# ANNEXES

to the

# Sixth periodic report submitted by the

**Federal Republic of Germany**

**under Articles 16 and 17**

**of the International Covenant**

**on Economic, Social and Cultural Rights**

**2016**

Reporting period:
2008 to the end of 2015 (mid-2016 in some cases)

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**Annex 2**

**List of abbreviations:**

ABAA Act on Benefits for Asylum Applicants

APYPW Act on the Protection of Young People at Work

BMAS: Federal Ministry of Labour and Social Affairs

BMBF Federal Ministry of Education and Research

BMFSFJ: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

BMJV: Federal Ministry of Justice and Consumer Protection

GDR: German Democratic Republic

ESF: European Social Fund

EU: European Union

FEA: Federal Employment Agency

FFC: Federal Constitutional Court

GETA: General Equal Treatment Act

GIHR: German Institute for Human Rights

ICD: International Classification of Diseases

NAP: National Action Plan

KMK: Standing Conference of the Ministers of Education and Cultural Affairs of the Länder

MDS: Central Federal Association of Health Insurance Funds

ODA: Official Development Assistance

OECD: Organisation for Economic Cooperation and Development

SCB II: Book II of the Social Code

SCB III: Book III of the Social Code

SCB IV: Book IV of the Social Code

SCB XII: Book XII of the Social Code

UN: United Nations

WHO: World Health Organization

WTO: World Trade Organization

**Annex 3**

**On implementation measures of the Länder with regard to integration policies in schools**

A focal point of the support given to children and young persons with a migration background is greater involvement of the parents. In October 2013 the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany, together with organisations for persons with a migration background, published a joint declaration on the educational partnership between schools and parents highlighting the responsibility shared by schools and parents with regard to the educational success of children and young persons.

A positive trend has been observed in terms of the integration in schools of children and young persons with a migration background. The participation in education of young persons and young adults with a migration background between the ages of 16 and 30 has risen since 2005. While the rate of participation in education in 2005 was still considerably lower than that for persons without a migration background, the figure for 2012 was, at four percentage points, slightly higher. The rise among those of Turkish origin was just under 13 percentage points. The proportion of persons of Turkish origin enrolled at a university has doubled (8.4 percent).

The proportion of foreign school-leavers without a school-leaving qualification is going down. Using data from the 2012 microcensus, a comparison can be made between school pupils with a migration background and those without. Based on this, the respective rates for those with secondary modern and middle school-leaving qualifications continued to approximate each other between 2008 and 2012. Nevertheless, the rate of young persons with non-German citizenship leaving school without a qualification continues to be twice as high as that for young German nationals.

While 44.3 percent of all German school pupils attained a general university entrance qualification, the proportion among non-German school-leavers was, at 16.2 percent, considerably lower. There was a rise, however, from 11.2 percent (2008) to 16.2 percent (2012). Measures to promote language skills in schools, in which the Länder are investing considerable HR resources, have proved successful: The PISA 2009 results show that the level of reading skills among pupils with a migration background has risen substantially compared to the findings of PISA 2000.

The Länder have increasingly shifted their focus on improving the performance and qualifications of pupils with a migration background and on greater career counselling and needs-based support during the transition from school to working life, in order to ensure that more young people with a migration background take advantage of training opportunities. To this end, the Länder are also increasingly collaborating with autonomous migrant organisations. However, far less young migrants than young persons with no migration background successfully complete a vocational training course or apprenticeship after they leave school, though the trend is positive: the rate among those starting a training course went up from 27.5 percent (2009) to 29.4 percent (2012).

The Land Government, business community and other labour market stakeholders in several Länder have agreed upon a pact/consensus for training in which they pledge to enhance career counselling opportunities in schools and improve apprenticeship entry maturity levels among school-leavers. Young persons with a migration background and their parents were explicitly highlighted here as a target group. Individual Länder are supporting networking activities for parents and young persons with a migration background.A series of Länder is working on scholarship programmes for migrants. Almost all Länder have now implemented the START programme for committed, talented young migrants.

Pupils who have immigrated to Germany (lateral entrants) are offered special preparatory classes and courses, or additional teaching to supplement regular classes. Extracurricular services, such as language camps during the holidays, language building skills as part of afternoon or weekend classes, or projects for children and young persons with a migration background at secondary levels I and II, supplement the range of options on offer in schools.

**Other measures:**

The Länder have also intensified their efforts to introduce classes on Islam and Islamic studies in state schools, as a further measure to promote comprehensive education, support educational integration, and boost religious and intercultural skills. In this context, German universities are being offered support in providing a range of research activities and study courses in Islamic theology. Using Federal Government funding of almost 20 million euros for research professorships, associates and junior research groups, Centres for Islamic Theology and Islamic Religious Studies were set up at the universities of Tübingen, Münster, Osnabrück, Frankfurt am Main/Giessen and Erlangen-Nuremberg between 2011 and 2012 and will be supported for a period of 5 years. This will be followed by a further 5-year funding period. Around 1800 students are currently enrolled at one of the Federal Government-funded Centres for Islamic Theology, with this figure continuing to rise. Moreover, the Länder are investing substantial funds in the training and further training of Islamic religious teachers in universities and in teacher training and further training colleges and institutes.

In view of the large number of refugees and high asylum application figures, a Länder working group within the Standing Conference of the Ministers of Education and Cultural Affairs is advising on the options available to deal with the particular situation of refugees with regard to access and admission to universities. In particular, it is looking at the question of how proof of university entrance qualifications can be provided in cases where certificates are either incomplete or missing. Furthermore, discussions are being held on the opportunities for obtaining a university entrance certificate available to refugees who are no longer of compulsory school age when they come to Germany. In addition to this, various efforts are being made in the Länder to facilitate access to higher education to those who have fled their home country or have been displaced, for example by providing grants.

**Annex 4**

**Integration of young refugees**

As part of the 'jmd2start – Advising young refugees' ('Beratung für junge Flüchtlinge') pilot project, 24 youth migration services are offering a range of advisory and support services to young refugees between the age of 12 and 27, who either have a certificate confirming the suspension of their deportation or are in a stage of the asylum procedure; the pilot phase for this project runs from the end of 2015 to 2017. Specific services related to training and the labour market, health, housing and integration in schools are being developed and tested.

Using funds from the European Social Fund and from the federal Child and Youth Plan, the Federal Government is supporting 179 local youth welfare service providers (pilot local authorities) across 15 Länder, as part of the 'SUPPORTING YOUNG PEOPLE in their neighbourhood' ('JUGEND STÄRKEN im Quartier') pilot programme. This is to be initially implemented over a funding period which is to run from 2015 to 2018. The aim is to create a range of socio-educational advisory and support services for young persons with special support needs during the transition from school to working life.

Section 13 of Book VIII of the German Social Code (SGB VIII - Youth Social Work) provides the foundation for this. The projects implemented range from streetwork activities through initial counselling in special contact centres, right up to very intensive casework services and creative projects, which also take the young person's environment into account. The programme is also aimed at young persons with a migration background, particularly young persons who have just immigrated to Germany as well as those who have fled their home country.

Since the end of 2011 the Federal Employment has been collaborating with JCI Germany, a nationwide network of young entrepreneurs and managers committed to helping people who have had a difficult start in life to get into training and employment. In the 'SUPPORTING YOUNG PEOPLE: 1000 Opportunities' ('JUGEND STÄRKEN: 1000 Chancen') project, which the Federal Government finances using funds from its Child and Youth Plan, these young entrepreneurs offer youngsters with special support needs their first points of contact with local working life by providing a range of practical services, such as 'Book an entrepreneur', 'One day in the life of an apprentice', 'Next Step' or 'Coach4Life'. At the same time they work closely together with various youth welfare organisations. The youth migration services are an important cooperation partner here. Since the project was launched, the proportion of young persons with a migration background has risen to almost 50 percent.

**Annex 5**

**ESF federal programmes**

As part of the European Union's Cohesion Policy, Germany is using the European Structural and Investment (ESI) Funds at both a federal and state level, with the European Social Fund (ESF) playing an important role in terms of labour market and skill-building measures. In this way, the ESF is becoming a supplementary component of national labour market policies, in order to better meet labour market demand and reduce regional disparities by supporting personal and professional education and training. The German Federal Government and the Länder are to receive a total of around 7.5 billion euros from the ESF in the 2014 to 2020 funding period.

**ESF federal programmes for 2014-2020 (as at: 12.01.2016)**

1. **Federal Ministry of Labour and Social Affairs**
2. Co-financing of career entry mentoring [[1]](#footnote-1) in line with Section 49 of Book III of the German Social Code

Duration: 15.11.2014 - 31.07.2022;

The core objective is the integration of young people into vocational training. The individual steps are aimed at helping young people successfully complete their school education, improving career counselling and career choices (intermediate objectives), and obtaining (main objective) and stabilising a place on a vocational training course. Career entry mentors offer young people ongoing, personalized support, from school right through to vocational training. These measures are first offered during the penultimate year at general education schools and may continue into the first six months of vocational training. If a smooth transition cannot be made, support is offered for a transitional period of up to 24 months. The target group includes poorer-performing pupils who are seeking to obtain a lower secondary school certificate and are likely to experience difficulties in achieving this and/or problems with the transition from school into vocational training (and with inclusion too). Pupils in special needs schools wishing to obtain a school-leaving certificate are also included in this target group, provided there is a possibility of subsequently moving into vocational training. The relevant providers are awarded the contracts at the start of the programme for specified schools. The specialist career counsellor at the employment agency consults with the teacher to decide which pupils would be appropriate for career entry mentoring.

1. IQ funding programme: Training and qualifications for migrants within the context of the Recognition Act[[2]](#footnote-2)
Duration of 1st round of funding: 01.01.2015 to 31.12.2018
Duration of 2nd round of funding (planned): 01.01.2019 to 31.12.2022

Funds are to be provided for the skills and qualifications participants need so that their foreign professional qualifications are fully recognised in Germany, and so they can be integrated into the labour market at a level appropriate for their skills and qualifications. The modules are:

* Skill-building measures for regulated professions
* Upskilling measures in the dual system of training
* Bridging measures for university graduates
* Preparation for external examination if the result/forecast of the professional qualification recognition process is negative

This programme is aimed at persons with a migration background (irrespective of residence permit) who have a foreign professional qualification which was not deemed to be equivalent as part of the professional qualification recognition process, or who require upskilling measures, based on the assessment of the Central Office for Foreign Education, in order to be able to enter the labour market at a level which is appropriate for their skills and qualifications.

1. Promotion of job-related language learning for persons with a migration background (ESF-BAMF programme)[[3]](#footnote-3)
Duration: 01.01.2015 to 31.12.2017

Course providers for each area are selected once before the start of the course; each language course individually.

Job-related German language lessons are coupled with elements of continuing vocational training. The services offered range from conventional language tuition including specialist job-based vocabulary to specific work placements in companies. By interlinking job-related measures to boost language skills with integration courses under the Residence Act, effective new components are being added to the Federal Government's range of basic support services. The implementing education providers are required to build partnerships with local businesses. This is done with the aim of arranging work placements for individuals and also with a view to integrating them into training or employment. The programme is primarily targeted at benefit claimants under Books II and III of the German Social Code. Asylum seekers and refugees may also qualify under certain conditions. The support services offered are also a means of securing skilled staff.

1. ESF federal programme for the mainstream labour market integration of long-term unemployed persons in receipt of benefits under Book II of the Social Code[[4]](#footnote-4)

Duration: 01.05.2015 to no later than 31.07.2020

Jobcentre selection takes place once at the start; wage subsidies are offered individually to each worker by the employer; support is given to persons who are able to work and are eligible for benefits under the jurisdiction of Book II of the Social Code and who

* have been unemployed for at least two years;
* are at least 35 years old;
* have not completed course of vocational training which they can use for professional purposes.

The sustained mainstream labour market integration of long-term unemployed persons is to be achieved by: specifically recruiting companies (special teams in the jobcentres recruit employers for the programme and offer advice and guidance when hiring individuals in the target group); offering intensive coaching for workers once they have taken up employment; and by providing financial compensation to the employer for the reduced output of the individual worker.

1. Human resources: a valuable asset
Total duration of programme: August 2015 to July 2018 in one round of funding

The 'Human resources:a valuable asset' ('unternehmensWert: Mensch - uWM') programme seeks to assist small and medium-sized enterprises (SMEs) in devising viable HR policies which are age-appropriate and employee-focussed. It is based on a tripartite, holistic approach which was developed as part of the New Quality of Work Initiative. Instead of being geared towards individual measures, this approach is aimed at initiating lasting change processes in organisational development in priority action areas of HR policy which are important for the future viability of businesses (HR management, equality of opportunity and diversity, health, and knowledge and skills). In cooperation with the competent federal state ministries, 'Human resources: a valuable asset' complements programmes and initiatives at state level. The programme comprises a three-stage, participative consultation process which is specifically aligned with the needs of the businesses taking part:

The initial consultation centres (ICC) are the central points of contact for the programme. They offer initial consultations and follow-up meetings to discuss the results of the consultation process. They also undertake PR activities, help SMEs with the application procedure and accounting, direct them towards other regional services on offer to SMEs, and assist the Federal Ministry of Labour and Social Affairs with the authorisation of process consultants.

1. Stage 1: Initial consultation

The initial consultation is a neutral process which is standardised nationwide. It is here that the ICC clarifies whether a business is eligible for funding and works with the business to identify any specific need for change in the programme's four HR policy action areas (HR management, equality of opportunity and diversity, health, and knowledge and skills). Depending on the needs identified, the ICC can issue a consultation voucher, which covers the scope of the consultation services and includes a recommendation on priorities for action, or it can refer the business to another regional service.

1. Stage 2: Process consultation

The consultation voucher allows businesses and their employees to take advantage of an in-depth process consultation lasting a maximum of ten days. The process consultation is provided directly on the business premises by the process consultants authorised for the programme, with the participation of employees and their company representatives (if applicable). It comprises an analysis of the strengths and weaknesses of the business and the development of goals for action and measures, which are then recorded in a binding company action plan. This is followed by the initiation and monitoring of the relevant change processes.

1. Stage 3: Follow-up discussion of results

Six months after completion of the process consultation, the initial consultation centres discuss and evaluate the measures implemented with the participation of individual employees and company representatives (if applicable). They examine whether there is a need for further consultation services, and whether the business can be referred to regional support services (e.g. funds, chambers, the New Quality of Work Initiative or other federal state initiatives), in order that individual measures can be implemented.

