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The policy framework in Hamburg

FLAWS: Impact of local welfare systems on female labour force participation and social cohesion

FLAWS Working Paper

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Aalborg 2014

ISSN 2246-4840

About the FLOWS project:

The FLOWS project has been funded under the EU FP7 program, grant Agreement no: 266806. The project started January 1 2011 and ended April 30 2014.

The FLOWS project analyses the causes and effects of women's labour market integration, which is an issue that represents a major challenge for the European Union and its member states, and is supposedly also a precondition for the sustainability of the European social model. The overall aim is to analyse (1) how local welfare systems support women's labour market participation, as well as (2) the extent to which (and under which conditions) female labour market integration has contributed to the strengthening social cohesion. The project focuses on how public and private welfare services such as care and lifelong learning intended to support women's labour market integration have been designed; on how women of different classes, qualifications, ethnicities, and geographical locations have grasped and made use of such policies, and on how the increase in women's labour market integration has affected structures of inequality and social cohesion.

The study is based on in-depth analysis of eleven cities, i.e. one city in eleven different countries. The cities/countries are: Brno/Czech Republic, Aalborg/Denmark, Tartu/Estonia, Jyväskylä/Finland, Nantes/France, Hamburg/Germany, Székesfehérvár/Hungary, Dublin/Ireland, Bologna/Italy, Terrassa/Spain, and Leeds/UK.

The FLOWS project is composed by 6 academic work packages:

WP 1: Degree and structures of women's labour market integration

WP 2: Local production systems

WP 3: The local welfare system

WP 4: Local policy formation/local political actors

WP 5: Survey questionnaire

WP 6: Women's decision making

WP 7: Social structures: cohesion or cleavages and segregation

This working paper series reports work conducted in the seven work packages.

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1. Introduction

This report investigates the legal framework and the governance in the city of Hamburg for the policy fields of child care, elderly care and lifelong learning. The aim is to analyse these policies in regard to possible effects on female labour force participation. In the analysis, we will take three perspectives in which policies can be effective in this regard:

1. To what extent is the role of the carer constructed as family-based (usually to be performed by women)?
2. To what extent is care work professionalised?
3. What are the legal opportunities for women to participate in lifelong learning?

We will sketch at first the legal framework at the national level looking at relevant government documents, legislation and government activity in regard to action plans. The next step in part three includes an overview of the governance system at Hamburg level. Based on that, we will analyse how this governance system produced adaptations of national law on the local level. We will analyse the legal administration and provision in regard to the policy fields at the local level of child care, elderly care and lifelong learning.

As most of the data in the FLOWS-project is related women's employment in 2010 or earlier, we are going to focus on governmental periods before 2011. We analysed the time from 2001-2010 in which three different governments worked. This period however is rather special for Hamburg. First because none of these governments were formed with the social democrats (SPD) whose were able to be participate in Hamburg governments since the end of second world war and second because in 2008 for first time in German history, a conservative party formed a coalition with the Green Party. This led to new policies, for example in the area of schooling. The experiment did not last long (until November 2010), but since the following social-democratic government began to work only in February 2011, it is still a relevant and potentially influential episode.

In regard to the question given in the template, to what degree policies support or restrain female labour force participation, we find that the policy framework in Germany is quite contradictory. While gender equality laws, employment and child care policies have developed towards supporting the employment of women and especially young mothers, the field of elderly care organizes care as rather family-based, so that women with caring responsibilities for older people, mainly women aged 50+, are restrained from joining the labour force. In lifelong learning special support for parents and women has been reduced. It will be a task of this report to analyse how far these contradictions also prevail on local level.

In Germany, many policy-making competences are devolved to the federal states. This concerns especially the field of education and previously also policies of child care and elderly care. However, in recent years some tendencies of nationalization have occurred: for example, with the introduction of the long-term-care insurance in 1995/96 elderly care was nationally regulated. Also, with the Hartz-Reforms in 2005 municipalities previously responsible for social assistance have to cooperate with the national employment agency. However, in all of these cases there are clauses for local adaptation or joint measures between national and local agencies. It will be a task of this report to uncover the room for local action and the degree to which this has been used to broaden or narrow national policy.

