Submission

Submission to the CCPR des Deutschen Gewerkschaftsbundes

Submission
by the German Trade Union Confederation (DGB)

addressed to the Human Rights Committee (CCPR) related to the
Seventh Periodic Report of Germany during the Committee's 130th Session

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INTRODUCTION

1 The German Trade Union Confederation (DGB) avails itself of the opportunity to provide the Human Rights Committee (CCPR) with additional information for its examination of the 7th Report of the German Government.

2 The DGB is the German trade union umbrella organisation composed of eight branch unions which cover all sectors of employment and represent more than 6,000,000 members all together. At international level, the DGB is affiliated to the International Trade Union Confederation (ITUC), the global union confederation, and at European level to the European Trade Union Confederation (ETUC).

3 This submission will address one issue only: The strike ban for civil servants[1] in general and in particular teachers who are mostly employed in this public law status as well as those postal and railway workers who still work as civil servants in privatised companies (art. 22 of the International Covenant on Civil and Political Rights (ICCPR)).

THE STRIKE BAN FOR ALL CIVIL SERVANTS (art. 22 ICCPR)

4 The issue of a strike ban for all civil servants in Germany is a long-standing problem in relation to the violation of international standards in general and the ICCPR in particular. The DGB and its affiliates, in particular the Education union (GEW) and the United Services Union (ver.di) have criticised this complete ban. In relation to the previous 6th Report of the German Government, the GEW had provided the CCPR with a parallel report to this end.[2]

5 Protected under article 22 ICCPR trade unions defend the rights and interests of their members irrespective of their legal status. To this end, the right to strike is one of, if not the most important means. Any restriction severely threatens and limits effective trade union activity. This is all the more the case if a whole category of workers, i.e. employed persons with civil servant status, is denied the right to strike (and the right to collective bargaining). This is the case in Germany.

CCPR's previous examination in relation to Germany

6 The strike ban for all civil servants in Germany is a longstanding issue for criticism by all relevant international supervisory bodies (see below paras. 9 ff.). It has also been dealt with

[1] On the basis of ILO terminology, the term 'civil servant' is used as translation of "Beamte" in German (see below the quotation in para. 15). For the purposes of these Observations, the reference to the term 'public servant' has the same meaning.

[2] Parallel Report submitted by the Gewerkschaft Erziehung und Wissenschaft (GEW), see https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/DEU/INT_CCPR_NGO_DEU_105_8527_E.doc [last accessed on 26 August 2020].

by the CCPR in its 'Concluding observations' concerning the 4th State Report of the Government of Germany. This ban has been criticised as follows:

> *"The Committee is concerned that there is an absolute ban on strikes by public servants who are not exercising authority in the name of the State and are not engaged in essential services, which may violate article 22 of the Covenant".*[3]

7 Against this background, the List of issues prior to reporting (LOIPR) for the 7th State Report contains the following request:

> *"Please explain the compatibility with the Covenant of the ban on striking for public sector workers, including for teachers employed as civil servants as endorsed by the Constitutional Court in June 2018, with the State party's obligations under article 22".*[4]

8 In response to the LOIPR, the State Report explains the Government's position as follows:

> *"In the view of the Federal Government, the ban on strike action for civil servants in Germany is in accordance with Article 22 of the Covenant as well as with the largely parallel Article 11 of the European Convention on Human Rights.*
>
> *The right to strike is only one of several key components of the freedom of association. Where, as is the case in Germany, other comparable means of participation and representation in the regulation of working conditions are provided, a ban on industrial action may be regarded as proportionate. The Federal Constitutional Court, in its judgment of 12 June 2018*[5]*, has dealt extensively with the case law of the ECHR on this matter and found that the ban on strike action for civil servants is compatible with the European Convention, and, by implication, with the Covenant. The Federal Government agrees with the conclusions of the Federal Constitutional Court. However, individual applications regarding this issue are pending before the ECHR and a decision is to be expected in due course".*[6]

International case law

9 Before dealing in detail with the situation in Germany against the background of article 22 ICCPR, it appears important to recall the international case law of the relevant supervisory bodies in the UN, ILO and Council of Europe (CoE).[7] However, in order not to repeat information which has already been brought to the CCPR's attention by the 'GEW Parallel Report' for its 105th and 106th Sessions in 2012[8] the following references will focus on later developments.