1. ESF guidelines - Securing the skilled labour base: vocational training and education and gender equality[[5]](#footnote-5) - a joint initiative of the Federal Ministry of Labour and Social Affairs (BMAS), the Confederation of German Employers' Associations and the Confederation of German Trade Unions
Duration: 2015 to 31.12.2020
At least three calls are planned: the first has already closed and the second is currently underway.

Follow-up to the 'Further training' ('weiter bilden') and 'Equality' ('gleichstellen') programmes from the 2007-2013 funding period. The aim is to support social partners and in-company stakeholders in securing a skilled labour base and adapting to demographic change:

* Creation of HR development structures, particularly by upskilling key individuals and by implementing continuing vocational education and training (CVET) measures for older workers, women, semi-skilled and unskilled workers, and employees with a migration background
* Creation of interlinked CVET structures in SMEs and implementation of CVET measures for SMEs at a company and industry-wide level
* Initiation of dialogue across sectors of industry
* Development of work-time models and career pathway plans geared towards specific phases in a person’s working life
* Strengthening the ability of stakeholders within businesses to act with regard to the promotion of equality of opportunity

The planned measures should help to establish systematic further training in businesses, organisations and industries and to promote equality of opportunity in businesses. The efforts of the social partners are being supported to this end. The specific guidelines are developed and implemented in close collaboration with the relevant partners. Collective agreements on training or agreements with the social partners on skill-building and equality of opportunity are a prerequisite for funding eligibility.

1. Tailwind - for workers and businesses in the social economy[[6]](#footnote-6)
Duration: 2015 to 31.12.2019;
Three rounds of funding are planned for this programme:
1st call: Approvals largely completed;
2nd call: Selection from expressions of interest is currently underway
3rd call: Expressions of interest to be submitted between 23.05 and 17.06.2016

The aim of this programme is to maintain and support the employability of workers in the social economy in conjunction with integrated and long-term HR and organisational development in the relevant organisations and associations. It is targeted at persons already employed in non-profit organisations, services and associations. Support is provided for integrated projects with a view to developing human resources to improve people's adaptability and employability, and to developing the organisation of businesses to improve their ability to cope with demographic change.

1. ESF Integration Guidelines of the Federal Government

Programme to run until 31.12.2019. The projects run for four years; one funding call only

The aim of the ESF Integration Guidelines of the Federal Government is the gradual and long-term labour market integration of persons experiencing special difficulties in terms of access to employment or training. To this end, this integrated overall concept brings together the successful approaches of the previous programmes 'XENOS - Integration and Diversity', the 'ESF/Federal Programme on labour market support for refugees and persons entitled to stay with access to the labour market' and 'IdA - Integration through Exchange', and develops them further.

1. The target groups are:
* Young persons and young adults under 35 who have special difficulties in accessing work or training, including long-term unemployed persons.
* Persons whose specific difficulty in accessing work or training is a consequence of their uncertain residence status (asylum seekers and refugees).

Integration guideline measures are implemented by cooperative networks with the active participation of businesses and/or public administration bodies in collaboration with regional public employment administration services (job centres/employment agencies), and focus on three priority action areas. This creates better long-term structural conditions which make it easier for the relevant target groups to access the labour market.

1. The priority action areas of the cooperative networks are:
* Integration, not exclusion (IsA): Project sponsors are free to develop their own specific measures within the framework of the defined objective (integration of the under-35s target group into employment or training) and the obligatory structure (cooperative networks), in order to ensure the funding guidelines leaves scope for innovative ideas from local stakeholders (bottom-up approach). By including regional public employment administration services, the range of regular funding and support services is effectively combined with project modules from the 'Integration, not exclusion' priority action area. One example is skill-building measures for unemployed young migrants in cooperation with a care home, where in-house measures for the cultural awareness-based care of elderly persons are implemented in tandem. Project participants take up employment or training in the participating care home on completion of the skill-building measures.
* Integration through Exchange (IdA): this programme is aimed at supporting transnational mobility measures, giving 18 to 35-year-olds the opportunity to complete a work placement in another EU country. Its central component is a (two-to-six-month) supported stay abroad (focus on work placements), accompanied by individual preparation and follow-up activities in Germany. The regional public employment administration services and participating businesses work together to ensure the integration of those in the target group into employment or training in the follow-up phase (the rate of integration into the mainstream labour market has been 60 percent to date!).
IdA prioritises the horizontal objective of transnational cooperation in the Federal Government's Operational Programme for the ESF, an objective which must be implemented as part of the ESF-OP (Art. 10 of Regulation (EU) No. 130472013).
To boost transnational cooperation, the projects being funded are to engage in an exchange of experience and ideas by taking on unemployed young persons and young adults up to the age of 35 (NEETS) from another EU country. Young persons can only be taken on if this is being financed accordingly with ESF funds from EU Member States and regions.
The funds are being used to support 32 projects collaborating with partner organisations from 16 Member States of the EU.
* Integration of asylum seekers and refugees (IvAF). This is focussed on measures which are aimed specifically at this target group (with no age limits) and cover advice and guidance, company-related activation and skill-building, as well as placement in work or training (rate of integration in the mainstream labour market to date: 54 percent). These measures enhance the services offered by the employment agencies and job centres, which often cannot reach this target group. At the same time, cooperative networks offer training courses for multipliers in businesses, public administration bodies and job centres/employment agencies, in order to increase willingness to employ this target group, stabilise employment relationships and improve the quality of labour market support.
1. **Federal Ministry for Family Affairs, Senior Citizens, Women and Youth**
2. Career change - Men and women in child day-care facilities[[7]](#footnote-7)
Duration: mid-2015 to August 2020; multiple calls

Implementation of the experience gained with the ESF pilot project entitled 'MORE Men in Child Day-Care Facilities’ ('MEHR Männer in Kitas') from the 2007-2013 funding period. Increasing the proportion of male pre-school teachers in child day care centres, and thereby flexibilising the gender-segregated labour market, remain a long-term objective. In the years 2011 to 2013, providers of child day care facilities, as well as associations of providers, devised and implemented ideas and strategies in pilot regions across the country which were aimed at increasing the proportion of skilled male employees in child day care centres. The results showed that men with more experience of life, in particular, were especially interested in changing to a career as a pre-school teacher, but that Germany lacks training opportunities for career changers that are both appropriate for adults and financially viable. Therefore from 2015 the new pilot programme will focus on creating paid training opportunities within the structure of training which is organised by schools - and up to now unpaid - for those wishing to become state-recognised pre-school teachers, and which can be undertaken alongside their work in child day care centres. Social education colleges and academies, providers of child day care facilities or associations of providers nationwide are given the opportunity of testing and optimising these pilots, in cooperation with each other and in consultation with the competent federal state authorities, to identify how such forms of training for adults must be designed and organised to function perfectly. Furthermore, a remuneration structure is to be introduced and tested which offers career changers financial security throughout the three-year training period. The aim is to create nationwide opportunities for life-long learning in work which can be realised independently of any individual requirements in terms of state funding instruments (age or previous employment status). The programme will offer subsidies for a proportion of the wage costs for the trainees and for the skilled staff involved in the coordination and implementation of the programme at the providers and associations of providers and at the participating colleges and academies, as well as for the overall project management. As a pilot project for structural change, the programme is targeted in equal measures at women and men, and at employed and (long-term) unemployed persons. To ensure efforts continue to be made to increase the proportion of qualified male pre-school teachers over the long term, the project sponsors are called upon to produce ambitious results in terms of the proportion of men in training, depending on the status quo in their relevant regions, where there are still extreme variations in male participation levels.

1. Return to work programme – developing potential[[8]](#footnote-8)
Total duration: 01.01.2015 to 31.12.2021; 1st funding period up to 31.12.2018

The aim of this programme is to support the substantial, long-term return to a job covered by compulsory social insurance contributions following a person's family-related break from work. Continuous support of the person returning to work, in the form of counselling, skill-building and activation measures, remain at the heart of the programme. This is complemented by contact with employers (raising awareness for the target group's potential), involvement of the partners and assistance in utilising household-related services. For skill-building purposes, greater use is to be made of online media ('PWE-Online') and e-learning services/platforms (virtual classroom). The topics covered by the programme were expanded to include the new optional modules 'Back-to-work and caregiving responsibilities' and 'Women in minijobs'. Creating job prospects for persons returning to work in the personal or household-related service sectors is another option offered by the programme.

1. Strong in the workplace - Migrant mothers get on board[[9]](#footnote-9)

Total duration: 01.02.2015 to 31.12.2020; 1st funding period up to 31.12.2018

With the ESF programme 'Strong in the workplace' the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth is seeking to improve the labour market opportunities for mothers with a migration background. Despite being well qualified and highly motivated, mothers with a migration background are far less likely to be gainfully employed in Germany, with less numbers actually in gainful employment, than mothers with no migration background.

In a pilot phase, the 'Strengthen resources – safeguard the future: employment prospects for mothers with a migration background' initiative supported 16 pilot areas across Germany between 2012 and 2013. The pilot phase demonstrated that with the right tools it is possible to help mothers with a migration background succeed on the path into the labour market.

The goal of the ESF programme 'Strong in the workplace – Migrant mothers get on board' is to help mothers with a migration background move into work that secures their livelihood on a long-term basis. To ensure this succeeds, the women participating in the programme are given individual support on their path towards employment and improved access to existing labour market integration services.

The programme combines both target group-specific and structural approaches. In addition to activating the target group of women, the aim is also to raise business awareness of the potential this group offers and to improve links between existing structures and local stakeholders.

1. Reconciling work and family life – family-friendly working environment and time sovereignty[[10]](#footnote-10)
Duration: 2015 to 2018

a) Content of the submodules

Some of the content of the submodules of the ESF programme 'Success factor: family' (business programme, business network, German Trade Union Confederation (DGB) project, 'audit berufundfamilie') is being brought together with another ESF programme from the current funding period ('Local alliances for families' - 'Lokale Bündnisse für Familie') to create a new ESF programme entitled 'Reconciling work and family life' ('Vereinbarkeit von Familie und Beruf gestalten'). The aim of the programme is to work together with social partners, employers' associations, associations of trade and industry and local authorities to create a family-friendly living and working environment. The focus here is both on family-friendly HR policies in businesses and a supportive family-friendly local infrastructure.

b) Programme modules: Business network/Local alliances for families
The goal here is to strengthen the work/family balance within businesses by networking with social partners and associations of trade and industry. A nationwide business network is to be developed to this end. A nationwide network of 'Local alliances for families', dealing with the subjects of work/family balance, childcare and family-friendly infrastructure, is to be expanded at the same time.

The purpose of the business network is to offer low-threshold services to businesses and to hold strategic services available for companies which can be provided with a relatively high degree of certainty. Moreover, partnerships with various influential stakeholders in the business community are planned. Firstly, the influence these cooperation partners have across the country is to be used to give greater weight to family-conscious HR policies in as many collective agreements as possible, and specific measures are to be anchored in works agreements. Secondly, there is to be a guaranteed flow of information from federal to local level which is tailored to the relevant sector and to the specific framework conditions. Special emphasis is placed here on SMEs. Local networks from the fields of business, politics and civil society are to be supported across Germany in the work they do on the core topics of work/family balance, reliable childcare and supportive, family-friendly infrastructure.

1. Opportunities for parents II – Getting families involved in education early on[[11]](#footnote-11)

Total duration: 01.07.2015 to 31.12.2020; 1st funding period is underway.
As the first and most important source of education in a person's life, families are to be offered professional support both in and alongside (early) education facilities. Investments made in equal opportunities in terms of family involvement when children are at an early age are proving to be economically effective. The 'Opportunities for parents II' ('Elternchance II') programme seeks to give skilled professionals working in the field of family education and in early education and care (EEC) institutions the tools to work together with parents during the early childhood education stage, and advise families on everyday educational opportunities and transition points in the education system with regard to their children's learning and developmental progress. To this end, the skilled professionals can take part in a modular ongoing professional development programme to become a parental adviser, with recognised certification from the education provider. In particular, parental advisers acquire knowledge and skills in early childhood education, bonding and development (including language development), as well as in new approaches in working with parents, counselling methods and techniques, collaboration and educational partnerships with parents, gender-specific and intercultural aspects, and gain specialised skills too. These qualified professionals work in EEC facilities such as family education centres, parent and child centres, family centres, and in or around child day care facilities, and remain active in these areas after they have qualified. As parental advisers they support families at points of transition in the education system with matters relating to development and everyday education, and contribute to better equality of education and opportunities for children by strengthening parenting skills and a family's ability to cope on a day-to-day basis.

1. SUPPORTING YOUNG PEOPLE in the neighbourhood[[12]](#footnote-12)
Duration: 01.01.2015 to 31.12.2018 (one funding period only)

In the new ESF funding period the well-established instruments from previous ESF programmes implemented as part of the 'SUPPORTING YOUNG PEOPLE' initiative and the ESF's 'Education, economy and work in the neighbourhood (BIWAQ)' programme (which deals with the transition between school and work), have been pooled together on a cross-departmental basis and are being further developed in a new pilot project. Based on Section 13, Paras. 1 and 4 of Book VIII of the Social Code in conjunction with Section 83, Para. 1 of Book VIII of the Social Code (Federal Government's role in encouraging youth welfare services), the 'SUPPORTING YOUNG PEOPLE in the neighbourhood' programme is being piloted in selected local authorities nationwide to test how local authority structures and cross-jurisdiction collaboration need to be organised to improve individual support for young persons, in line with Section 13, Para. I of Book VIII of the Social Code. The findings from these pilot regions are to be used to identify any need for legislative measures, particularly with regard to Section 13 of Book VIII of the Social Code. Geographically, the pilot programme is concentrated on the development areas in the 'Social City' urban development assistance programme, and on other disadvantaged areas where the situation for young people is especially difficult. The selected local authorities can then choose from four method-based modules to devise projects to suit their local needs: the aim is to link one-to-one socio-educational support work (case management, outreach youth social work, low-threshold counselling/clearing) to microprojects which also deliver added value to disadvantaged areas and their residents. The core objective of these measures is to stabilise and strengthen personally or socially disadvantaged young persons, as well as to develop their integration prospects, wherever possible in the form of training or employment. Financial resources and specialist know-how are being pooled together in the neighbourhoods and districts affected to offer effective support to young people. The pilot programme is making a significant contribution in taking the pressure off local authorities, which are affected by high numbers of immigrants from Central and Eastern Europe. A characteristic feature of the programme is that the measures are coordinated and managed by the local authorities (local providers of public youth welfare services). The local authorities work closely with non-state youth welfare services, job centres, employment agencies, neighbourhood management, businesses and other local partners, with the result that the programme also helps to strengthen local collaborative structures in transitional areas.