2. Legal framework

2.1. National framework supporting or restraining women’s labour force participation (A1)

In this part we analyse the legal framework on the national level for three policy areas: child care, elderly care and lifelong learning. Women’s decisions on labour force participation are influenced not only by values and role models, but also by manifest institutional regulations that support or restrain the labour force participation of women. These concern especially the legal framework of the social security system, the tax system or gender equality laws, but also laws on care and learning. Table 1 shows the relevant regulations for the given policy areas.

Table 1: Contents of policy and their regulations in Germany.

Policy Area	Content to be regulated	Regulation
Child care	<ul style="list-style-type: none"> • Day-care schemes (access, degree, quality), parental leaves (generosity, duration), definition of “unavailable for the labour market”,. • Age distinctions: 0-3, 3-6 (school entry age), 6-12 	<ul style="list-style-type: none"> • KiföG (Child promotion law) • BEEG (Parental Leave Law) • SGB VIII (Social Security Code - Child and Youth Support Law) • KibeG • SGB II (Basic Income Law, for long-term unemployed or persons distant from the labour market, ALG II) • SGB III (Unemployment Insurance, ALG I) • Gesetz zur steuerlichen

		Förderung von Wachstum und Beschäftigung (Law on promotion of growth and employment via taxes)
Elderly care	Public care schemes (access, degree, quality), care compensation (generosity, duration) & social security during care activities	<ul style="list-style-type: none"> • SGB XI (Social Care Insurance) • Heimgesetz (National Law on institutional care/Institutional Homes Act) • HmbWBG (Hamburg Law on Care and Living Quality) • Pflegezeitgesetz (Law on Time for Elderly Care) • Pflegeweiterentwicklungsgesetz (Law on developing Elderly Care)
Lifelong learning	Access and affordability, policies targeted at women, partnerships and cooperation, women-friendly policies, labour market services for mothers of young children or for re-entry of mothers with older children.	<ul style="list-style-type: none"> • Qualification Initiative (BMBF) • Berufsbildungsgesetz (BBiG – Law on Vocational Training) • Social Security Code II & III (SGB - Services for the unemployed) • Aufstiegsfortbildungsförderungsgesetz (AFBG - Law on advanced training for furthering the career) • Berufsausbildungsvorbereitungs-Bescheinigungsverordnung (Decree on Certificates for Preparation of Vocational Training)

Source: Own compilation based on templates of WP 3 & 4.

Overall the legal framework in Germany is quite contradictory. There is no coherent understanding on the role of family-based care across the different regulations.

Child Care

As far as child care is concerned, the guiding principle in German policy regulation is the age of the child. For the youngest children the mother or parent is still seen to be the first choice for care. Regulation during this time is mainly concerned with the social security of the caring parent (BEEG). During the first year a young mother has incentives to leave the labour market, as this allows her to receive 67% of her former income whilst spending time with her child. Care during this time is clearly constructed as family-based. Furthermore, the main part of the "Elterngeld" (parental compensation) is expected to be taken by women (12 months as compared to the minimum of 2 months for fathers, § 4, 2 BEEG). This makes even those women a risk for employers, who do not have a child yet.

On the other hand, women, who would want to work during the first year of parenthood, do have a right to public care and are not restrained from joining the labour market, at least not in a legal sense. Although only children between three years and school entry age are guaranteed access to child care, the municipalities are obliged to hold public care capacities for children below the age of three years (until recently the common year for child care entry). However, access to these capacities depends on special circumstances, for example working times of the parents, a clear need of a disadvantaged child or something similar (§ 24 SGB VIII). The actual capacities at the local level, however, do not necessarily reflect these needs (see section 4).