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[3] CCPR/C/79/Add 73, para. 18 (to emphasize every underlining in quotations is added).
[4] CCPR/C/DEU/QPR/7, para. 29.
[5] Originally part of the text: '(https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/ EN/2018/06/rs20180612_2bvr173812en.html, in English, margin no. 163 et seq.)'.
[6] CCPR/C/DEU/7, paras. 228 and 229.
[7] All international standards mentioned later have been ratified by Germany.
[8] See note 2, paras. 15 ff.

United Nations (UN)

10 The two Covenants recognise the right to freedom of association. Whereas the ICCPR provides for it in a general manner (article 22, see above), additionally the ICESCR recognises i.a. the right to strike explicitly (article 8(1)(d)). This situation has led both Committees to adopt jointly a 'Statement on freedom of association, including the right to form and join trade unions' at the occasion of the 2019 centenary of the ILO stressing i.a. the importance of the right to strike:

> *"The Committees recall that the right to strike is the corollary to the effective exercise of the freedom to form and join trade unions. Both Committees have sought to protect the right to strike in their review of the implementation by States parties of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights".*[9]

Human Rights Committee (CCPR)

11 From the outset, it might be recalled that the CCPR itself has confirmed its negative approach to the ban for civil servants to go on strike further in recent 'Concluding Observations' in relation e.g. to Estonia (2019):

> *"While welcoming the significantly lower number of civil servants affected by a prohibition of strike action following the amendments to the Civil Service Act in 2013, the Committee echoes the concern of the Committee on Economic, Social and Cultural Rights regarding the strike ban on civil servants under the Act (E/C.12/EST/CO/3, para. 26)".*[10] *[…].*
>
> *"The Committee reiterates the recommendation made by the Committee on Economic, Social and Cultural Rights (E/C.12/EST/CO/3, para. 27) that the Civil Service Act be reviewed with a view to allowing civil servants who do not provide essential services to exercise their right to strike".*[11] *[…].*

Committee on Economic, Social and Cultural Rights (CESCR)

12 More concretely, Article 8(1)(d) ICESCR provides explicitly for the right to strike. Accordingly, the CESCR hat dealt with the strike ban on civil servants in an important number of cases. As the example of Estonia demonstrates, the CCPR refers also to the case law of the CESCR. The latter has criticised strike ban on civil servants in relation to several countries amongst which Germany is specifically important:

13 In its recent 'Concluding Observations' the CESCR has confirmed its (continuously negative) assessment in relation to Germany (2018):

> **Right to strike of civil servants**
>
> *"The Committee remains concerned about the prohibition by the State party of strikes by all public servants with civil servant status, including schoolteachers with this status. This goes*

[9] E/C.12/66/5-CCPR/C/127/4, para. 4.
[10] CCPR/C/EST/CO/4, para. 31.
[11] CCPR/C/EST/CO/4, para. 32.

beyond the restrictions allowed under article 8 (2) of the Covenant, since not all civil servants can reasonably be deemed to be providers of an essential service (art. 8)".[12]

The Committee reiterates its previous recommendation (E/C.12/DEU/CO/5, para. 20) that the State party take measures to revise the scope of the category of essential services with a view to ensuring that all those civil servants whose services cannot reasonably be deemed as essential are entitled to their right to strike in accordance with article 8 of the Covenant and with the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)".[13]

International Labour Organisation (ILO)

14 The importance of ILO standards has been recognised in particular by the CESCR (see above). It should therefore be recalled that all ILO supervisory bodies have recognised the right to strike under the 'Freedom of Association and Protection of the Right to Organise Convention, 1948' (Convention No. 87).[14] The following Committees have elaborated a long-standing and detailed case law on this issue, in particular the right to strike of civil servants:

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

15 Regularly, the CEACR examines the application of Convention No. 87 also by Germany. It is clear from its longstanding case law that the right to strike has to be recognised to all civil servants who do not exercise authority in the name of the state.[15] In its most recent Observations in 2018[16] the CEACR noted with 'concern' the continuing denial of the right to strike for civil servants and requested once again i.a. 'to bring the legislation into full conformity with the Convention'. The following quotation shows the CEACR's detailed assessment finding once again a violation of article 3 of the Convention (while still awaiting the Federal Constitutional Court (FCC) judgment):

"The Committee recalls that it has been requesting for a number of years the adoption of measures to recognize the right of public servants who are not exercising authority in the name of the State to have recourse to strike action. In its previous observation, the Committee had noted with interest a ruling handed down by the Federal Administrative Court on 27 February 2014 holding that, given that the constitutional strike ban depends on the status group and is valid for all civil servants (Beamte) irrespective of their duties and responsibilities, there is a collision with the European Convention on Human Rights in the case of civil servants (Beamte) who are not active in genuinely sovereign domains

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[12] E/C.12/DEU/CO/6, para. 44.