1. **Federal Ministry for Economic Affairs and Energy**

1. Promoting entrepreneurial expertise[[13]](#footnote-13)
Duration: 01.01.2016 to 31.12.2020; ongoing applications
The guidelines on the promotion of entrepreneurial expertise brings together the previous programmes of the Federal Ministry for Economic Affairs and Energy, namely

* Business consulting ('Unternehmensberatung')
* Start-up coaching in Germany ('Gründercoaching Deutschland')
* Turn-around consulting ('Turn Around Beratung') and
* Round table forums ('Runde Tische' - not co-financed by the ESF in the outgoing funding period) in new standardised guidelines in the new ESF funding period.

Compared to large companies, SMEs have only limited financial and human resources to enable them to adapt during the start-up and consolidation phase and in difficult economic situations. Grants towards the costs of consulting measures are to make it easier for SMEs to access external advice aimed at increasing their ability to react to the diverse challenges posed by general economic trends and by changes in working and production environments brought on by demographic shifts.

The aim of the programme is to boost entrepreneurial expertise in small and medium-sized enterprises, thus raising or restoring their prospects for success, performance and competitiveness as well as their employment capacity and adaptability, and thereby securing the future of mid-sized businesses in Germany, known collectively as the Mittelstand, and the jobs they provide. The funding is based on the various phases a business goes through as it develops.

a) The grant towards the consultation costs in the start-up and consolidation phase is particularly aimed at providing support and security for newly founded companies (start-ups) in building their business and managing it over the long term.

b) Businesses which are already well established on the market may receive funding towards the costs of business consulting services, in order to complement and expand their business potential and performance capacity.

c) Businesses experiencing financial difficulties are to be supported with consulting services to restore their performance capacity and competitiveness and prevent job losses. To counteract structural inequality, funding can also be provided for start-up and existing businesses for the following (special) consulting services, in addition to regular consulting services:

Consulting services for businesses which are:

* run by female entrepreneurs;
* run by migrants;
* run by persons with disabilities;
* aimed at improving the professional integration of employees with a migration background;
* focussed on workplace design for employees with disabilities;
* aimed at recruiting and retaining a skilled labour base;
* aimed at achieving equality and a better work/family life balance;
* focussed on age-appropriate workplace design; and
* focussed on sustainability and environmental protection.

Such measures have a significant role to play in terms of equality of opportunity, non-discrimination and sustainability.

1. The right candidate for the job - helping SMEs to find the right applicant to fill training positions and integrate foreign skilled workers[[14]](#footnote-14)
Duration: up to 31.12.2020; applications to be submitted on an annual basis by 30 September of the preceding year

This programme was continued after the 2007-2013 funding period and was extended to include services to advise SMEs on how to integrate young foreign apprentices, particularly those from other European countries, and foreign skilled workers, with the aim of creating a welcome culture within their respective business. Another objective is to help small and medium-sized enterprises find the right candidates to fill training positions and, in doing so, enhance their performance capacity and competitiveness by securing a skilled labour base to meet future demand. Funds are provided for advisory services and support measures from the chambers of trade, industry and commerce, associations of liberal professions and other non-profit organisations in the private sector. The consultants visit the business, offer advice, identify any demand for in-house apprentices, create the required job profiles, look for potential apprenticeship candidates, review applications, conduct interviews with selected candidates and perform aptitude tests. Based on the results, they draw up a short-list of suitable apprenticeship candidates and submit a recommendation that is tailored to the needs of the business.

1. Micro-mezzanine fund
Ongoing applications

The micro-mezzanine fund is to be used to create and expand a comprehensive range of mezzanine loans (up to a maximum of EUR 50,000). Silent investments from micro-mezzanine institutions are to be used to help those interested in setting up their own business put their venture plan into action, as well as to support both start-ups and existing companies with the long-term financing of their business. The aim is to boost the performance capacity and competitiveness of business start-ups and small businesses and thus secure jobs. The programme is targeted at micro-enterprises, small and young businesses and business start-ups. It is especially directed at businesses which offer training, businesses founded by unemployed persons, or businesses run by women or men with a migration background. Commercially-oriented social enterprises and environmentally-oriented businesses are a particular target.

1. **EXIST**
Duration: Applications up to 31.12.2020 (business start-up grant ongoing, research transfer twice a year (January / July of the respective year))
2. Research transfer
The EXIST research transfer module funds outstanding research-based start-up projects which are associated with complex, high-risk development work. Support is given to research teams in universities and non-university research institutions (maximum three research scientists and technical assistants, plus one person with business administration skills).
3. Business start-up grant
The EXIST business start-up grant is used to fund the preparation of innovative start-ups at universities and research institutions, particularly the creation of a viable business plan and the development of marketable products and services. Support is given to persons or teams (scientific staff, university graduates or students) starting up a new business. Applications are made by, and funds awarded to, the university or research institution itself.
4. Culture of entrepreneurshipThe EXIST culture of entrepreneurship module is held in the form of a competition entitled 'The University of Entrepreneurs' ('Die Gründerhochschule'). The aim is to develop and implement university-wide overall strategies to establish a culture of entrepreneurship and drive a long-term strategy of entrepreneurial spirit in universities. Funding is available for both public and private universities in Germany. Sub-contracted cooperation partners can also be included in the funding.

**IV. Federal Ministry of Education and Research**

1. Integrated education[[15]](#footnote-15)
Three-year projects; two launch dates in 2015

The overarching objective of this programme is the improved integration of local education stakeholders and systems, the establishment of local communities responsible for education, and better access to tailored educational services. The focus of this funding is on establishing and developing integrated systems of education at a local level. This is to be achieved by strengthening education management and monitoring systems in the local authority areas. This funding initiative incorporates the experience gained from the 'Learning Locally' ('Lernen vor Ort') structural programme (2009-2013) and related Länder programmes. The aim is to consolidate the work done by the transfer agencies ('Local Authority Education Management transfer initiative' - 'Transferinitiative Kommunales Bildungsmanagement' - launched in 2013) and ensure the findings of the Learning Locally initiative reach as wide an audience as possible. The programme is to be sponsored and implemented by the local authorities in collaboration with education stakeholders at a local level.

1. Continuing education grant[[16]](#footnote-16)
Duration: 01.07.2014 to 31.12.2017; ongoing applications

The continuing education grant is targeted at low-income persons in gainful employment who, for financial reasons, have not taken part or have not been able to take part in continuing vocational education and training (CVET) up to now. The aim is to encourage low-income groups to take part in CVET measures and increase levels of CVET participation among such groups. Consequently, the Federal Government is offering support to low earners (those whose annual taxable income is EUR 20,000, or EUR 40,000 if taxes are assessed jointly). The continuing education grant covers 50 percent (500 euros maximum) of the cost of the relevant CVET measure. The participation fee was also included as a further means of differentiating from the voucher programmes offered by the Länder. The Federal Government is funding continuing vocational education and training measures with a maximum participation fee of EUR 1000 (incl. VAT).

1. Jobstarter plus
Two calls up to now; project duration up to three years;
project from 2nd call to be launched by 01.05., 01.06. or 01.07.2016;
3rd call scheduled for second half of 2016

This programme supports innovative concepts and services in the field of training which enable SMEs to recruit skilled workers and tap into new target groups. This also includes the development of business-related concepts for improving the transition from school to an apprenticeship or in-company vocational training course. The regional projects test current vocational education and training policies in a practical setting. Building on the scientific work accompanying the projects, the programme's head office initiates and coordinates specialist networks operating across Germany and uses publications and special events to communicate the results back to the scientific community and interested members of the public. As such, Jobstarter projects are not only models for the region in question but also offer potential to transfer good practice across regions. The primary goals of Jobstarter are 1: to strengthen in-company vocational training and apprenticeships; and 2: to open up new skilled labour potential.

1. Digital media in vocational training[[17]](#footnote-17)
Duration: 1st funding call from 2015; maximum project duration 3 years;
2nd guideline /call planned

This programme is aimed at education providers involved in initial and continuing vocational education and training, commercial enterprises (especially SMEs), social partners involved in continuing vocational education and training, chambers of trade, commerce and industry, professional associations, research institutes and universities which run projects on the development and use of digital media in initial and continuing vocational education and training. This programme's objective is to bring about structural changes in vocational training (e.g. to increase people's employability) and help safeguard and improve the quality of training through the use of digital media in pilot projects. The overarching goals of the programme are: The ongoing development and more widespread use of digital educational technologies and the creation of modern initial and continuing vocational training courses, the strengthening of vocational training stakeholders' (multipliers') powers to act, and the creation of a new culture of learning.

1. Future of work

1st funding call: mid-2015; 2nd funding call planned (date still to be fixed)

The 'Future of work' ('Zukunft der Arbeit') programme addresses the challenges facing people and businesses, particularly SMEs, as a result of structural changes, technologization and growing globalisation in the working world. Target groups: employees, businesses (esp. SMEs), social partners. In these projects, new concepts and models are developed and piloted in close collaboration with the scientific and business communities and with social partners. The areas covered are:

* Boosting innovative capacity through HR, organisational and skill-building measures
* Integrated workplace CVET and knowledge transfer against the backdrop of demographic change; utilisation of experience and lessons learned; and the creation of workplaces that are conducive to learning
* Preventive health measures to maintain creativity and innovative capacity
* Professional development aligned with the phases of a person's life; work/life balance

**V. Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety**

1. Education, Economy and Work in the Neighbourhood (BIWAQ)[[18]](#footnote-18)

Duration: 2015 to 2022;
1st round of funding 2015 to 2018
2nd round of funding 2019 to 2022 (planned)

The ESF federal programme BIWAQ is a well-established, successful supplement to the 'Social City' urban development assistance programme. In the new 2014-2020 funding period, the programme continues to focus on the areas covered by the 'Social City' urban development assistance programme, with the aim of improving employment and training opportunities for those living in areas concerned (aged 27 and upwards) and helping to boost the local economy. It is particularly targeted at long-term unemployed persons and persons with a migration background, including new immigrants. The BIWAQ projects are aligned with the specific needs of the neighbourhood or district and are linked with investments in urban development. The creation of added value for the neighbourhood and improvements in inner-city cohesion are to be achieved by including other areas of integrated urban development. Partnerships and networks involving local social and business partners are aimed at helping to ensure the results achieved can be maintained over the long term. The 'Transition from school into work' action area – which was still part of the BIWAQ programme in the last funding period – now benefits from cross-departmental cooperation with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in the new 2014-2020 funding period. The ESF pilot programme 'SUPPORTING YOUNG PEOPLE in the neighbourhood' is trialling services to help young persons under the age of 27 to overcome any social disadvantages or individual impairments when starting their career.

1. Promoting vocational education for sustainable development. Enabling green skills for climate-friendly, resource-efficient action at work[[19]](#footnote-19)
Duration: 2015 to 2021;
1st round of funding 2015 to 2018/2019
2nd round of funding 2018 to 2021 (planned)

The programme's target groups are young persons under the age of 25, as well as young adults, qualified or master tradesmen/tradeswomen, and apprentices. The planned measures are concentrated on two areas of action:

a) Cross-trade skill-building in the energy-efficient refurbishment of buildings

Development and trialling of new, practice-oriented modules addressed primarily at apprentices, but also at qualified and master tradesmen/tradeswomen, as well as the development and trialling of new concepts to enable industry-wide learning partnerships and exchange programmes within a particular trade as well as between several trades involved in energy-efficient building refurbishment. Plans have also been made to develop and test continuing training and education modules for apprentices.

b) Greening of jobs – access and opportunities for action

Development and trialling of practical activities of a work camp nature for sustainable development in vocational training, as well as practice-oriented information events on the greening of jobs and ways to access them in the form of a mobile walk-through exhibition for applications outside of school.

**Annex 6**

The annual average number of unemployed persons with severe disabilities fell slightly in 2015 compared to the previous year (by around 1.3 %), while the annual average for general unemployment fell more sharply in 2015 (by around 3.6 %). Since May 2015, the number of unemployed persons with severe disabilities has been significantly lower than in the previous year. In July 2016, 168,539 persons with severe disabilities were unemployed. That is around 5.9 % lower than in July 2015. The fall in general unemployment, at around 4 %, was less strong. In other words, the unemployment of persons with severe disabilities is currently falling more rapidly than general unemployment.

**Table: Employment of persons with severe disabilities, annual comparison**

A multi-year comparison reveals the following trend:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | Severely disabled employees at companies obligated to employ persons with disabilities | Employ-ment rate IAW Sec. 71, Book IX, Social Code, in % | Number of unemployed severely disabled persons, annual average | All unemployed persons relative to a qualified reference value[[20]](#footnote-20) (in %) | Unemployment rate of severely disabled persons relative to a qualified reference value[[21]](#footnote-21) (in %) |
| 2007 | 806,680 | 4.2 | 187,000 | 11.5 | 15.8 |
| 2008 | 842,733 | 4.3 | 166,101 | 10.0 | 14.7 |
| 2009 | 875,415 | 4.5 | 168,133 | 10.5 | 14.6 |
| 2010 | 901,538 | 4.5 | 175,381 | 10.0 | 14.8 |
| 2011 | 932,156 | 4.6 | 180,354 | 9.1 | 14.8 |
| 2012 | 964,650 | 4.6 | 176,040 | 8.8 | 14.1 |
| 2013 | 986,724 | 4.7 | 178,632 | 8.8 | 14.0 |
| 2014 | 1,014,071 | 4.7 | 181,110 | 8.6 | 13.9 |
| 2015 | n/a | n/a | 178,809 | 8.2 | 13.4 |

**Annex 7**

**The “Initiative Inklusion” (Inclusion Initiative) comprises the following four fields of action:**

* Vocational guidance for students with severe disabilities: Some 40,000 severely disabled students, particularly students with special educational needs, will undergo intensive preparation for making the transition to working life.
* In-company training for severely disabled youths in recognised occupations: Creation of 1,300 additional in-company training places in the general job market
* Jobs for older (aged 50 and older) severely disabled persons who are unemployed or seeking employment: Creation of 4,000 new jobs in the general job market
* Promotion of inclusion-related skills in chambers of industry and commerce, crafts and trades: Small and medium-sized enterprises in particular offer enormous potential as sources of training and employment opportunities for persons with severe disabilities. Development of skills that make it possible for a single source to advise companies on a region-specific basis in all matters pertaining to the training and employment of persons with severe disabilities.

**The “Initiative für Ausbildung und Beschäftigung” (Initiative for Training and Employment)**

This initiative has set itself the task of increasing the number of in-company training places and the number of persons with severe disabilities who have a job that is subject to compulsory social insurance contributions. To achieve this, a package was put together consisting of measures and campaigns that are being conducted on an independent basis, as well as in cooperation with stakeholders.