In 2008 a big policy change took place: In the future, children between one and three years of age do not need to fulfil these special requirements anymore in order to be able to access day-care. From 2013 onwards all children above the age of one have a social right to day-care. This development closes a gap in provision between periods of parental leave during the first year and guaranteed access to child care only at age three. In order to ensure the development of relevant day-care capacity the Ministry for Family, Seniors, Women and Youth (BMFSFJ) released four billion Euro. However, this has not yet led to a significant increase of child care (Süddeutsche Zeitung 07.11.2011). The goal of 35 % coverage is far from being reached in most municipalities (DESTATIS, 2011).

This development of increasing day-care capacities was hotly debated in the German public. Conservatives did not like the idea to put children in day-care from year one and argued that this is unfair to parents, who choose to take care of their children themselves. In order to pass the law, the government suggested a supplementary transfer for these parents of 150,- € per month ("Betreuungsgeld"). But childhood experts warn that this development might endanger the

education of disadvantaged children, as parents with a low income usually opt for monetary benefits if possible (DJI, 2008).

As far as the quality of day-care is concerned there is a specific difference between different kinds of offers. In recent years, day-care developed into a field where formal institutions like kindergartens (so called "kita") compete with more informal offers of so called „day-parents“ (child minder). These day-parents are often women with children, who offer to take care of some other children during the day. This offer is quite attractive to working parents as it is often a lot more flexible than institutional day-care. However, differences exist in regard to the qualification of the staff: whereas the law requires kitas to employ qualified employees (usually trained in education or child care), day-parents only need to prove that they have the necessary skills. To prove these skills these parents could attend a course on day-care or do "something else relevant to the field" (§ 43, Abs. 2 SGB VIII). This definition is criticized as being too broad (DJI, 2008). On the other hand, parents like this kind of care, which is usually performed in a home of another mother, because it is very close to care in a family.

Apart from this major difference between different types of child care, the quality of institutional child care in Germany is quite coherently organized. While the national law of SGB VIII states that the local administration is supposed to cooperate with and engage existing institutions, which can have very diverse backgrounds, these institutions need to fulfil a number of criteria (§ 74 SGB VIII). The six major charity organisations (Diakonie, Caritas, Paritätischer Wohlfahrtsverband, Arbeiterwohlfahrt, Deutsches Rotes Kreuz and Jüdische Gemeinde) usually provide such services and they have been accredited due to the fact that they often provide qualified care based on religious or humanist beliefs with non-profit purposes. Other organizations can cooperate as well, if they can deliver substantiated proof that they fulfil these criteria, too. Apart from providing non-profit quality care, it is required that these institutions work in an economical manner.

According to § 78b SGB VIII the local administration is to set up framework agreements in regard to quality of provision and prices to be charged for this. Only accredited institutions, i.e. institutions that enter or comply with these agreements, will get public financial support. Parents can be asked to contribute to the financing, however, policy-makers on the local level are asked to consider a differentiated price structure, for example in regard to income or number of children (§ 90 SGB VIII). Furthermore, income protection is applied in the same way as it is in social assistance (§§ 82-85 SGB XII). Therefore income that does not exceed the lump sum paid in social assistance plus the sum needed to pay rent is exempted from the contribution regulation. These contributions can be a crucial factor for women, when making a decision about work. As women work often part-time or in lower paid jobs, quite a large part of their income may have to

be invested in child care, so that the pay-off is quite slim. However, since 2006 these costs can be deducted from tax contributions, the pay-off therefore also depends on the taxes paid.

Another important factor influencing the decision between labour force participation and child care is regulated by social security laws in relation to unemployment. In recent years unemployed persons have come under a lot of pressure to participate in the labour market (Eichhorst et al., 2008, Fleckenstein, 2008). However, the pressure on parents to participate in the labour market is less strong and differs between insurance and assistance schemes. In the reformed social assistance scheme (ALG II introduced through the Hartz-Reforms in 2005) parents of children below the age of three are not expected to work (§ 10 SGB II). If the child is older than three, parents can decline work offers that are unsuitable for them in regard to working times and travel. However, recipients of unemployment insurance (ALG I) are expected to search work for at least 15 hours per week, as soon as the period of protection after birth ("Mutterschutz" about six weeks) is over. If these parents decide to look only for specific work offers, their transfers maybe cut to some extent (Jaehring, 2009). Overall, social assistance is more oriented towards family-based care, at least during the first three years of childhood and in regard to lone parents. Unemployment insurance, on the other hand, offers strong incentives for women to join the labour force.

