local labour market structures include the hope that an existing nucleus of such a cluster would attract new companies around the focal industry (e.g. the ideas of the **Wolfsburg AG**).

These new concepts also became official policy guidelines (**coalition agreement** of the present government). Especially the **programmes** to modernize the economy of the New Länder were centred around the idea of promoting regional innovation clusters (‘Inno-Regio’, ‘Innovative Regional Growth Centres’) The Federal Ministry of Education and Research started initiatives to promote regional networking in industries with a promising future, as e.g. **biotechnology**. The Federal Ministry of Economics and Technology tries to boost the idea of **regional networks**. Also in the NAPs one can find hints towards the idea to support local networks. Almost every *Bundesland* has developed its own policy to foster special regional clusters (**Bavaria; Brandenburg**) And – to complete this picture of general consensus – both social partners are also in favour of such a basic approach (**DGB; Employers’ association in the metalworking industry (Gesamtmetall)**).

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