This initiative focuses on making establishments and companies more aware of the labour potential and capabilities of persons with disabilities. A wealth of activities are being conducted to convince employers more than ever that hiring persons with disabilities benefits the individual company. This is illustrated by the following examples:

* The “Inklusion gelingt” (Inclusion Works) joint national campaign launched by Germany’s leading industrial organisations in 2014. This campaign provides recommendations for how companies can successfully organise training and employment for persons with disabilities.
* The project “WIRTSCHAFT INKLUSIV” (Inclusive Business) takes its information campaign directly to enterprises. Working together with local employers’ associations and educational organisations, it aims to provide establishments that have never employed or provided in-company training for persons with disabilities advice and instruction that is tailored to their needs (funded with €4.8 million from the National Rehabilitation Fund).
* Funding programme for intensified integration and counselling of persons with severe disabilities (funded with up to €80 million from the National Rehabilitation Fund): This programme supports concepts developed by the funding entities for job placement services (Books II and III of the Social Code) that have progressive, strategically useful approaches to ensuring the long-term occupational integration of persons with severe disabilities in ways that will ensure their livelihoods.

**Measures to promote in-company training or training that is offered by external providers in close cooperation with local enterprises (non-exhaustive list):**

* “Begleitete betriebliche Ausbildung” (In-company training with flanking support): In-company training with flanking support, a comparatively new product offered by the Federal Employment Agency, provides youths assistance that is tailored to their needs.
* “Verzahnte Ausbildung mit Berufsbildungswerken” (Integrated training programmes provided in conjunction with vocational training centres for persons with disabilities): This form of training provides young persons with disabilities an option for vocational training that is offered by external providers in close cooperation with local enterprises. Large parts of the practical training are conducted in cooperating enterprises.
* “TrialNet - Ausbildung mit Ausbildungsbausteinen” (TrialNet - Training with training modules): The Federal Ministry of Labour and Social Affairs provided some €1.2 million in funding for the TrialNet - Training with training modules project until the end of September 2015. This project tested the provision of training for young persons with disabilities using training modules in networks consisting of companies, vocational training centres for persons with disabilities, training organisations run by individual industries, and vocational schools. It was conducted by the Research Institute for Vocational Education and Training (f-bb) with the participation of the Federal Employment Agency and the Bundesarbeitsgemeinschaft der Berufsbildungswerke (Federal Association of Vocational Training Centres for Persons with Disabilities).
* “Anfänge, Übergänge und Abschlüsse gestalten - inklusive Dienstleistungen der Berufsbildungswerke” (Organising beginnings, transitions and qualifications - inclusive services provided by vocational training centres for persons with disabilities): In addition, the Federal Ministry of Labour and Social Affairs is providing approximately €1.4 million in funding for the project “Organising beginnings, transitions and qualifications - inclusive services provided by vocational training centres for persons with disabilities” which will run until the end of 2017. Here, vocational training centres for persons with disabilities are working together with the Federal Employment Agency and the Research Institute for Vocational Education and Training (f-bb) to develop rehabilitation-specific services for companies taking part in inclusive training.
* “InkA - Inklusionsprojekt des UnternehmensForums zur gemeinsamen Ausbildung von Jugendlichen mit und ohne Behinderung” (InkA - Inclusion project of the Business Forum for the joint training of youths with and without disabilities): The Federal Ministry of Labour and Social Affairs also supports the InkA - Inclusion project of the Business Forum for the joint training of youths with and without disabilities with €955,600 in funding. This project has the objective of improving the occupational prospects of severely disabled youths by providing joint vocational training for them in 40 newly created training places where they undergo training together with non-disabled youths.
* „Abschluss und Anschluss – Bildungsketten bis zum Ausbildungsabschluss“ (Qualification and Continuation – Education chains up to vocational training qualification): The aim of the Qualification and Continuation project is to support young people as they make their way to the working world. Every youth who wants to undergo vocational training and has the maturity necessary to complete it is to be supervised and guided up to the end of training and the acquisition of a formal qualification. Germany’s federal government and the Federal Employment Agency are working together with the *Länder* to systematise the vocational orientation process and interlink successful instruments of support that are used for vocational orientation, in the transition phase and during vocational training. In the coalition agreement, the Federal Government confirmed the expansion of this project. In this connection, the Federal Government is striving to conclude agreements with the *Länder* with the aim of systematically coordinating the instruments of the Federal Government and the Federal Employment Agency that target vocational training with the *Länder* concepts for the transition phase and incorporating the former into the *Länder* concepts. The aim of these efforts is to conclude agreements with preferably all of Germany’s *Länder* if possible. Seven agreements have already been concluded.

**Annex 8**

**The “Regionale Bündnisse für Chancengleicheit” (Regional Equal Opportunities Alliances) project**

As part of this project, approximately 100 companies, districts and municipal governments joined together to form 10 regional alliances to promote women’s career development. Workshops and networking meetings were held on a regular basis where information and experiences were shared, region-specific targets were set and detailed personnel policy measures were developed for implementation. A large number of the participating companies decided to continue working closely together in the newly established networks even after the project ended.

The interactive exhibition “Roadshow - Mehr Chefinnen im Handwerk” (Roadshow - More female bosses in the crafts) promotes running one’s own business in the craft sector as a career option for women. The exhibition was shown throughout Germany during two phases of the project. In response to popular demand, it was extended to 2016.

The “Zielsicher – Mehr Frauen in Führung” (On Target - More women in management) project was developed to assist companies that fall under the Act on the Equal Participation of Women and Men in Executive Positions in the Private Sector and Public Service. A practical guide by the same name provides companies information about the requirements laid down in the law, supplies instructions on how to determine target figures, and offers examples of best practice for implementation.

**Annex 9**

**Further projects and legal provisions pertaining to equal pay for women and men**

The Federal Government seeks to raise awareness for this issue and mobilise relevant players with the help of the following initiatives being undertaken with civil society and the social partners of business and labour:

1. Equal Pay Day (EPD)

Equal Pay Day is an action campaign that is conducted every year to draw civil society’s attention to the issue of the gender pay gap. The number of activities (more than 1,000 to date) and the level of media interest are steadily rising from year to year. The new “EVA List” that was created in 2014 provides a low-threshold instrument that can be easily used by social partners in negotiations. It identifies potential for discrimination in collective bargaining agreements and company regulations and provides suggestions for alternative non-discriminatory wording. Using simulation studies, the research project “Tarifverhandlungen & Equal Pay” (Collective Bargaining Agreements & Equal Pay) identified until the end of 2015 the effects that collective wage negotiations have on the pay gap. The aim here was to raise the social partners’ awareness for the issue of equal pay in collective bargaining negotiations by reconstructing negotiations in the bargaining bodies with the help of simulation exercises.

2. “LandFrauenStimmen für die Zukunft” (RuralWomenVoices for the Future)

Since 2011, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has also funded the RuralWomenVoices for the Future project that works to ensure prospects for fair pay in rural areas. The project investigates the reasons for the larger wage gap in rural areas and develops possible courses of action to overcome it. In addition, the project promotes the networking and sharing of information between women in rural self-governing committees of the chambers of agriculture, chambers of crafts and trades and chambers of industry and commerce. The “Was verdient die Frau? Wirtschaftliche Unabhängigkeit!” (What Do Women Deserve? Financial Independence!) project which the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is conducting in cooperation with the National Executive Board of the German Trade Union Confederation aims to strengthen women’s financial independence. Political, union and company stakeholders are involved in these activities. Taking a career development approach, the project focuses on situations that cause a break or abrupt change in the individual’s curriculum vitae. It specifically focuses on young women who are making the transition from vocational training to the working world and on women who are dealing with family-related transition situations. The project began in September 2014 and runs until August 2016.

3. “Gleicher Lohn - eg-check” (Equal Pay - Wage Equality Check)

Through the Equal Pay project, the Federal Anti-Discrimination Agency has since 2013 been supporting companies and institutions that audit their wage equality with the help of the eg-check.de assessment tool. This instrument can be used to check all pay-related elements of remuneration and identify cases of unequal treatment or risks of discrimination. Uncovering actual pay discrimination in one’s own company can call attention to possible courses for action to eliminate the discrimination. Following the audit, participating companies are issued a certificate. Certificates are also issued to companies that have conducted the pay audit at their own expense. In 2015, the *Land* Berlin in its capacity as a public employer became the first German *Land* to conduct a pay audit. In the run up to this audit, the Federal Anti-Discrimination Agency conducted an analysis of the collective bargaining agreement for the public service of the *Länder* which uncovered areas that are particularly prone to discrimination. Further companies, institutions and *Länder* will be assisted in connection with wage equality audits in the coming years.

4. gb-check (Equal Treatment Check)

Twelve major companies and institutions are working to advance equal treatment of men and women in the working world with the help of a project conducted by the Federal Anti-Discrimination Agency. They are participating in the pilot stage of the gb-check (Equal Treatment Check) which enterprises can use to systematically assess their human resources department for potential discrimination. gb-check is a new set of analysis tools that can make discrimination in the working world visible. For this purpose it uses statistical comparisons, process analyses for rules, operations and procedures in the individual company, and anonymised pairwise comparisons of male and female employees. Six areas can be audited: job advertisements, recruitment and career development, working conditions and terms and conditions of employment, in-company continuing training, performance assessments and working time/hours.

5. Legal provisions to promote equality

At the initiative of the Federal Government, the German Bundestag has adopted various legal provisions aimed at promoting the equality of men and women in working life:

* Most women in low-paid services or marginal part-time work have benefited from the introduction of the general statutory minimum wage in Germany.
* The expansion of child care facilities, the payment of parental allowance and parental allowance ‘plus’ and improvements in family care leave have created incentives to take fewer and shorter family-related career breaks. The “Perspektive Wiedereinstieg” (Back-to-Work Perspective) action programme additionally improves women’s prospects for re-entry and promotion following a family-related career break.
* Campaigns like Girls’ Day and Boys’ Day influence young people’s occupational choices. A number of campaigns being conducted by industry, associations, Germany’s *Länder* and the Federal Government among others seek to increase the number of women in technical and scientific occupations. The Federal Government additionally advocates the implementation of generally gender-sensitive guidance services to help individuals with their choice of occupation or study programme. These services provide information about the entire range of job opportunities and earning potential for girls and boys and support decisions that are made as free of gender-specific notions as possible. In the course of the national campaign “Geschlechtergerechte Berufs- und Studienwahl” (Gender-equitable career and higher education decision-making), experts developed recommendations for action in this connection until the end of 2015 and, starting 2016, a joint strategy and measures for their implementation.
* In addition, the status of work done in the areas of nursing care, care provision and early childhood education is to be further improved. Working together with unions and employer associations, the Federal Government wants to move forward with determining the value of individual occupational fields, job evaluations and the assessment of skills, competencies and experience.
* The Act on the Equal Participation of Women and Men in Executive Positions in the Private Sector and Public Service introduced a gender quota for supervisory boards and requires large companies to meet binding targets. This will change corporate cultures on a lasting basis.

As a flanking measure, the Federal Government plans to launch a campaign with the social partners in order to identify and remedy structural wage inequality in collective agreements. Lastly, a dialogue between the social partners was initiated at the suggestion of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to generate impetus for improving the income prospects for women. This collaboration between the political sector, industry and trade unions has been set up in the form of a formal dialogue that is to last until the end of the 18th legislative period. In addition, a project with the International Labour Organization (ILO) was launched in 2015. The aim of this project is to support the Federal Government’s proposed legislation concerning wage inequality and to organise the implementation of concrete measures at the social partner level and in enterprises. The project includes a consultation process with trade unions and employer associations.

Germany’s *Länder* are also following up on the issue of pay equity between men and women. The 25th Conference of the *Land* Ministers and Senators for Gender Equality and Women’s Affairs supports the Federal Government on the path it has embarked on to fight the causes of wage inequality and in connection with its efforts to ensure greater transparency particularly in wage structures through statutory regulations.

**Annex 10**

**Trends in women’s employment and statistical pay gap**

Between 2008 and 2015, the labour force participation rate for women aged from 20 to 64 rose from 67.8 to 73.6 per cent (+ 5.8 percentage points) in Germany, which is higher than the EU-28 average increase of just 1.4 percentage points (2008: 62.8 per cent, 2014: 64.2 per cent). In 2015, women made up 46 per cent of all workers in jobs with compulsory social insurance coverage (14.216 million out of 30.605 million).

Looking at the average weekly working time of men and women, it is apparent that women work nine hours less per week than men (Microcensus 2015). This is due in particular to the high part-time employment rate for women. In 2015, the part-time rate for women aged from 20 to 64 was 47 %, while for men it was 9 %. It is particularly mothers with young children who reduce or take a job break for family reasons. In the new *Länder*, however, mothers are much more frequently in employment and work longer hours than in the old *Länder*, which is partly attributable to a much more extensive childcare infrastructure.

Maternal employment has undergone rapid growth, however, and rose by around 10 % between 2006 and 2014. This reflects the impact of the introduction of the parental allowance (PA) and the expansion of child day care.

The PA gives both mothers and fathers an individual entitlement to financial support. As a result of the PA, more fathers are devoting time to their family and young children, thus giving mothers the chance to engage in employment earlier and with longer hours. Mothers engage in employment earlier and with longer hours if they are supported by their partners.6

Regarding the allocation of the PA, see Annex 11, p. 39

The pay gap of 21 per cent is thus an indicator of the disparities in the presence and income prospects of women and men in the labour market. However, even if men and women have the same formal qualifications and other characteristics, the pay gap is still seven per cent. The statistical pay gap has been proven to exist at an economy-wide level. The wide range of causes mean that a lasting reduction in the pay gap can only be achieved by bringing together cause-specific measures to form an overarching strategy.

**Annex 11**

**Parental allowance**

A parental allowance is available for workers, civils servants, self-employed persons, unemployed parents, students and apprentices/vocational trainees. Parents who personally look after and raise their children after they are born, who are gainfully employed for no more than 30 hours a week, whose children live with them in one household and who are resident in Germany or have their habitual residence in Germany are entitled to receive a parental allowance. Parents can receive a basic parental allowance for up to 14 months or parental allowance ‘plus’ for 28 months starting the day on which their child is born.**[[22]](#footnote-22)**The level of the parental allowance is based on the net income that the parent caring for the child earned prior to the child’s birth. The parental allowance replaces the income lost after the birth of the child, based on the respective parent’s previous income. It is 65 per cent of the previous income as a general rule. For low-income persons, the replacement rate is raised to up to 100 per cent. The maximum parental allowance is €1,800 and the minimum is €300. When parental allowance ‘plus’ is paid, the amount is halved.