Elderly Care

Until the early 1990s, the care of elderly people in the former West German state had essentially been organized as unpaid family care, and for this reason the classification of the German welfare state in this respect as a 'conservative welfare regime' in Esping-Andersen (1999), and as a 'political regime strongly oriented towards the male breadwinner' in Lewis & Ostner (1994) was fully accurate. Care in residential homes played a secondary role by comparison (Alber & Schölkopf, 1999). In the former East-German state also, elderly care was mainly based on unpaid family care – despite the orientation on a dual-earner family model (Heusinger & Klünder 2005: 69; Naegele & Dallinger 1993: 308).

With the 'Long-Term Care Insurance Act' implemented in 1995/96, the German welfare state for the first time defined care for senior citizens as a task for the central state, and a new social insurance was established that finances a universal basic provision for those in need of care on the basis of contributions from everyone in gainful employment. An important goal of this was to make it possible for old people in need of care to live a self-determined life in a private household. The Long-Term Care Insurance Act (SGB IX) also introduced such elements as the market and 'consumer choice' into the organization of care. Also, on the basis of the financing of ambulant professional care by the long-term care insurance fund, the emergence of a broad sector of

publicly financed providers in the field of ambulant care was encouraged (Schulz-Nieswandt, Mann & Sauer, 2010).

Old people only have the right to receive paid care if they can prove that they have a physical need for it through illness or disability (§ 14 Abs. 1 SGB XI). Those who meet the rather tight selection criteria receive a care allowance that mainly covers only actual physical health care, and as long as they are not very seriously ill. They must themselves organize other items such as housework. Therefore, most recipients are still dependent on the additional support of family members, if they want to live in their own households.

Old people who need care can choose between various providers of care: service agencies run by local authorities or non-profit organizations, as well as commercial providers. They also can claim care from family members such as spouses, partners, daughters and sons, and social networks. All these types of care are publicly paid to a certain degree. Payment of the care allowance is made by the care insurance to the service agency if the care receiver has opted for care by an agency. The amount that is paid by the care insurance differs according to which of the three 'care levels' the person in need of care has been assigned to, i.e. according to the extent of that person's requirements. If a person in need of care opts for an ambulant care service, the long-term care insurance fund pays a lump sum to the care service. This should cover a particular period of time for care per day. A lump sum of € 420 (care-level 1), € 980 (care-level 2) or € 1,470 (care-level 3) is guaranteed per month (Deutscher Bundestag, 2008 SGB XI).

If a family member provides the care however, the care allowance is considerably lower, and it is not paid directly to the family caregiver, but to the person in need of care – this constitutes a system of 'routed wages' (Ungerson, 2005). Payments to family members involved in care are from € 225 per month (care-level 1) to € 430 per month (care-level 2) and € 685 per month (care-level 3) (§ 37 Abs.1 SGB XI).¹ Also, the old person who receives care has the freedom to decide to forward parts or all of these funds to the caring relative, or not at all. All things considered, family-based care is supported by the law. The remunerations are low, because it is assumed that a family-member will do some tasks for free. The aim of the law was more to stabilize family care and to avoid a 'run for residential care' (Rothgang 1997) than to set incentives of going to work. Therefore, this law does neither support nor restrain women from labour market participation:

¹ It is also possible for the person in need of care to transfer the benefits from the care insurance into a 'personal budget' account, from which he or she 'buys' care work (§ 35 a SGB XI). In practice this solution is rather similar to the direct payments made by the care insurance.

while it offers some compensation for staying at home, this is certainly not comparable with a full-time wage.

The decision on agency care or family care – but not the choice of a specific family member – is binding for the person in need of care for a time period of six months. This means that the person who receives care can dissolve at any time after these six months the care relationship with the relative. If a family member is providing care, an official inspection of the care situation and the person providing the care takes place once the care period starts. This is the only time an inspection of the specific care situation in the family takes place.