[13] E/C.12/DEU/CO/6, para. 45.

[14] See for further details *Vogt/Bellace/Compa/Ewing/Hendy/Lörcher/Novitz*, The Right to Strike in International Law, Hart Publishing (Bloomsbury) 2020.

[15] Both, the CCPR and CESCR refer to 'essential services' in which the right to strike might be limited. The number of civil servants in these economic areas might even be lower than those 'not exercising authority in the name of the State'.

[16] International Labour Conference, 107th Session, 2018, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part A), see https://www.ilo.org/public/libdoc/ilo/P/09661/09661(2018-107-A).pdf [last accessed on 26 August 2020].

(hoheitliche Befugnisse), for instance teachers in public schools, and this collision should be solved by the federal legislator; and that, in the case of civil servants (Beamte) who exercise sovereign authority, there is no collision with the European Convention on Human Rights and thus no need for action. The Committee had further noted the Government's indication in this regard that, for civil servants (Beamte) not exercising sovereign authority, the legislator must bring about a balancing of the mutually exclusive legal positions under Article 33(5) of the Basic Law and the European Convention on Human Rights; that, in the meantime, the constitutional strike ban for civil servants (Beamte) remained in force; and that, given that union representatives would refer the matter to the Federal Constitutional Court and that two proceedings on the same subject matter were already pending before it, legislative measures should not forestall the clarification and resolution of the issues by that Court. In light of the above, the Committee had requested the Government to refrain in the future from imposing disciplinary sanctions against any civil servants not exercising authority in the name of the State who participate in peaceful strikes; and to engage in a comprehensive national dialogue with representative organizations in the public service with a view to exploring possible ways of bringing the legislation into conformity with the Convention. The Committee also requested the Government to provide information on any ruling handed down by the Federal Constitutional Court on the subject". […]

"The Committee notes with ***concern*** *that the more recent ruling of the Federal Administrative Court handed down on 26 February 2015 upholds the disciplinary action imposed on a teacher with civil servant status (Beamte) for having participated in industrial action. The Federal Administrative Court reiterates that the conflict between the general strike prohibition on civil servants who are not engaged in genuinely sovereign domains pursuant to Article 33(5) of the Basic Law and, on the other side, the right to freedom of association under Article 11 of the ECHR, can only be solved by the federal legislator and not by the tribunals.* ***Noting that the Federal Constitutional Court will soon decide on the constitutional complaint raised following the Federal Administrative Court judgment of 27 February 2014, the Committee requests the Government to provide a copy of that decision, as soon as it is handed down, as well as any other pending decision to be issued by the Federal Constitutional Court on the subject. In view of the collision ascertained by the Federal Administrative Court between Article 33(5) of the Basic Law and Article 11 of the ECHR, and in light of the persisting need highlighted by the Committee for many years to bring the legislation into full conformity with the Convention with regard to the same aspect, the Committee once again requests the Government to: (i) refrain, pending the relevant decision of the Federal Constitutional Court, from imposing disciplinary sanctions against civil servants not exercising authority in the name of the State (such as teachers, postal workers and railway employees) who participate in peaceful strikes; and (ii) to engage in a comprehensive national dialogue with representative organizations in the public service with a view to finding possible ways of aligning the legislation with the Convention".***

Committee on Freedom of Association (CFA)

16 The second important supervisory body specifically in relation to 'freedom of association' is the CFA. As no new developments have occurred since 2012 in relation to Germany[17] it

[17] See the references in the mentioned in the GEW Parallel report (2012) (supra, note 2) concerning the complaint jointly filed by the DGB and the German Education Union (GEW) on the strike ban for civil servants (CFA Report No. 277, Case No. 1528; Official Bulletin, Vol. LXXIV, 1991, Series B, No. 1).