**Annex 12**

**“Chancen eröffnen - Soziale Teilhabe sichern” (Open up opportunities - Ensure social inclusion) concept to reduce long-term unemployment**

In view of this situation, this concept contains the following elements, some of which are carried out as part of the job centres’ day-to-day business, while other elements are being conducted in the form of programmes that are to test new approaches:

* Guidance and support campaign and networks for activation, advice and opportunities, as part of the job centres’ regular work: Initiative to improve integration and assistance processes. Starting 2016, this initiative is being implemented in job centres on a voluntary basis.
* Federal ESF-funded programme for long-term unemployed persons who are at the margins of the labour market: Recruiting employers on a targeted basis, wage subsidies, intensive coaching, and continuous personal supervision. This programme is being financed with approximately €770 million until the year 2020. Some 23,000 participants are to be assisted during this time.
* “Soziale Teilhabe am Arbeitsmarkt” (Social Participation in the Labour Market) federal programme: For persons at the very margins of the labour market, this programme provides for establishing additional long-term, government-subsidised employment opportunities to enable persons in this group to gradually take up / return to work. This programme will receive some €600 million in funding until the end of 2018.
* Interfaces between Book II of the Social Code and health promotion and rehabilitation: Health-related restrictions are a major problem for many long-term unemployed persons. Recommendations for action to improve long-term unemployed persons’ access to occupational rehabilitation were developed in 2015 in the course of a dialogue between the Federal Ministry of Labour and Social Affairs, the Federal Employment Agency, the German Statutory Pension Insurance and national associations of local authorities. Plans also foresee developing and testing pilot projects involving more than one provider as part of this dialogue.
* Ninth Act to Amend Book II of the Social Code: This act, which went into force on 1 August 2016, established the legal framework in Book II of the Social Code for providing follow-up supervision and for the employment of long-term unemployed persons with severe disabilities and mentally ill persons in work integration social enterprises. In addition, support options were expanded in connection with subsidised employment (work opportunities).

**Annex 13**

**Informal employment and illegal employment**

Informal employment

The Federal Government attaches great importance to combating informal and illegal employment. Measures are based on the Control of Undeclared Employment Act. To effectively counter informal and illegal employment, the investigative and prosecutorial authority has been concentrated at national level with the Federal Customs Administration unit in charge of enforcing the law on illegal employment and benefit fraud. On an ad-hoc basis but also without initial grounds for suspicion, it inspects employers, employees, self-employed persons and contractors and also detects losses due to unpaid social security contributions and tax evasion in the process.

As informal and illegal work is clandestine, it is very difficult to arrive at exact findings on the extent and scope of these practices. If they perform their work under an employment relationship, persons engaged in this sector are in principle subject to general labour-law. As employees, they are therefore entitled to the statutory minimum holiday, sick and holiday pay, and the payment of agreed wages. They are also protected by statutory occupational accident insurance.

The advice provided by public employment services is available to everyone wishing to take part in working life. Their job placement assistance requires registration as a jobseeker. Jobseekers are persons looking for work as an employee. This also applies if they are already engaged in employment or self-employment. Both kinds of assistance (advice and placement) are also therefore available to persons in the informal sector.

Basic provision for jobseekers (BPJ) provides a social benefit system for fit-for-work persons that guarantees a decent minimum livelihood for those in need of assistance. It also offers help towards self-help along the principle of rights and responsibilities.

The national level of minimum social protection provided by BPJ under SCBII does not distinguish between employees in and outside the formal economy. All fit-for-work persons in economic need who cannot sustain their socio-cultural subsistence level from their own income or assets are as a general principle entitled to support with securing their livelihood. This also holds for employed persons whose income does not suffice to support a minimum living standard. This social safety net benefits employees in the formal and informal economy alike. Under Section 28a of SCBIV, every employer is obliged to submit the requisite reports on his employees to the responsible health insurance provider. To be able to conduct targeted inspections, an immediate notification obligation has been introduced for certain economic sectors where informal or illegal work is widespread. The notification must be submitted before commencement of employment. It is filed at the central database of the pension insurance funds and can be accessed immediately by the Federal Customs Administration unit in charge of enforcing the law on illegal employment and benefit fraud.

To be able to determine the identity of employees in these economic sectors more easily during inspections, they are required to carry their identity card, passport or substitute passport/identity card with them.

At least every four years, the pension insurance funds carry out sample inspections of employers to verify whether the notification obligations have been met and the correct contribution payments made. If employers do not meet their obligations, they can be fined up to EUR 25,000 for this administrative offence.

Conceptual difference between informal employment and illegal employment under German law as defined by the Act to Combat Undeclared Work and Illegal Employment

Germany’s Act to Combat Undeclared Work and Illegal Employment does not include the concept of informal employment. It instead differentiates between undeclared work and illegal employment. It can be concluded from this that undeclared work within the meaning of ILO Recommendation No. 204 is informal employment. The customs authority is responsible for fighting informal and illegal work.

1. Undeclared work / Informal employment

According to Section 1(2) of the Act to Combat Undeclared Work and Illegal Employment, undeclared work within the meaning of informal employment under German law comprises the provision of work or services in connection with contracts for work or services by

* an employer, business person or self-employed person who is subject to mandatory insurance, who does not fulfil the reporting, payment and record-keeping requirements set forth under social insurance law that arise from services or works that have been performed (withholding social insurance contributions);
* a taxable person who does not fulfil his tax obligations arising from services or works (tax evasion);
* a recipient of social benefits who does not fulfil his notification obligations vis-à-vis the social benefit agency that arise from services or work (benefit fraud);
* a provider of services and works who has not fulfilled his obligation to report the commencement of the independent operation of a business enterprise with a fixed place of business under Section 14 of the Trade Regulation Code or who has not acquired the necessary itinerant trade card pursuant to Section 55 of the Trade Regulation Code (violation of the Trade Regulation Code);
* a provider of services and works who, contrary to Section 1 of the Crafts Code, plies a craft trade that requires authorisation and does so as a stationary business without being entered in the register of craft businesses (violation of the Crafts Code).
1. Illegal employment

By contrast, illegal employment is:

* the employment of foreign nationals without the required residence or work permits and the employment of such foreign nationals on less favourable terms than comparable German workers (illegal employment of foreigners);
* employment without payment of minimum wage in accordance with the Minimum Wage Act, the Posted Workers Act or the Act on Temporary Employment Businesses, or without complying with the minimum conditions of employment set forth in the Posted Workers Act (for example, leave, holiday pay fund contributions)
* the illegal hiring out of workers to third parties (illegal hiring out of employees as temporary workers). The hiring out of workers is subject to authorisation. The hiring out of workers to a construction company is generally prohibited.

http://www.zoll.de/DE/Privatpersonen/Arbeit/Fragen-Antworten/fragen-antworten\_node.html

**Annex 14**

**Protection against dismissal and special restrictions**

Protection against dismissal

Employees in Germany are protected against unfair dismissal under the Protection against Dismissal Act and the general provisions of the German Civil Code.

The Act applies to the employment relationship of an employee when this exceeds six months at the time of notice of dismissal and the enterprise usually employs a workforce of more than ten, not counting trainees.

Section 1 protects employees against socially unfair dismissal. Under these provisions, a notice of dismissal by the employer is only socially justified and thus legally effective if it is due to the character or conduct of the employee or to pressing operational requirements precluding his/her continued employment in the company. In litigation against dismissal, the onus is on the employer to prove good grounds for the notice of dismissal.

Protection against dismissal in small enterprises

The Protection against Dismissal Act does not apply for small enterprises (with not more than ten employees). The employer may therefore give notice without being bound by the requisite grounds under the Act. Where applicable in the individual case, however, small enterprises are also subject to special provisions on protection against dismissal.

Minimum social protection against dismissal also applies for small enterprises. Under the jurisprudence of the FCC and the Federal Labour Court, the employer must ‘give minimum social consideration’ as required by Article 12 of the Basic Law. This minimum protection includes the prohibition of discriminatory dismissal (e.g. breaching the prohibition against discrimination on grounds of gender) and safeguards against exercising the right of dismissal in breach of ethical standards or in bad faith (Sections 242, 138 of the German Civil Code). Where a selection must be made among several employees, a dismissal infringes the precept of minimum social consideration if it is evident that the employer has continued to employ a far less vulnerable employee than the one dismissed. How far minimum social protection against dismissal applies in the individual case is a matter for the labour courts to decide.

Special restrictions on termination for certain categories of persons

In addition to the existing general employment protection, individual laws provide for special restrictions on termination for certain categories of persons whom the German legislature has deemed to be particularly vulnerable. The provisions that can be most frequently applied in practice are outlined below.

Section 9 of the Act on the Protection of Working Mothers prohibits the dismissal of pregnant women unless permission for the dismissal has been granted by the authorities. Special protection against dismissal is intended to safeguard female employees’ jobs as the source of their livelihood during pregnancy and after the birth of their child. The supreme *Land* authority responsible for occupational safety and health or an office designated by it may, as an exception in special cases which are not related to a woman’s condition during pregnancy or her situation during the first four months following the birth of her child, declare the termination to be permissible.

Section 18 of the Federal Parental Allowance and Parental Leave Act provides for a temporary ban on dismissals during parental leave, unless permission for the dismissal has been granted by the authorities. Parental leave is intended to enable working parents to personally care for and raise their children. The special protection against dismissal indirectly allows individuals to avail themselves of their entitlement to parental leave by preserving their employment relationship. In special cases a dismissal can, as an exception, be authorised. The supreme *Land* authority responsible for occupational safety and health or an office designated by it is responsible for declaring the permissibility of such dismissals.

Under Section 85 of the Ninth Book of the Social Code, an employer may dismiss an employee with severe disabilities only when the relevant integration office has issued its consent. As a result, the employer’s exercise of its right to terminate is subject to a prior administrative review in order to bring to bear disabled employees’ special interest in protection in advance of the termination. The special employment protection aims to cushion the disadvantages on the labour market that arise from the employee’s disability.

Section 5 of the Act on Care-giving Leave and Section 2 of the Act on Family Care Leave in conjunction with Section 5 of the Act on Care-giving Leave provide for special protection against unfair dismissal in cases where the employee takes care of close relatives with care needs. In exceptional cases, the supreme *Land* authority responsible for occupational safety and health can allow an employee’s termination upon application by the employer.

Under the binding rule laid down in Section 15 of the Act on the Protection against Unfair Dismissal, members of works councils or staff councils and the other office-holders and functionaries of the works constitution or staff representation bodies (such as members of electoral boards, candidates and election initiators) mentioned in this Act enjoy special protection against dismissal. This law bars ordinary terminations with notice as a rule. During certain periods of protection, office-holders and functionaries may be terminated without notice only with good cause.

**Annex 15**

**Exceptions to the Minimum Wage Act and the Minimum Wage Commission**

The only exceptions to the Minimum Wage Act are youth under 18 without a vocational training certificate and long-term unemployed persons in the first six months of their new employment. The exception for youth under 18 with no vocational training qualification is aimed at the sustainable integration of young people into the labour market. It ensures that employment at a minimum wage does not set an incentive to forego vocational training. On completion of lower secondary school, young people typically make major decisions affecting their subsequent occupational career. The intention of excepting the long-term unemployed in the first six months of their employment is to take special account of their employment prospects and help them find work again. They often face considerable difficulties when re-entering working life.

Every two years, the Minimum Wage Commission will decide on adjusting the general minimum wage, for the first time as of 1 January 2017. It made its first decision on raising the minimum wage on 28 June 2016, from previously EUR 8.50 to EUR 8.84 starting 1 January 2017. The Commission is made up of three representatives each from employer and employee umbrella federations, a chairperson and two academics with no right to vote. At the suggestion of the employer and employee federations, each is appointed by the Federal Government, which can make the adjustment proposed by the Minimum Wage Commission binding for all employers and employees by issuing an ordinance.

The Minimum Wage Commission makes a general assessment of what amount of minimum wage is appropriate to contribute to ensuring adequate minimum protection for employees and enabling fair and functioning competition conditions, while not endangering employment. It uses collectively-agreed wages as guidance for its decisions.

The MWA does not make distinctions in minimum wages based on specific family conditions or tailor them to the needs of an average-sized family. The minimum wage system aims at guaranteeing minimum protection for employees.

**Annex 16**

**Duration of unemployment benefit**

The duration of unemployment benefit depends upon the number of years of work that was subject to compulsory insurance and, where applicable, the individual’s age.

|  |  |  |
| --- | --- | --- |
| Jobs that were subject to compulsory insurance: total duration of ..... months | And after the age of ... years | ....... months |
| 12162024303648 | 505558 | 681012151824 |

**Annex 17**

**Individual benefits for children, youth and young adults**

Since 2011, there have been specific individual benefits for children, youth and young adults to support their education and participation. These are known as the Education Package and include EUR 100 a year for personal school items, payment of class excursions as well as the costs for possible necessary extra tuition. Up to EUR 10 a month is also available for participation in social and cultural community life. Where necessary, the benefits also include the actual costs for school transport with an own contribution of EUR 5 a month and the extra costs for school lunches with an own contribution of EUR 1 a day. These subsistence benefits help to ensure an adequate living standard.

Livelihood protection benefits are designed to meet all subsistence needs. Together with assistance for accommodation and heating and possible additional needs, selected one-off benefits and additional education and participation support for children and youth, basic needs assistance secures livelihood for a decent life.

**Annex 18**

**General information about income tax law**

German income tax law is however also based on the principle of taxation according to the individual’s economic and financial capacity (Article 3 of the Basic Law, principle of equality). The baseline is the taxable person’s income, including pensions from the statutory pension insurance system. The receipt of a pension increases the recipient’s financial capacity. All income is added together, regardless of the type of income, or whether the taxable person is self-employed, the income is from letting or leasing, or is a pension. The taxable person’s costs for ensuring their livelihood or the livelihood of their family are allowed as deductions. The resulting figure is the individual’s taxable income. This figure provides the basis for determining income tax according to the basic scale, whereby the basic income tax allowance of €8,652 (2016) that all taxable persons are granted remains untaxed. This means that €8,652 are not subject to taxation. Each euro above this amount is taxed at the rate of taxation applicable to the individual. This calculation of the income tax to be paid applies to every taxable person in accordance with the principle of equality.