As we have mentioned above, caring family members can get payment for their care work. This pay is defined as some 'financial compensation for effort' paid for certain categories of otherwise unpaid voluntary work (cf. Pfau-Effinger *et al.* 2009). This corresponds to a payment of between 4 and 5 Euros per hour for the average amount of time a caring family member spends on care. However, the caring relative does not have a legal right to get paid for her or his care work. Instead, the care receiver is free in the decision to keep the money or forward it to the caring relative; there is no obligation to pay, and the way he or she uses it is not monitored.

Family members who provide care at least 14 hours per week in the framework of the Care Insurance Law have the option to be included in the pension system for the time periods in which they provide long-term care (§ 19 SGB XI). They are also covered by insurance against accidents at the workplace (§ 44 Abs. 1 Satz 4 SGB XI, Hervh).¹ On the other hand they have neither the right to be covered by public health insurance nor by unemployment insurance, even though the care relationship can end anytime when the care recipient moves into any kind of home, dies, or just decides on a different care giver. Even though the person in need of care is bound to the decision for family care or agency care for six months (§ 38 SGB XI), this does not mean that she or he is obliged to maintain the relationship with a specific person during this time.

And though a family member who cares for an older relative who receives the care allowance enters into a legal relationship with the care recipient, in this regard the law explicitly mentions that caring family members do not have a position as 'employees', that their pay does not have the character of wages, and that their relationship with the care receiver who pays them does not have the character of an employment relationship (§ 3 S 2 SGB VI; Krauskopf Soziale Krankenversicherung, Pflegeversicherung, 71 Ergänzungslieferung 2010 Randnummer 4 zu § 19 SGB XI). The care relationship is also not based on any written contract. This means that family members who care for a frail older relative do not have any of the rights usually connected with an employment contract, like protection against unfair dismissal. They do have a right to four weeks' leave from the care situation in case they are sick, or for holidays, but they do not receive pay for

this time off. During these four weeks, the Care Insurance pays for substitute care from another family member or a care agency (§ 39 SGB XI). The unpaid time for holidays of four weeks is reduced by each day the care giver is sick and cannot work. This means that only healthy family carers have the full right to four weeks' unpaid holidays. Again, this confirms the idea that family care is no real alternative to employment on the labor market.

Independent of SGB XI, there is a state programme for elder care leave from regular jobs in firms. People who temporarily care for an older family member can take unpaid care leave from the firm where they are normally employed. During this leave the worker's job is protected; dismissal is not possible. There are two different leave plans for persons who provide care for relatives: the 'care holiday' (*Pflegeurlaub*) and the 'caring time' (*Pflegezeit*). The 'care holiday' comprises a maximum of ten working days and can be paid time if this is permitted by collective bargaining agreements. The leave for care as 'caring time' is unpaid and can last a maximum of six months. The option is limited to employees of firms with a size of more than 15 employees. During the leave the job is protected: dismissal is not possible (§ 5 and § 7 Pflegezeitgesetz). It is also possible for employed people to reduce their usual working hours over a longer period, maybe even several years, if they have been employed at least six months in the firm, if the employer does not object for economic reasons, and if the firm has more than 15 employees (§ 11 Teilzeit- und Befristungsgesetz)².

Lifelong Learning

Lifelong learning in the German context is understood as an increasing responsibility of the individual learner to coordinate and control processes of continual learning throughout the life course (ForumBildung, 2001). In 2001 the Ministry for Education and Research (BMBF) published a memorandum on lifelong learning pronouncing the following objectives in order to strengthen lifelong learning in German society: promote self-responsibility, reduce inequalities in regard to opportunities, increase cooperation between services and users, increase relationships between different paths of education. Gender equality in this regard is seen as a cross-task for all these areas, but projects related specifically to the goal of keeping young mothers qualified and in touch with the labour market could get special funding. One solution identified in the memorandum is the development of information and communication technology and their potential to provide family-friendly working spaces.