might, nevertheless, be important to note that the general principle (together with the respective references) concerning the right to strike of civil servants may be found in the latest compilation of the CFA decisions in 2018:

> *" The Committee has stated on many occasions that strikes at the national level are legitimate in so far as they have economic and social objectives and not purely political ones; the prohibition of strikes could only be acceptable in the case of civil servants acting on behalf of the public authorities or of workers in essential services in the strict sense of the term, i.e. services whose interruption could endanger the life, personal safety or health of the whole or part of the population ".*[18] *[…]*

Council of Europe (CoE)

17 At European level, the CoE is the most important organisation defending human rights.

European Court of Human Rights (ECtHR)

18 In particular, the European Convention on Human Rights (ECHR) is generally considered as the most important and most effective human rights protection system in Europe in particular by virtue of the jurisprudence of the ECtHR. Therefore, it should be recalled[19] that the most significant Grand Chamber judgment has been delivered in the *Demir and Baykara* case[20] recognising the importance of international standards for the interpretation of the ECHR and, consequently as well as for the first time, guaranteeing the right to collective bargaining to civil servants as being protected under article 11 ECHR. Moreover, on this basis the Court expressly recognised the right to strike for civil servants as being included in article 11 of the Convention in its *Enerji Yapi-Yol Sen* judgment.[21]

19 As mentioned by the Government (see para 8) a number of applications against the judgment of the FCC have been filed against and – in the meantime – communicated to the Government.[22] Observations by the defendant German Government as well as reply observations by the applicants have already been brought to the attention of the Court. Therefore, the ECtHR will have to assess the situation mainly under Article 11 ECHR. However, looking at the usual length of proceedings before the ECtHR it might take still several years before a judgment will be delivered.

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[18] Compilation of decisions of the Committee on Freedom of Association (2018), see https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_632659.pdf [last accessed on 26 August 2020], para. 779.

[19] See for more detailed information the GEW Parallel Report (supra, note 2).

[20] *Demir and Baykara v. Turkey* [GC], no. 34503/97, 12 November 2008.

[21] *Enerji Yapi-Yol Sen v. Turkey*, no. 68959/01, 21 April 2009.

[22] *Humpert v. Germany* (and 3 other applications), no. 59433/18, communicated to the Government on 10 September 2019, http://hudoc.echr.coe.int/eng?i=001-196446 [last accessed on 26 August 2020].

European Committee of Social Rights (ECSR)

20 In respect of the Convention's counterpart, the European Social Charter (ESC) explicitly guarantees the right to strike in its article 6(4). The European Committee of Social Rights (ECSR) examined its application for the last time in 2018. Following its previous case law since Conclusions I (1969) and Conclusions (2010) on the situation in Germany[23] the strike ban was criticised once again in its most recent Conclusions (2018) in the following terms:

> *"The Committee recalls that the right to strike is one of the essential means available to workers and their organisations for the promotion and protection of their economic and social interests. In the light of Article 31 of the Charter, "the right to strike of certain categories of public servants may be restricted, in particular members of the police and armed forces, judges and senior civil servants. However, the denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter" (cf. Conclusions I (1969)). The Committee also notes that in the case of civil servants who are not exercising public authority, only a restriction can be justified, not an absolute ban (Conclusions XVII-1 (2005) Germany). According to these principles, all public servants who do not exercise authority in the name of the State should have recourse to strike action in defence of their interests".*[24]

Concerns

Current legal framework

21 The legal prohibition for civil servants to go on strike remains unchanged. Despite the violations of international instruments, especially of the ICCPR (see above para. 6), ICESCR (see above para. 13), ILO Convention No. 87 (see above paras. 14 and 16), ECHR (see above para. 17) and ESC (see above para. 20), the FCC denies the right to strike for civil servants in total. The same applies for the Government, who has defended this ban, now before the ECtHR.

22 Additionally, the Government fails to provide a legal justification for compliance with the ICCPR but, instead, relies only on the judgment of the FCC. This is all the more deplorable as the FCC's judgment did not respond in any way to the applicants' argument of non-compliance with international standards. They had referred to UN, ILO, Council of Europe (CoE) and European Union (EU) standards and related case law of the competent bodies. Amongst these references they drew particular attention to the ICCPR's case law.