**Annex 19**

**Legislative initiatives in the health system**

The financial basis of the statutory health insurance (SHI) scheme was strengthened for the long term by the Act to Further Improve the Financial Structure and Quality of the Statutory Health Insurance (*GKV-Finanzstruktur- und Qualitäts-Weiterentwicklungsgesetz*, GKV-FQWG), which entered into force on 1 January 2015. The general contribution rate was reduced to 14.6% and employers’ contributions were fixed at 7.3%. The health insurance funds are allowed to levy individual additional contributions. This intensifies competition for high-quality healthcare and encourages the economic use of contribution revenues. At the same time, the groundwork was laid for establishment of the Institute for Quality Assurance and Transparency in Healthcare (*Institut für Qualitätssicherung und Transparenz im Gesundheitswesen*, IQTIG) and thus for consistent quality orientation in medical care. Among other things, the Institute develops methods and instruments for the measurement and presentation of healthcare quality. This is a precondition for enabling patients, for example, to base their choice of hospital on transparent quality criteria.

The Act to Strengthen Care Provision in the Statutory Health Insurance System (*GKV-Versorgungsstärkungsgesetz*, GKV-VSG), which entered into force on 23 July 2015, further builds on the measures primarily strengthening medical care in rural regions introduced with the 2012 Act to Improve Health Care Structures in the Statutory Health Insurance System (*GKV-Versorgungsstrukturgesetz*, GKV-VStG). For example, targeted incentives are created for providers to locate in underserved or underdeveloped areas. To encourage providers to locate in such areas, the Act facilitates the establishment of a structural fund and increases the scope for providing support. It also adds to the options for establishing medical service centres. By establishing such centres, local authorities can take an active part in shaping healthcare, especially in rural regions. The regional associations of SHI-accredited physicians (*Kassenärztliche Vereinigungen*) are required to set up appointment service centres where insured persons with a referral from their general practitioner can normally obtain an appointment with a specialist within four weeks (no referral is required for appointments with gynaecologists or ophthalmologists). To improve psychotherapeutic care, the Federal Joint Committee (*Gemeinsamer Bundesausschuss*, B-GA) is mandated to revise its Psychotherapy Directive. In addition, the Act introduces improvements in hospital discharge management and expands disease management programmes.

The Act also includes a wide variety of further measures to improve patient care in Germany. These include the right to a structured second opinion in connection with certain frequently performed elective procedures. The care of people with disabilities is improved by authorising medical service centres to provide outpatient care for adults with intellectual disabilities or severe multiple disabilities. People in need of long-term care, people with disabilities and people with long-term ADL impairment are now entitled to preventive dentistry in order to improve preventive dental care among these groups.

A new innovation fund is able to provide up to €300 million a year from 2016 to 2019 for innovative, cross-sectoral forms of healthcare provision and for care research. Following an evaluation study, a decision will be made on whether to continue with the fund. The Act also simplifies the rules governing selective contracts (between individual health insurance funds and providers, as opposed to collective contracts between multiple funds and providers) and extends the scope for such contracts in order to boost competition for innovative and efficient forms of healthcare provision. All of these changes improve medical care and make for rapid and seamless treatment.

The Hospital Structures Act (*Krankenhausstrukturgesetz*, KHSG), which entered into force on 1 January 2016, further improves the framework for hospital provision to secure readily accessible, high-quality, patient-friendly hospital care in Germany into the future. The measures introduced in the Act aim to improve the quality of hospital care and the scope for hospitals to obtain funding, and to create incentives for hospital restructuring.

A nursing care support programme has been launched to improve bedside nursing care. Up to a total of €660 million in funding is allocated for the years 2016 to 2018. €330 million a year is available on a permanent basis from 2019. €500 million in additional remuneration for hospital care is to be replaced by additional remuneration for nursing care from 2017. This will be allocated in proportion to hospitals’ nursing staff costs, thus giving hospitals an incentive to retain sufficient nursing staff. An already established expert commission of practitioners, academics and self-government representatives has been given until no later than the end of 2017 to look into and make proposals on whether the DRG system or additional remuneration is better suited to adequately providing for the greater nursing care needs of dementia patients, people in need of long-term care and disabled patients along with general hospital nursing requirements. The hygiene support programme is to be continued and expanded. This allows more hygiene specialists to be hired and trained. If hospital cost increases resulting from collective bargaining agreements exceed the limit for price rises, half of the increase must be refunded in future by payers.

The quality of hospital care is to play an even greater part than before and to be subject to even stricter monitoring and systematic improvement. Quality is introduced as a criterion in hospital planning. Hospital remuneration is now partly based on quality factors, with service quality bonuses and penalties.

For the further development of hospital funding, the Act clarifies the conditions for the use of service guarantee incentives and additional remuneration for specific services. Hospitals that participate in providing emergency inpatient care receive additional remuneration according to the emergency structures they maintain. Additional remuneration can be agreed at short notice with individual hospitals for meeting the new structural and process quality requirements that follow from the Federal Joint Committee’s directives. The spread range of Länder-specific per-case base rates is being further narrowed starting in 2016, resulting in increases in those rates in many Länder during the year.

A structural fund is being set up to improve the structure of provision. A one-off amount of €500 million in funding is made available for this purpose from the Health Fund liquidity reserve. This funding is used to support Länder projects on condition that the Länder contribute the same amount. The maximum available funding is thus €1 billion. Hospitals receive the funding in addition to necessary investment funding from the Länder.

Hospitals also receive additional support in outpatient emergency care. To secure the provision of emergency service, the regional associations of SHI-accredited physicians are required to set up emergency practices run by SHI-accredited physicians as a first point of contact in or at hospitals (‘portal practices’) or to integrate hospital emergency outpatient units directly into the emergency service.

Patients who following a long stay in hospital or an outpatient operation temporarily need further care outside of hospital can claim short-term nursing care in a suitable facility as a new benefit provided by the statutory health insurance funds. There is also broader entitlement to at-home nursing care and home help. This closes provision gaps in instances where patients are not yet in need of long-term nursing care for the purposes of statutory long-term care insurance and are therefore not entitled to nursing care provision.

The Act to Improve Hospice and Palliative Care in Germany entered into force on 8 December 2015. The Act ensures that terminally ill and dying patients receive good medical and nursing care and are treated with dignity and humanity in the places where they spend the last phase of their lives, whether at home or in a nursing facility, hospital or hospice. To this end, it introduces specific improvements in statutory health insurance, statutory long-term care insurance and the hospitals system.

These include improvements in outpatient and specialised palliative care, increased financial support from the statutory health insurance scheme for outpatient and inpatient hospice care, targeted measures to promote networking and cooperation between the various hospice and palliative care services, and improvements in hospice and palliative care in institutional nursing care facilities and hospitals. Individual counselling and support services are being established to ensure that everyone receives the help and support they desire and need in the last phase of life.

The goal is to make hospice and palliative care available over as much of the country as possible, including in underdeveloped and rural regions.

**Annex 20**

**Revisions of Länder mental illness legislation**

|  |  |  |
| --- | --- | --- |
| **Land** | **Revision** | **Changes/notes** |
| Baden-Württemberg | Section 20 of Baden-Württemberg Act on Assistance for Mentally Ill Persons (*Psychisch-Kranken-Hilfe-Gesetz*, PsychKHG) entered into force on 1 January 2015. | Section 20 PsychKHG corresponds to the former Section 8 of the Baden-Württemberg Committal of Mentally Ill Persons Act (*Unterbringungsgesetz Baden-Württemberg*) as amended by the Act of 2 July 2013, implementing the Federal Constitutional Court decision of 12 October 2011 (2 BvR 633/11) in which the previous version of Section 8 (2) sentence 2 of the Committal Act was held to be unconstitutional. |
| Hamburg | Revision entered into force on 1 October 2013 |  |
| Mecklenburg-Western Pomerania | Section 26 of the Mecklenburg-Western Pomerania Act on Persons with Mental Illness (*Psychisch-Kranken-Gesetz Mecklenburg-Vorpommern*) revised on 14 July 2016 | Provision on compulsory treatment, implementing decisions of the Federal Constitutional Court (BVerfG) and Federal Court of Justice (BGH) (BVerfG NJW 2011, 2113; 2011, 3571; BGH NJW 2012, 2967) |
| Rhineland-Palatinate | Sections 17 and 20 of the Rhineland-Palatinate Act on Persons with Mental Illness (*Psychisch-Kranken-Gesetz Rheinland-Pfalz*) implemented on 27 May 2014 | Amendments on basis of Federal Constitutional Court decision of 23 March 2011 (2 BvR 882/09) |
| Saarland | No Act on Persons with Mental Illness (PsychKG), but Section 13 of the Committal of Mentally Ill Persons Act (*Unterbringungsgesetz*) amended on 9 April 2014 | Compulsory measures made subject to judicial approval; Federal Constitutional Court requirements implemented |
| Saxony | Revision entered into force on 31 August 2014 | Implementation of Federal Constitutional Court decision of 20 February 2013 (2 BvR 228/12) |
| Saxony-Anhalt | Revision at latest by end of 2018/start of 2019 | Main focus of revision: Compulsory medical treatment, state-wide expansion of municipal psychiatric services, enhancement of the rights of affected persons and deployment of psychiatry coordinators  |
| Schleswig-Holstein | Revision entered into force on 7 May 2015 | Federal Constitutional Court requirements implemented |
| Berlin | Revision entered into force on 17 June 2016 | Federal Constitutional Court requirements implemented in Berlin state law |
| Hesse | Currently under revision | Revised legislation given first reading on 15 September 2016 |

**Annex 21**

1. **Alcohol and tobacco consumption among children and adolescents**

Reducing alcohol abuse is one of the Federal Government’s most important health policy goals. A number of successes have been achieved in recent years. Alcohol consumption is falling overall, with regular (at least once weekly) alcohol consumption also in continuous decline among adolescents and young adults according to findings of the 2015 drug affinity study by the Federal Centre for Health Education (*Bundeszentrale für gesundheitliche Aufklärung*, BZgA). In the most recent survey, 10.0% of the 12-to-17 age group (2005: 18.6%) and 33.6% of the 18-to-25 age group (2005: 40.5%) stated that they regularly drink alcohol. About one in three 12-to-17-year-olds said that he or she has never drunk alcohol. The prevalence of binge drinking is also declining, although 15.9% of male and 12.5% of female adolescents stated that they drink until intoxicated at least once a month; the figures for 18-to-25-year-olds are 44.6% for male and 32.9% for female respondents. The number of adolescents taken into inpatient care with acute alcohol intoxication showed a gratifying decrease in the last two years.

The 2015 BZgA drug affinity study also shows declining numbers of children and adolescents smoking cigarettes. In 2001, no fewer than 27.5% of adolescents between the ages of 12 and 17 smoked; by 2015, this figure had decreased to 7.8%. The percentage of children and adolescents who have never smoked at all has steadily increased since 2001. Whereas 40.5% of adolescents between the ages of 12 and 17 stated in 2001 that they had never smoked, this figure had risen to as many as 79.1% by 2015. The prevalence rates have been lower in recent years than at any time in the more than 30-year observation period.

1. **Drug and addiction prevention projects for children and adolescents**

*Kinder stark machen* (‘Make children strong’)

The Federal Centre for Health Education (BZgA) is further expanding this primary prevention campaign. The basic idea and goal of the campaign is to boost self-esteem in children and adolescents, to promote their conflict resolution skills, and to help them realistically assess their own strengths and weaknesses so that they do not seek escape in the use of addictive substances when they encounter problems and difficulties. The campaign is primarily aimed at all adults who are responsible for children and adolescents and who influence the development of children and adolescents on account of their educating and example-setting roles. The campaign and its wide variety of products are mainly targeted at facilitators in sports, schools and child/adolescents welfare and also directly at parents and guardians with the aim of sensitising and winning them over to the idea of preventing addiction beginning at an early age. To enhance the campaign’s reach and lasting impact, BZgA has entered into partnership with large-membership sports organisations (the German Olympic Sports Confederation (DOSB), German Youth Sport Association (DSJ), German Football Association (DFB), German Athletics Federation (DTB), and German Handball Association (DHB) – each with their respective Länder-level associations – the German Youth Power Sports Association (DJK-Sportjugend), and the Länder-level youth sports associations and sports federations). In order to promote and support individual initiative, sports clubs themselves have increasingly been encouraged in recent years to engage in related activities themselves. The campaign products can be used by sports clubs, social amenities, schools and child daycare facilities, which are provided with packages of materials tailored for their target groups.

*Null Alkohol – Voll Power* (‘Zero alcohol – full power’)

The BZgA *Null Alkohol – Voll Power* campaign aims to inform adolescents between 12 and 16 about the risks of drinking alcohol and to encourage them to adopt a lifestyle without alcohol. It is particularly important to reach this age group before high-risk drinking patterns take hold. The focus is on communicating an attitude of keeping away from alcohol and postponing the time when adolescents first start drinking. A new product based on individual communication and using experiential education elements in school settings is currently under trial.

*Alkohol? Kenn Dein Limit.* (‘Alcohol? Know your limit.’)

The *Alkohol? Kenn Dein Limit* campaign targets adolescents and young adults and informs them about the health-damaging effects and addictive potential of alcohol. It communicates knowledge about alcohol consumption and presents alternative behaviours. The messages presented in the campaign are intended to trigger self-reflection and communication processes in the target group. The objective is to develop a critical attitude towards alcohol and ultimately to motivate young people to adopt a responsible approach to alcohol. Alongside mass-media communication using television and cinema commercials, the campaign notably aims to encourage knowledge sharing among adolescents themselves (peer education).

*Alkoholfrei Sport genießen* (‘Enjoy sports without alcohol’)

In the *Akoholfrei Sport genießen* project, the BZgA targets all adults who are responsible for children and adolescents. The focus is on the sports club setting. Alongside school and the parental home, sports clubs are an important element in the lives of children and adolescents. After all, over 70% of all children and adolescents voluntarily take part in a sports club or similar group at least at some time in their lives. In this setting, campaigns and messages aiming to prevent addiction are able to reach particularly large numbers of children and adolescents together with the adults they are in contact with. Under the banner of enjoying sport without alcohol, a broad alliance calls upon sports clubs to take part in the nationwide campaign with alcohol-free sports weekends, tournaments and other events. To recruit as many sports clubs as possible to the cause, an alliance with the main popular sports associations and federations was launched in April 2016 under the auspices of the Federal Drug Commissioner.

*HaLT – Hart am LimiT* (‘Close to the limit’)

Halt is an addiction prevention project consisting of two complementary, mutually reinforcing modules. In the reactive module, adolescents who have undergone inpatient treatment for alcohol poisoning are offered a counselling talk, usually while still in hospital. This individual counselling for affected adolescents (and their parents) is supplemented with eight-to-twelve-hour group sessions on high-risk alcohol consumption (www.halt-project.de). HaLT is now available at over 160 locations in 15 of the 16 Länder.