² Teilzeit- und Befristungsgesetz vom 21. Dezember 2000 (BGBl. I S. 1966), last change by Artikel 1, 19. April 2007 (BGBl. I S. 538)

In 2008 the national government launched another qualification initiative, which is to promote lifelong learning and learning mobility (BMBF, 2008). Part of this initiative, with investments of 11 billion Euros, is to promote career opportunities for women. Universities that can prove a substantiated plan for gender equality will be able to get start funding, when they employ a female professor. Furthermore about 3 million Euros are devoted to interesting women in technical jobs, so called MINT-Jobs (BMBF, 2008: 21-22). These include mathematics, computer science, natural sciences and technology. In a similar vein, a pilot project was introduced in order to retrain women that return to the labour market after child birth, mainly in subjects such as electrical engineering, engine construction and computer sciences. Finally, a program was launched to convince employers and institutions of the strategic importance to promote a family-friendly working environment (BMBF, 2008: 22-23). Child care in the work space, family-friendly working times and tele-working are some of the elements, which are considered as helpful.

At the moment, vocational education is regulated in cooperation by the Ministry for Education and Research and the Ministry for Economy and Technology, which decide for each vocation by decree on the necessary qualifications, certificates and methods of advanced trainings. In most cases, however, these decisions are devolved to so called “competent authorities” (“zuständige Stelle”). These authorities are bodies of business, commerce, crafts or social services, which are closer to the vocational reality than the ministries. These bodies are often organized at Länder-Level. Therefore in Hamburg, the Handels- or Handwerkskammer (commerce or crafts chamber) is responsible for training in jobs related to these fields.

After this initial education period it is possible to participate in advanced education or additional vocational training. For the first kind of education, so called “Weiterbildung”, employees are to get paid leave for about 5 days per year. Therefore this kind of education addresses more short-term concerns in vocational training rather than long-term career advancement. Since the ILO convention on educational leave in 1974 the German government has not taken any action in this field. Accordingly in this area, the legislative competence is then devolved to the Länder. Most of them have issued laws introducing such kinds of leave and Hamburg was one of the first to do so.

Additional vocational training, so called “Fortbildung”, means advanced vocational training and can also take place at a later stage in life. It usually includes a step on the career ladder with better pay. For this area, the “Aufstiegsfortbildungsgesetz” (Law on Career Promotion) was introduced. According to this law, participation in a course to achieve a higher degree in vocational training (note: not degrees in academic training) is financially supported by a contribution to course fees and living costs. In order to be eligible for funding, such program needs to entail at least 400 hours of teaching as well as 25 hours of teaching during 4 week-days to be completed within 36 months (§ 2, 3 AFBG). Part-time training is possible, if at least 400 hours of

teaching are to be completed within 48 months with 150 hours of teaching during an 8-month time frame. Furthermore, the course needs to be in line with the requirements of the competent authorities or other nationally regulated training decrees in relation to the desired vocation. However, this law entails no specific rules concerning the education or training of women.

There is also funding for more short-term programs, for example with the so called "Bildungsprämie", a voucher for participation in advanced training. As part of the big qualification initiative launched by the national government in 2008, this premium is paid to employees saving money to participate in advanced education. If an employee saves up to 154 € per year, the government will add the same sum on top of these savings in order to fund training. This instrument is funded through the European Structural Fund (ESF).

For persons taking part in measures preparing vocational training the law on vocational training requires educational institutions to provide them with certificates, which prove the degree and steps of preparative training (§ 69 BBiG). A decree on preparative training (BAVBVO) specifies the requirements for such certificates. Apart from general requirements in regard to data concerning the institution and the trainee, more specific information is needed on contents and components of learning. For example, it needs to be clearly stated how the contents in a given training component relate to parts of the content of a certain vocation. Furthermore, it is necessary to state the way, in which the acquisition of skills has been assessed (§ 3 BAVBVO).

Unemployed persons are not eligible to receive funding for "Fortbildung" on the grounds of the Law for Career Promotion. However, advanced training and vocational training are part of active labour market policies in the frame of SGB III. This law states that instruments based on these policies should take into account the living situation and time frame of women and men, who care for another person (old or young, § 8 SGB III). Furthermore, persons returning to the labour market after a period of care are to be supported financially in regard to training. This regulation is a step backwards as the previous laws (before the Hartz-Reform in 2005) did guarantee persons returning to the labour market the right to training, whereas now this is left to discretion of the case manager.