Number of civil servants affected

23 The ban affects a significant number of persons. According to official statistics, out of the active population about 2,000,000 (2,007,000) are civil servants in the wide sense of the term.[25] More specifically in the public service, about 1,700,000 (1,703,200) are employed in

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[23] See e.g. Conclusions III (1973), Conclusions IV (1975), Conclusions V (1977), Conclusions VI (1979).

[24] Conclusions XXI-3 (2018).

[25] See below Annex 'Active population by economic sub-sectors and occupational status (2018)'.

this status.[26] Even focusing only on areas which cannot be considered as exercising authority in the name of the state still nearly 900,000 (890,640) are employed as civil servants.[27]

24 Among those persons, the civil servants in the education sector are of specific relevance. In particular teachers form the group which is usually – as the most relevant example – separated from civil servants exercising authority in the name of the state or being employed in essential services by international supervisory bodies (see above paras. 7, 13 (para. 44) and 15).

25 To this number,[28] however, at least about 80,000 civil servants have to be added who work outside of the public service i.e. for private enterprises.[29] These figures probably cover mainly the privatised sectors of postal and telecommunications services as well as the railway sector.[30] This form of employment separates them from 'general interest' obligations as basis for the public service and subordinates them in principle to private economic interest. A prohibition of the right to strike is by no means justifiable.

Consequences of the prohibition to go on strike

26 Any civil servant going on strike would be liable to disciplinary sanctions which have not only an immediate negative impact in relation to the procedure as such and its most likely financial sanctions but are – in the medium and long term – likely to i.a. hinder promotions. In case of repetition(s) the sanctions might even be much harder (possibly going up the termination of employment).

27 The negative consequences of the strike ban are also serious for the respective trade unions. They would not be able to rely on their membership to go on strike in case the trade union concerned would call a strike. In the ECtHR's words:

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[26] See below Annex 'Staff by type of employment contract (30 June 2019)'.

[27] See below Annex 'Staff governed by public law by areas of employment (30 June 2018)'; the main areas of civil servants not exercising authority of the state are highlighted in blue.

[28] As mentioned in para. 23 at the end.

[29] Production industries: 5,000 + Trade, hospitality and transport; information and communication: 72,000, see below Annex 'Active population by economic sub-sectors and occupational status (2018)'.

[30] About 66,500 in the private companies into which the postal services were transformed (*Loesche*, Beamte in Postnachfolgeunternehmen (14.7.2016), see https://de.statista.com/infografik/5264/beamte-postnachfolgeunternehmen/ [last accessed on 26 August 2020]) and 21,000 in the railway sector (Deutsche Bahn, Integrierter Bericht 2018, p. 197, see https://www.deutschebahn.com/resource/blob/1262994/03ad51fea71dba6b47749af14e3d416a/ib2018_dbkonzern_de-data.pdf [last accessed on 26 August 2020]).

> *"The Court considered that these sanctions were such as to discourage trade union members … from acting upon a legitimate wish to take part in such a day of strike action or other forms of action aimed at defending their affiliates' interests".*[31]

28 This enormously weakens the impact of the trade unions concerned when striving for the interests of their members. Moreover, in such a case the trade unions concerned would be held liable in damages. In the public service even more severe (administrative) prohibitions and sanctions would not be excluded. That is why there are not more examples of calls for strikes by civil servants.

Conclusions

29 The right to strike is one of if not the most important means for trade unions to strive for the interests of their members. It has been recognised by the CCPR that this right is included in article 22 ICCPR. This case-law is confirmed by all other international standards and bodies even in the case - as in article 22 CCPR - when the right to strike is not expressly mentioned in the relevant text guaranteeing the freedom of association. The last illustrative example is the new jurisprudence of the ECtHR. Concerning the ILO case-law, full account should be taken of article 22(3) CCPR stressing the importance of ILO standards as the minimum below which countries should not fall. In conclusion, the overwhelming criticisms by all international competent supervisory bodies show their deep concern with regard to the unprecedented denial of international obligations by the Federal Republic.

30 In denying all 2 million civil servants independently of their function and by not guaranteeing to right to strike to teachers irrespective of the status, Germany continues to fail to comply with the requirements of article 22 ICCPR.