*‘rauchfrei’* (‘No smoking’)

*rauchfrei* is a tobacco prevention campaign carried out by BZgA. It is made up of two subcampaigns: one targeting children and adolescents aged between 12 and 17 and one aimed at adults. The youth campaign is designed as an information and communication campaign providing children and adolescents between the ages of 12 and 17 in Germany with useful knowledge about smoking and not smoking and encouraging this young target group to think self-critically about their own smoking habits. The BZgA thus attempts to educate young people with objective and age-appropriate information and to encourage them to opt for a life without smoking. The youth campaign is a multi-method campaign combining mass and individual communication measures with the use of the Internet and activities in cooperation with facilitators and other partners. Since 2003, the youth campaign has had a website, www.rauch-frei.info, that provides young people with age-appropriate information and interactive tools on the subject of not smoking. Various campaign products are provided for the school setting, such as youth film days and a participatory obstacle course game on tobacco and alcohol. Also noteworthy in this connection is a BZgA-funded inter-form competition called ‘Be Smart – Don’t Start’.

Reducing passive smoke exposure in children

Children and adolescents are especially vulnerable to involuntary inhalation of tobacco smoke. The Federal Ministry of Health therefore currently funds two projects to reduce passive smoke exposure in children: *Miteinander Rauchbelastung senken* (MIRAS – ‘Reducing smoke exposure together’) and *Kinder ohne Passivrauch* (KOPA – ‘Children without passive smoking’). The main aims of the projects are to develop education products for the target groups referred to and to propose ways of reaching the target groups. At the end of July 2016, the Federal Drug Commissioner additionally launched a campaign, *‘Rauchfrei unterwegs? – Selbstverständlich!’* (‘No smoking in the car? No question!’), in cooperation with a wide range of partner organisations. The campaign aims to protect children and adolescents from passive smoke exposure in cars and to sensitise parents to the subject.

www.drugcom.de

drugcom.de, an Internet project, is directed at adolescents and young adults and aims to prevent illegal drug abuse and dependence and to reduce adverse consequences of drug use. Following a ‘check yourself’ approach, drugcom.de is there to motivate young people to low-risk use of psychoactive substances and to support them in reducing or ceasing consumption. The website is primarily aimed at young people between the ages of 15 and 25 who have an affinity for drugs, meaning adolescents and young adults who have already gained experience with the use of illegal and legal drugs. Two self-tests – ‘Cannabis Check’ and ‘Check your Drinking’ – let users of the website check their own consumption habits. Users are given detailed feedback about their consumption habits and the associated potential health risks. A counselling programme called ‘Quit the Shit’ has been specially developed for cannabis users.

www.ins-netz-gehen.de

Many young people in Germany are attracted to computer games and the Internet. Most benefit from using them. Others, however, develop behavioural problems in relation to computer games and Internet usage. The BZgA Internet project www.ins-netz-gehen.de aims to promote sensible and responsible media use among children and adolescents between the ages of 12 to 18. An online behaviour change programme, *Das andere Leben* (‘The other life’) helps children and adolescents cut back problematic use patterns. In the school setting, a model project called *Die Net-Piloten* (‘The Net Pilots’) generates awareness among children and adolescents regarding responsible computer and Internet use.

**Annex 22**

**List of initiatives and material packages promoting healthy nutrition at schools**

Länder

|  |  |
| --- | --- |
| Baden-Württemberg | *Infodienst* newsletter (http://www.kultusportal-bw.de/,Lde/774741) |
| Bavaria | *Landesprogramm für die gute gesunde Schule Bayern* (Bavaria State programme for good healthy schools)(http://www.km.bayern.de/ministerium/schule-und-ausbildung/erziehung/gesundheitsfoerderung.html) |
| Berlin | *Landesprogramm für die gute gesunde Schule* (State programme for good healthy schools)(https://www.berlin.de/sen/bildung/besondere\_angebote/gute\_gesunde\_schule/landesprogramm\_gute\_gesunde\_schule.html) |
| Brandenburg | *Anschub-Transfer – Programm für die gute gesunde Schule* (Push start and transfer programme for good healthy schools)(http://bildungsserver.berlin-brandenburg.de/index.php?id=anschub\_transfer) |
| Lower Saxony | *Infoportal* (http://www.mk.niedersachsen.de/portal/live.php?navigation\_id=27893&article\_id=95716&\_psmand=8) |
| North Rhine-Westphalia | EU school milk programme (http://www.schulmilch.nrw.de/) |

Federal Government

|  |  |
| --- | --- |
| Federal Ministry of Food and Agriculture | National school meals days (annually since 2008) and many other activities (http://www.bmel.de/DE/Ernaehrung/GesundeErnaehrung/KitaSchule/kita-schule\_node.html) |
| Federal Centre for Health Education | Health and School (http://www.bzga.de/home/key-topics-and-fields-of-work/health-and-school/) |
| Federation of German Consumer Organisations | Schools consumer education portal (http://www.verbraucherbildung.de/) |

**Annex 23**

**Measures to improve school dropout rates**

* Strategy adopted by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (*Kultusministerkonferenz*, KMK) in 2010 to promote weaker-performing school students and significantly reduce the proportion not attaining a minimum ability level by the end of their school career.
* Gradual expansion of all-day schools with extended teaching hours and scope for individual intervention to improve the abilities of children and adolescents.
* The ability to obtain a lower secondary school-leaving certificate (*Hauptschulabschluss*) on a second-chance basis, for example in a vocational preparation scheme. These schemes enable young people with learning difficulties or from socially disadvantaged backgrounds – and also prospective apprentices who have not yet found a training place – to take a look at various occupations and cover parts of the first-year training curriculum. Since 1 January 2009, young people in need of support and lacking school-leaving qualifications have had a legal entitlement (under Section 53, sentence 1, of Book III of the Social Code (SGB III)), to prepare for obtaining a lower secondary school-leaving certificate or equivalent on a second-chance basis as part of a vocational preparation scheme. Some 31,500 young people obtained a lower secondary school-leaving certificate in this way between 2009 and 2014.
* Practical preparation for working life, primarily in the form of careers guidance at general education schools, and vocational orientation measures in cooperation with the Länder and the Federal Employment Agency.
* Federal initiatives such as *JUGEND STÄRKEN* (‘Strengthening Youth’) and *Neue Wege für Jungs* (‘New Paths for Boys’)
* Career entry mentoring. This is directed at weaker-performing school students who are likely to have problems obtaining a school-leaving qualification. The support continues for up to six months into vocational training. If the transition into training does not go smoothly, transitional mentoring can continue to be provided for up to 24 months. After a trial in 2012, career entry mentoring was added to Book III of the Social Code. It can be provided at general education schools provided that co-funding is secured. For the academic years 2014-2015 to 2018-2019, mentoring is co-funded by the European Social Fund. In total, mentoring is provided for some 113,000 students at about 3,000 schools.

**Annex 24**

**Selected resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (KMK) on human rights education in education plans**

* *Europabildung in der Schule* (Educating about Europe in schools, Resolution of 8 June 1978, amended 5 May 2008)
* *Stärkung der Demokratieerziehung* (Strengthening of democracy education, Resolution of 6 March 2009)
* *Empfehlung zur Nutzung des 9. November als Projekttag zur Auseinandersetzung mit der deutschen Geschichte im 20. Jahrhundert* (Recommendation on the use of 9 November as a project day to appraise German history in the 20th century, Resolution of 18 June 2009)
* *Empfehlung der Kultusministerkonferenz zur kulturellen Kinder- und Jugendbildung* (Recommendation of the Ministers of Education and Cultural Affairs on cultural education for children and young people, Resolution of 1 February 2007, amended 10 October 2013)
* *Interkulturelle Bildung und Erziehung in der Schule* (Intercultural education in schools, Resolution of 25 October 1996, amended 5 December 2013)
* *Erinnern für die Zukunft – Empfehlungen zur Erinnerungskultur als Gegenstand historisch-politischer Bildung in der Schule* (Remembering our past for our future: Recommendations for a culture of remembrance to form an object of historical and political education in schools, Resolution of 11 December 2014).

**Annex 25**

**Overview of current school-leaving qualification rates**

Between 2006 and 2012, the number of general school-leaving qualifications obtained at vocational schools increased by about 7% to nearly 300,000. In 2013, 42.4% of school students who moved up to upper secondary level aiming for a higher education entrance qualification attended a type of school other than a general education *Gymnasium* – primarily a *Berufliches Gymnasium/Fachgymnasium* (offering additional career-oriented subjects) or *Fachoberschule*, *Berufsoberschule* or *Technische Oberschule* (upper secondary schools preparing for specific forms of higher education entrance qualification).

Between 2006 and 2013, the percentage of the same-age population obtaining a *Hauptschulabschluss* (school-leaving certificate on completion of grade 9) went down from 27% to 22% in favour of the *Mittlerer Schulabschluss* (on completion of grade 10). The proportion of lower secondary school (*Hauptschule*) leavers obtaining the *Mittlerer Schulabschluss* went up in the same period by over 10 percentage points to 33%. The trend to higher school-leaving qualifications also continued at types of school offering multiple education pathways. In total, since 1992, the proportion of the same-age population qualified to enter higher education increased nationwide from 31% to 51.7% (2013, adjusted for double-size *Abitur* cohorts resulting from the shortening of *Abitur* programmes from 13 years to 12).

In 2013, a total of some 155,000 school students obtained a general or specialised higher education entrance qualification (*Hochschulreife* or *Fachhochschulreife*) at a vocational school (excluding those satisfying the general but not the vocational part of the *Fachhochschulreife*). This represents 18% of the same-age resident population, compared with 16.2% in 2006. Dual-qualification education pathways allow students to obtain a qualification to enter higher education together with a vocational qualification.

**Annex 26**

**Cultural education and the tasks and role of cultural policy in Germany**

1. Cultural education

Cultural education is a national responsibility that follows from the self-conception of the Federal Republic of Germany as a cultural state. As a result of the constitutional division of powers, the Länder and the municipalities account for the majority of activities in this area. This notably applies to cultural education in schools and other municipal amenities such as music schools, sociocultural centres and regional cultural establishments. The Federal Government nonetheless also carries responsibility for cultural education. The promotion of cultural education is primarily addressed with differing emphases by three arms of the Federal Government: The Federal Ministry of Education and Research (BMBF), the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the Federal Government Commissioner for Culture and the Media (BKM).

The BMBF supports innovative cultural education programmes, measures and competitions, notably relating to the onward evolution of gifted and talented education, intercultural education, and further training of artistic staff in cultural education. For the BMFSFJ, youth cultural education has the aim of shaping and securing positive living conditions for children and adolescents and a ‘culture of growing up’.

The work of the BKM is primarily focused on arts and culture education with an activating effect. This relates first of all to the BKM’s permanent grant recipients, who are urged to regard cultural education with an activating focus as an integral part of their public mandate. A further key area of activity consists of championing cultural education projects that serve as models for replication nationwide with the BKM *Preis Kulturelle Bildung* (Cultural Education Award) and by providing such projects with funding. A third focus area comprises networking with relevant parties, notably through the BKM-funded *Stiftung Genshagen* (Genshagen Foundation). The Federal Cultural Foundation, which is likewise funded by the BKM, additionally implements strategic, multi-year programmes in this focus area.

A central role is played by schools and other education institutions, for which cultural education is an essential part of their work. These contribute vitally to the emotional and social development of children and adolescents and towards their integration into society.

Extracurricular activities are a particularly important part of cultural education. Accordingly, under a funding programme that runs until 2017, the Federal Ministry of Education and Research (BMBF) supports cultural education projects that are launched, organised and carried out by education alliances. A total of 34 selected associations and initiatives have implemented the programme across Germany since 2013. Up to €230 million is provided to support the entire range of child and adolescent cultural education.

Cultural education is the keystone chapter of the 2012 report, *Bildung in Deutschland* (Education in Germany) compiled by an independent group of authors and co-funded by the BMBF and the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (KMK). In 2013, the KMK adopted a revision of its 2007 recommendation on cultural education for children and young people. In line with recent developments, the revised recommendation places greater focus on the topics of all-day schooling, cultural places as places of learning, inclusion, interculturality and participation, continuing and further education and training, and the establishment of cultural education as a cross-cutting subject in the school curriculum. Greater emphasis was also given to aspects relating to the interaction of schools, cultural institutions and extracurricular child and youth education.

2. Tasks and role of cultural policy in Germany

The overarching goal of cultural policy in Germany is to guarantee artistic freedom and ensure universal access to art and culture. Alongside the provision of a favourable legal framework for the arts, culture and the media, there are a wide variety of funding programmes and offerings. Cultural funding is regarded in this connection both as a means of promotion and an investment in the future. The constitutions of many of the German Länder contain provisions enshrining the protection and promotion of culture. Numerous cities, towns and municipalities in Germany have a diverse cultural scene that is accessible to a broad public. Without public funding for culture it would be impossible to maintain such a broad spectrum of cultural activities. Public expenditure on arts and culture reached €9.4 million in 2011. Municipalities accounted for 44.8% of this total, the Länder for 41.9% and Federal funding for 13.3%. Other funding providers include public and private foundations.

Public funding for culture gives special priority to underrepresented target groups and international cultural exchange. Cultural education is regarded by the Federal Government, the Länder and municipalities as a high-priority cross-cutting task and in many cases is allocated cross-departmental funding. A system of incentives and agreed targets between amenities/grant recipients and grant providers ensures that cultural education is also promoted as a major focus in the work of cultural amenities. The Länder provide the basis for early cultural education in schools for children and adolescents in curricula and in some cases in education plans. The objective is to enable universal participation in cultural life, to awaken children’s interest in art and culture from an early age and to nurture hidden talent. The Länder have a range of programmes for this purpose, some of which are also specifically targeted to promote intercultural encounters and partnerships. In the extramural context, cultural activities are fostered with substantial support for popular culture and with youth welfare and social work projects.

The Council of Europe conventions signed by Germany, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages provide the foundation for protecting and promoting the cultures of the national minorities living in Germany. These include the Sorbs in Saxony and Brandenburg, the Danish and Frisian minorities in Schleswig-Holstein and Lower Saxony, and the German Sinti and Roma living in several different Länder. These national minorities contribute towards cultural diversity in Germany. The Länder and the Federal Government support them in preserving their languages, cultures and traditions.

In 2011, within the framework of the KMK, the Länder adopted a set of guidelines on intercultural cultural work *(Handreichung interkulturelle Kulturarbeit*). These recommend that cultural policy practitioners in the Länder, municipalities and cultural amenities align their work to the de facto socioeconomic status of amenities’ catchment areas, demographic change, demographic heterogeneity, and cooperation based on dialogue with civil society. In a number of Länder, traditional forms of cultural amenities receive support in developing their intercultural focus; Länder-sponsored artistic productions and exhibitions at major venues are additionally subject to academic evaluation and appraisal. Länder-initiated and funded projects also encourage people with immigrant backgrounds to take greater part in cultural life.