2.2. Main governmental document (A2)

Although the template asked for one main policy document only we decide to analyse two coalition agreements on the national level in order to provide a more time differentiated view on these documents. We have selected two coalition agreements: first the coalition agreement of 2002 between socio-democratic party and greens. This coalition held until 2005 and was replaced by a so called great coalition between Christian Union and Social-democrats (2005-2009).

Main concerns of the coalition agreements:

- 2002 eight big topics: creating of jobs and economic growth; further building up of the eastern part of Germany; children friendliness country and education for all; ecological modernization and consumer protection; solidarity policy and renewal of the welfare state; gender equality; safety tolerance and democracy; fair globalization – Germany in Europe
- 2005: nine big topics: more chances for innovation and work, welfare and participation; consolidation of public finances and future oriented tax system; progress in building up the eastern part of Germany; making social security dependable and fair; enhancing the room for manoeuvre for the state; family friendly society, liveable Germany; safety for citizens; Germany as responsible partner in Europe and the world

In respect to the three policy field child and elderly care as well as lifelong learning the overall aim to create jobs and reduce unemployment can be seen in all three fields but the focus clearly lies more on the development of child care policies and to some extent on lifelong learning but not in elderly care. Both coalition agreements explicitly mentioned the Lisbon target of at least 60 % of women's labour market participation and aimed to realise the principle 'same salary for same work' and a rise of the low rate of self-employed women. The coalition agreement between the SPD and the Greens (2002) explicitly mentioned the gender mainstreaming as method to better implement § 3 Grundgesetz (constitution) in the public administration on the national level.

Child Care Policies

The coalition agreement of 2002 promises to develop the infrastructure not only for children in preschool age but also for children until 16 by the creation of 10.000 all day schools (four billion Euro from 2003-2007 planned). For children below three a care quota of at least 20% should be provided in every federal state (Bundesland) without touching the already high coverage in the eastern states. For this program the coalition promised to provided 1,5 billion € per year since 2004 to the municipalities. Also was planned to check how the costs for child care for the families could be reduced by a tax reform. They also wanted to check how Kindergartens could become more effective in preschool education. All these plans and instruments aimed on the reduction of the care burden of families and an rising female labour market participation but also on enhancing the possibilities for families to choose between a more labour oriented or a more care oriented life.

The coalition agreement of 2005 also promised to further develop the child care infrastructure by planning of 230.000 additional day care places (Betreuungsplätze) for children in preschool age and to enhance the care quality and preschool education. The coalition also promised to promote a free last year in the day care facilities (Kindergarten) for all children in all federal states although this lies in the competence of the federal states (not yet accomplished in all federal states. The childcare possibilities were planned to meet the demand for children below three until 2010 – but this aim has not been complied yet. It also wanted to extend private day care possibilities

(Tagespflege) as well as to promote company kindergartens. As for the child care costs the coalition promised to introduce the 'Elterngeld' by 2007 a tax financed income replacement for parents which should cover 67 % of the former income (max. 1800 €) for 12 month but social benefits were to be taken into account.

Elderly care Policies

The coalition followed the path created by the long-term care insurance introduced in 1995/95. The aims were rather unambitious and promised only to enhance quality and the strengthening of the user role – a longstanding topic in this field. It promised nothing to ease the care burden of families except for the implementation of a high court judgment on the distribution of care cost for the family.

The coalition agreement of 2005 did not much in elderly care policies in respect to women's participation in the labour markets neither. It only promised to improve quality and to strengthen the principle 'ambulant before residential care'.

Life-long learning

About lifelong learning with not much is said in this coalition agreement. Only an training called 'Aktiv-Plus' program for the long-term unemployment was about to be implemented and the rate of women in research and university education was aimed to enhance. This somehow surprising finding seems to fit in the job strategy of the government nevertheless since the great reform of the labour legislation (the so called Hartz legislation) – which was implemented in these government period aimed more on creation of low level jobs than on high skilled ones. On the other hand the coalition aimed to raise the expenses on research and the increase of females in research and university education.