31 However, such a statement would not be sufficient on its own. The legal value of the ICCPR in general and the CCPR's 'Concluding observations' in particular should be specifically addressed in relation to the internal German legal order. Otherwise, the German Government might continue to mainly ignore these international legal obligations.

Proposals for Recommendations

32 It is therefore suggested that the CCPR addresses Recommendations to the Government along the following lines.

33 Specifically on article 22:

> The Committee urges the Government to take all necessary measures to ensure that all those civil servants, whose services cannot reasonably be deemed as essential, are entitled to their right to strike in accordance with article 22 of the Covenant and the recommendation made by the Committee on Economic, Social and Cultural Rights (E/C.12/DEU/CO/6, para. 45) as well as in line with the International Labour

[31] *Enerji Yapi-Yol Sen v. Turkey*, no. 68959/01, 21 April 2009, para. 32.

Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention.

In particular the Committee urges the State party to refrain from imposing disciplinary sanctions against civil servants mentioned above (such as teachers, postal workers and railway employees) who participate in peaceful strikes.

34 Possibly as part of General Recommendations:

The State party should establish, in its legislation and its practice, sufficient legal guarantees to ensure in its domestic legal system the full protection of the rights enshrined in the Covenant. It should also establish a specific mechanism to give effect to the Committee's Concluding Observations.

The State party should: (a) ensure that the authorities at all levels are aware of the Committee's recommendations and guarantee their proper implementation; and (b) guarantee greater involvement of civil society and trade unions in the preparation and dissemination of its periodic reports and in the implementation of the Committee's Recommendations.

Moreover, it should step up efforts to raise awareness about the Covenant and ensure the availability of specific training on the Covenant at the state and Länder levels in particular for judges and lawyers.

ANNEX – STATISTICS ON THE EMPLOYMENT OF CIVIL SERVANTS

Active population by economic sub-sectors and occupational status (2018)[32]

2 ERWERBSTÄTIGE
2.3 Erwerbstätige nach Wirtschaftsunterbereichen und Stellung im Beruf
1 000

Civil servants

Wirtschaftsunterbereich 1)	Erwerbstätige insgesamt	Selbstständige			Unbez. mithelfende Familienangehörige	Beamte/Beamtinnen	Angestellte	Arbeiter/-innen	Auszubildende
		zusammen	ohne Beschäftigte(n)	mit Beschäftigte(n)					
	Insgesamt								
Land- und Forstwirtschaft; Fischerei	523	189	111	77	60	/	148	109	14
Produzierendes Gewerbe									
Bergbau und Verarbeitendes Gewerbe	8 063	289	121	168	9	5	4 837	2 612	310
Energie- und Wasserversorgung; Abfallentsorgung	571	15	7	8	/	/	410	127	18
Baugewerbe	2 821	467	220	248	6	/	1 266	936	142
Zusammen	11 455	771	348	424	16	9	6 513	3 675	471
Handel, Gastgewerbe und Verkehr; Information und Kommunikation									
Handel; Rep. v. KFZ; Gastgewerbe	7 410	698	270	428	37	/	5 237	1 124	310
Verkehr; Lagerei; Kommunikation	3 440	282	179	103	/	67	2 404	597	86
Zusammen	10 850	979	448	531	40	72	7 641	1 721	396
Sonstige Dienstleistungen									
Finanz- und Versicherungsdienstleistungen	1 254	130	80	50	/	17	1 049	14	42
Grundstücks- und Wohnungswesen; wirtschaftliche Dienstleistungen	4 686	875	530	345	11	26	3 071	581	123
Öffentliche Verwaltung u.ä.	2 883	X	X	X	X	1 124	1 560	132	67
Öffentliche und private Dienstleistungen	10 244	1 064	712	352	11	756	7 308	718	387
Zusammen	19 067	2 069	1 322	747	22	1 923	12 988	1 445	619
Insgesamt	41 895	4 009	2 229	1 779	139	2 007	27 289	6 951	1 500

1) Klassifikation der Wirtschaftszweige, Ausgabe 2008 (WZ 2008), Tiefengliederung für den Mikrozensus (siehe Anhang).