Furthermore, the Länder attach great importance to implementation of the UN Convention on the Rights of Persons with Disabilities (CPRD) as a cross-cutting responsibility. Accordingly, there are a wide variety of funding programmes and projects to implement the right, enshrined in Article 30 CPRD, of persons with disabilities to take part in cultural life. Many of the Länder have already drawn up state action plans to implement the CPRD with clear commitments to inclusion and identifying targets and action areas. There is consensus that inclusion is about more than awareness of accessibility needs. A basic precondition for full accessibility and thus for a truly inclusive approach is the adoption of an inclusiveness mindset. In many cases, however, it is also essential to provide financial support, as funding is needed not only for structural modifications, but also for various kinds of supporting measures. Many amenities are already very active when it comes to making specific changes to provide physical accessibility. There are encouraging examples of inclusive work in the area of active participation – of true artistic involvement – especially in the performing arts and music. Continued efforts to enhance awareness are nonetheless considered necessary and receive support from policymakers. In 2015, at the instigation of the BKM, the *Netzwerk Kultur und Inklusion* (Culture and Inclusion Network) was established at Remscheid Academy for Arts Education. The network provides a platform for debate and for the ongoing development of thematic areas that follow from practical implementation of the CPRD in artistic and cultural areas in Germany.

Inclusion also involves sensitisation with a view to demographic factors. Many amenities – primarily museums – are already responding to the question of what cultural participation means in an ageing society with poorer vision and hearing, and likewise when it comes to responding to an increased prevalence of dementia.

**Annex 27**

**Addendum**

**Regarding Article 2**

***(Recommendation no. 14)***

Unemployment rates in eastern and western Germany

The different trends in western and eastern Germany are partly due to the fact that the labour supply has decreased in eastern Germany and increased in western Germany as a result of internal migration flows. In 2015, Germany’s unemployment rate fell once again. It is at its lowest level since 1991.

***(Recommendation no. 17)***

Unemployment of persons with disabilities

Measures to promote the employment of persons with disabilities

In addition, the Länder have various programmes which support measures to improve the employment and vocational training situation for persons with disabilities. In Saxony, for example, this takes place via the programmes developed by the Alliance to Promote the Employment of Persons with Disabilities, such as the labour market programme “We can do it” and other projects. See for further information: http://www.soziales.sachsen.de/arbeit-plus-behinderung.html; http://www.soziales.sachsen.de/7911.html.

***(Recommendation no. 26)***

Transsexual and intersex persons

Ensuring adequate protection of children with congenital variations in physical sex characteristics (intersex children) from irreversible operative and medication interventions

To obtain further qualitative and quantitative data on surgeries performed on children with congenital variations in physical sex characteristics (differences of sex development), and the attendant circumstances, the BMFSFJ has awarded a grant to the Ruhr-Universität Bochum to produce a secondary expert opinion on the “Prevalence of plastic surgery in childhood in the case of ‘intersex genitals’”. As the competent ministries for potential regulations to protect children’s welfare, the BMJV and the BMFSFJ have also sent a questionnaire to all hospitals in the German Hospital Directory. The results are not yet available.

Expansion of counselling and information services for intersex persons, their family members, the general public and specialist structures

The spring of 2016 saw the completion of “Psychosocial counselling of transgender and intersex persons and their family members. Guidelines for practitioners in pregnancy, sex, partnership and family planning counselling”, published by Pro Familia and funded by the BMFSFJ. They deal specifically with the possibilities and significance of peer counselling, i.e. people offering advice based on personal experience, and with how to approach situations in which a child’s welfare may be at risk. The publication is intended to support counselling services and providers in reaching out to transsexual and intersex persons and their family members with professionalism and empathy. In addition, individuals seeking advice are to be encouraged to discuss issues which concern them with family, parenting and social counselling services, for example.

**Regarding Article 6**

Public employment services have many statutory benefits at their disposal to help beneficiaries (re-)integrate into the labour market, including advice and job placement, activation and integration, the promotion of training and continuing vocational education and training, job opportunities, wage subsidies and services provided by local authorities (child care and psychosocial, addiction or debt counselling).

Measures for reducing unemployment among particular groups

Employment prospects for single parents and women

The Act on Reorganising Basic Provision for Jobseekers dated 3 August 2010 paved the way for appointing full-time officers for equal opportunities in the labour market in job centres, just as in employment agencies. Their prime task is to advise and assist executive and specialist personnel to apply the principle of gender equality to the labour market and discharge their statutory mandate to promote women’s development and the family and work balance when providing benefits.

Dual vocational training for the labour-market integration of young people

Young people can obtain assistance to be able to begin, continue or successfully complete in-company vocational training. The measures promoted go beyond the usual in-company and vocational school curricula, such as remedying language and educational deficits, promoting practical skills and providing socio-pedagogical support.

Youth with learning difficulties and social disadvantages who cannot take up in-company vocational training even with training assistance can obtain a vocational training qualification through extra-company training to facilitate their integration into employment. Priority is, however, always given to in-company training, which means that every effort is also undertaken during extra-company training to help the young person to make the transition to in-company training.

The programme “School Drop-Outs - A Second Chance” promoted by the Federal Government with finance from the ESF from 2008 to mid-2014, successfully (re-)integrated some 10,000 youth into school, prevocational training, vocational training or work (for more information on the programmes funded by the ESF, see information on Article 13).

To help younger adults without vocational training to obtain a qualification, the BMAS and the FEA started the joint initiative “Training works - Late-starters wanted” in February 2013.

The findings of the national Adult Education Survey in 2014 confirm the success of these measures. For the first time, participation in continuing education and training by 18 to 64-year-olds in 2014 amounted to 51 %, exceeding the 50 % target agreed in 2008. Although at 44 % semi-skilled and unskilled workers take part far less in continuing education and training, the increase by seven percentage points makes for a significant improvement.

Labour-market integration of older people

With the special programme (Standard instrument under Section 82 of Social Code Book III) “Continuing Vocational Education and Training for Low-Skilled Workers and Older Employees in Companies” the FEA promotes in-company continuing training for low-skilled workers and employees in SMEs to improve their skills and employability and to keep older personnel engaged in work for longer.

The Länder also make their contribution to supporting the integration of older people:

Together with business associations, trade unions and employment services, Bavaria, for example, has for almost five years been organising regular events and campaigns as part of the initiative “Older People at Work” to enable older employees to lead a long, healthy and motivated working life. Skills enhancement and lifelong learning play a pre-eminent role here. Moreover, Bavaria promotes projects for reintegrating and securing the employment of older employees with funds from the ESF and the Bavarian Labour Market Fund.

Combatting long-term unemployment

With great success in two pilot projects, Bavaria, has, for example, tried out a holistic approach that takes into account not just long-term unemployed persons, but also their dependent household. These successful pilot projects have made a substantial contribution to improving cross-sectoral cooperation among key benefit providers and major institutions under SCB II and to maximising its effect by extending it to include other labour-market actors.

**Regarding Article 7**

Workplace safety and health

Germany has diverse and effective occupational safety and health (OSH) rules. Grounded in public law, OSH places a statutory obligation on the employer to comply with legal provisions. It is largely subject to European and international standards.

The goal of ensuring workplace safety and health is pursued with specific measures for preventing workplace accidents, occupational diseases and workplace health hazards. These include efforts to adapt work to the worker. The employer is responsible for this at company level.

**Regarding Article 8**

***(Recommendation no. 20)***

The right of association and the collective agreement act

In Germany, the Basic Law guarantees the right of association to safeguard and improve working and economic conditions (Article 9(3) of the Basic Law), which applies for everyone and all occupations. Not only is the right to form a trade union guaranteed, but also the right to engage in related activities. This also holds internationally.

Owing to the constitutionally guaranteed right of free collective bargaining, it is in large part left up to the social partners in Germany to regulate the working conditions for their industries. Notwithstanding this, the legislator is also authorised to enact labour-law regulations.

The Collective Agreements Act regulates the details on collective bargaining parties and collective agreements and their effect. There are, however, no legal regulations on the criteria for founding a trade union, registration procedures, etc. Several trade unions can engage in activities within one enterprise. Of relevance here is the change effected through the Collective Agreement Unity Act of 2015 aimed at avoiding conflicts between collective agreements in a company if an employer is bound by the collective agreements of different trade unions which clash with one another.

Collective bargaining mechanisms and their impacts on workers’ rights

By virtue of the constitutionally guaranteed right of free collective bargaining in Germany, it is left up to the social partners to set procedures for collective bargaining.

Under the Collective Agreements Act, the arrangements in collective wage agreements pertaining to the contents, conclusion or termination of employment contracts always apply directly and with binding force between employers and employees that are party to them. If an employer is not bound by a collective wage agreement or an employee is not a member of the trade union party to a collective agreement, the substantive standards of the collective agreement can be given legal validity by making specific reference to these in the contract of employment.

For provisions made in the collective agreement on issues related to the workplace or the works constitution, it is enough for the employer to be bound by them. The efficacy of these standards does not depend on whether the agreement is binding for employees.

**Regarding Article 10**

***(Recommendation no. 23)***

Penal Code for sexual offences

The entire penal code for sexual offences – and here specifically the offences under GCC Section 176 (sexual abuse of children), Section 177 (sexual coercion; rape), Section 180 (encouragement of minors to engage in sexual activity) and Section 182 (sexual abuse of juveniles) – applies irrespective of whether the offender is a member of the victim's family. In addition, Section 174 of the GCC (sexual abuse of wards) also punishes engagement in a sexual act with persons under sixteen or with persons under eighteen who are in the offender's care, including parental care.

**Regarding Article 11**

***(Recommendation No. 9)***

Impact of agricultural and trade policy on the right to food

Germany is committed to achieving pro-development and WTO-compliant EU Economic Partnership Agreements (EPAs) that aim to help sustainable development and regional integration. In this context, Germany attaches primary importance to a comprehensive monitoring mechanism that regularly tracks the impact of the EPAs with regard to environmental, social and human rights standards. Through Aid for Trade programmes, Germany supports developing countries in promoting the implementation of the EPAs in the spirit of sustainable global trade.

**Annex 28**

**Footnotes**

1. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination, and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. The current system of financial equalisation is based on the Standards Act (Maßstäbegesetz) and the Financial Equalisation Act (Finanzausgleichsgesetz). Financial equalisation among the Länder is enshrined in Article 107 (2), first sentence, of the Basic Law (Grundgesetz).
3. German Ethics Council (2012).
4. Source: Federal Statistical Office (Statistisches Bundesamt) 2016.
5. Single parents made up 19% of family constellations in 2009.
6. Exclusive economic zone defined in the Maritime Labour Convention, which Germany adopted in 1994.
7. Source: Mischkowitz, Robert, New approaches to capturing "domestic violence" in police criminal statistics, Archiv für Wissenschaft und Praxis der sozialen Arbeit 4/2013, p.2, 7ff.
8. SCHUMANN, F., TAMMEN-PARR, G., LÖHMANNSRÖBEN, H., JAROSCH, R. A. (2011). Pflegeberatung ist Vertrauenssache. Heilberufe, 63(2), 24-25.
9. BÜSCHER, A., HOLLE, B., EMMERT, S., FRINGER, A. (2010). Häusliche Pflegeberatung für Geldleistungsbezieher in der Pflegeversicherung. Zeitschrift für Gerontologie und Geriatrie, 43(2), 103-110.
1. Kofinanzierung der Berufseinstiegsbegleitung. [↑](#footnote-ref-1)
2. IQ-Förderprogramm: Qualifizierungen für Migrantinnen und Migranten im Kontext des Anerkennungsgesetzes. [↑](#footnote-ref-2)
3. Berufsbezogene Sprachförderung für Menschen mit Migrationshintergrund. [↑](#footnote-ref-3)
4. ESF-Bundesprogramm zur Eingliederung langzeitarbeitsloser Leistungsberechtigter nach dem SGB II auf dem allgemeinen Arbeitsmarkt. [↑](#footnote-ref-4)
5. Fachkräfte sichern: weiter bilden und Gleichstellung fördern. [↑](#footnote-ref-5)
6. rückenwind - Für die Beschäftigten und Unternehmen in der Sozialwirtschaft. [↑](#footnote-ref-6)
7. Quereinstieg - Männer und Frauen in Kitas. [↑](#footnote-ref-7)
8. Perspektive Wiedereinstieg – Potenziale erschließen. [↑](#footnote-ref-8)
9. Stark im Beruf - Mütter mit Migrationshintergrund steigen ein. [↑](#footnote-ref-9)
10. Vereinbarkeit von Familie und Beruf gestalten – Familienfreundliche Arbeitswelt und Zeitsouveränität. [↑](#footnote-ref-10)
11. Elternchance II – Familien früh für Bildung gewinnen. [↑](#footnote-ref-11)
12. JUGEND STÄRKEN im Quartier. [↑](#footnote-ref-12)
13. Förderung unternehmerischen Know-hows. [↑](#footnote-ref-13)
14. Passgenaue Besetzung - Unterstützung von KMU bei der passgenauen Besetzung von Ausbildungsplätzen sowie bei der Integration von ausländischen Fachkräften. [↑](#footnote-ref-14)
15. Bildung integriert. [↑](#footnote-ref-15)
16. Bildungsprämie. [↑](#footnote-ref-16)
17. Digitale Medien in der beruflichen Bildung. [↑](#footnote-ref-17)
18. Bildung, Wirtschaft, Arbeit im Quartier (BIWAQ). [↑](#footnote-ref-18)
19. Berufsbildung für nachhaltige Entwicklung befördern.
Über grüne Schlüsselkompetenzen zu klima- und ressourcenschonendem Handeln im Beruf. [↑](#footnote-ref-19)
20. All unemployed persons relative to the following subcomponents of the reference value for calculating the official unemployment rate: employees subject to compulsory social insurance, civil servants and unemployed persons. The qualified reference value therefore does not include self-employed persons or persons who hold only marginal part-time jobs. [↑](#footnote-ref-20)
21. The number of unemployed severely disabled persons in the respective year relative to the number of severely disabled persons in dependent employment in the previous year (employees who are subject to compulsory social insurance, civil servants and unemployed persons).

There is no official unemployment rate for persons with severe disabilities. However, for an annual representation, the unemployment rates of persons with severe disabilities are calculated on the basis of qualified reference values. [↑](#footnote-ref-21)
22. Parents can receive a parental allowance for the child’s first 14 months of life, starting with the day of birth. In the case of children who were born on or after 1 July 2015, the duration of parental allowances can be extended through parental allowance ‘plus’. [↑](#footnote-ref-22)