Staff by type of employment contract (30 June 2019)[33]

Staff by type of employment contract[34] (30 June 2019)

Type of employment contract	total	public officials and judges	professional and fixed-term soldiers	employees
	1,000			
Federal level	501.9	**185.2**	170.6	146.2
Länder level	2,460.5	**1,301.7**	X	1,158.8
Municipal level	1,556.4	**187.8**	X	1,368.7
Social insurance[1]	366.0	**28.6**	X	337.4

[32] https://www.destatis.de/DE/Themen/Arbeit/Arbeitsmarkt/Erwerbstaetigkeit/Publikationen/Downloads-Erwerbstaetigkeit/erwerbsbeteiligung-bevoelkung-2010410187004.pdf?__blob=publicationFile [last accessed on 26 August 2020].

[33] https://www.destatis.de/EN/Themes/Government/Public-Service/Tables/public-service-personnel-type-employment-contract.html [last accessed on 26 August 2020].

[34] In this official statistic, the term 'contract' should be replaced by 'status' because civil/public servants are not employed on the basis of a 'contract'; their status is defined by public law.

Staff by type of employment contract[34] (30 June 2019)

Type of employment contract	total	public officials and judges	professional and fixed-term soldiers	employees
	1,000			
Total	4,884.8	**1,703.2**	170.6	3,011.1

1: Including Federal Employment Agency.
X = Cell blocked for logical reasons.

- As at 04 August 2020[35]

[35] https://www.destatis.de/EN/Themes/Government/Public-Service/Tables/public-service-personnel-type-employment-contract.html; see for Public service personnel by functional area, 30 June 2019 (last accessed on 26 August 2020). https://www.destatis.de/EN/Themes/Government/Public-Service/Tables/public-service-personnel-functional-area.html [last accessed on 26 August 2020].

Staff governed by public law by areas of employment (30 June 2018)[36]

2.8.2 Beamte/Beamtinnen, Richter/-innen, Berufs- und Zeitsoldaten/-soldatinnen am 30.06.2018 nach Aufgabenbereichen und Beschäftigungsbereichen

Aufgabenbereich (Haushaltssystematik 2012)	Insgesamt	Bundes-bereich	Landes-bereich	kommunaler Bereich	Sozial-versicherung [1]
Insgesamt	1 855 615	351 035	1 287 480	187 600	29 495
Allgemeine Dienste	966 600	301 490	545 830	119 280	X
Politische Führung und zentrale Verwaltung	150 545	21 630	60 695	68 220	X
Auswärtige Angelegenheiten	2 905	2 865	35	X	X
Verteidigung	190 440	190 440	X	X	X
Öffentliche Sicherheit und Ordnung	344 930	44 415	249 480	51 035	X
dar. Polizei	280 445	42 205	238 240	X	X
Rechtsschutz	118 075	3 115	114 955	X	X
Finanzverwaltung	159 705	39 020	120 660	21	X
Bildungswesen, Wissenschaft, Forschung, kulturelle Angelegenheiten	719 075	3 410	702 220	13 440	X
dar.: Allgemeinbildende und berufliche Schulen	638 785	0	628 220	10 565	X
Hochschulen	58 720	485	58 235	X	X
Soziale Sicherung, Familie und Jugend, Arbeitsmarktpolitik	68 660	2 505	6 505	30 150	29 495
dar. Kindertagesbetreuung nach dem SGB VIII	1 625	0	140	1 480	X
Gesundheit, Umwelt, Sport und Erholung	14 255	1 795	7 080	5 380	X
dar. Krankenhäuser und Heilstätten	975	0	155	820	X
Wohnungswesen, Städtebau, Raumordnung u. kommun. Gemeinschaftsdienste	18 275	0	6 810	11 470	X
Ernährung, Landwirtschaft und Forsten	14 225	285	12 110	1 830	X
Energie- und Wasserwirtschaft, Gewerbe, Dienstleistungen	14 865	8 355	2 630	3 880	X
Verkehrs- und Nachrichtenwesen	38 010	32 005	3 870	2 135	X
Finanzwirtschaft	1 650	1 195	430	30	X

Civil servants employed in areas not exercising authority in the name of the state

[36] https://www.destatis.de/DE/Themen/Staat/Oeffentlicher-Dienst/Publikationen/Downloads-Oeffentlicher-Dienst/personal-oeffentlicher-dienst-2140600187004.pdf?__blob=publicationFile [last accessed on 26 August 2020].