The coalition agreement of 2005 aimed to improve the working situation for elderly workers in general by a bundle of measures like trainings on the job, more flexible working time etc. but of course it did not aim especially on women.

2.3. National Action Plan of social inclusion or ESF-Programmes (A3)

The recent "National Strategy Report on Social Protection and Social Inclusion 2008-2010" (NSR) lists the increase of female employment as one success for Germany. This success is being explained by referring to increased opportunities to work part-time, which means that clearly the main view on female employment in Germany is that women only want to work part-time in order to be able to combine work and family life. At the same time, the new parental leave compensation ("Elterngeld") is seen as a success to support employed parents in the starting phase of parenthood. As far as child care is concerned the report acknowledges that there is a

gap for children below age of three. For children above three years of age, however, the European target of 90% coverage is almost reached (89,3%). For children of school age the report mentions the goal of “all-day-schools”, which offer programs for children in the afternoon. Such schools have been promoted by the national government with an investment program from 2003-2009. Furthermore, for young parents in vocational training or education, a new child care transfer has been introduced.

As far as lifelong learning is concerned, the report lists a number of successes: According to this, the number of places in vocational training had reached the second highest since 1990 in 2007. A special focus was placed on the training of migrants (sometimes outside the labour market) and on young recipients of social assistance with special labour market barriers. For unemployed persons below the age of 25, who have been unemployed for more than 6 months, a so called “qualification subsidy” has been introduced. This subsidy is paid to employers, who employ the person whilst training them at the same time. One example is the so called “introductory qualification”, which is used to prepare participation in vocational training and which can last for 12 months. Furthermore, a program funded by the European Structural Fund (ESF) was launched called “JOBSTARTER”. This helped fund about 11.700 training positions in regions hit hard by unemployment. The report also mentions a program for modular training during parental leave, which is being tested in Mecklenburg-Pomerania. This program aims at qualifying young mothers to continue their work or even promote their career during parenthood.

For advanced education the government formulated a goal of increasing participation from 43% to 50% until 2015. One instrument to achieve this is the so above mentioned “premium on advanced education” (“Weiterbildungsprämie”), which is paid to employees saving money to participate in advanced education.

For elderly care, the report lists solidarity, distributive justice and access to quality services as common European goals. In view of the report, the “Pflegezeitgesetz” is one step in this direction, as it allows close family to be able to take care of someone for the time frame of 6 months. Furthermore, the report emphasizes the aim to offer services in the home or home-like situations as an instrument to improve quality. In regard to achieve better services the Pflegeweiterentwicklungsgesetz is supposed to incrementally broaden the definition of necessary services for the different stages of care need. From 2009 onwards, additional “Pflegestützpunkte” (Care Service Points) are introduced that should offer information for the elderly and their relatives of how to find and organize care. Overall, family-based care is emphasized.

3. Governance System (C)

Germany is a federal state with three political layers: national state, federal state and municipalities. Hamburg, however, is a federal state and a municipality in one. So this part of the report concentrates mainly on the legal distribution of competences between the national and the federal level in Hamburg itself.

The constitution gives legislative power to the national state as well as to the federal states and in many cases the national state needs the agreement of the federal council (Bundesrat) – the so called ‘joint decision making’ (see eg. Scharpf 2009). On the national level the federal constitutional court is an important veto player, too, because its task is to supervise and interpret the constitution. But for the purpose of this report we will not discuss the complete pattern of distribution of responsibilities and veto-points but concentrate mainly on the three policy fields of interest. For general understanding it seems to be note worth to mention some basic points. The distribution of legislative competences in some cases are given by the constitution explicitly to the national state (eg. Defense) and in some cases explicitly to the federal states (eg. almost all education policy). But in the many cases where is no explicit national or federal competence three types of ‘competitive legislation’ (konkurrierende Gesetzgebung) exist: first, the national state takes action without additional conditions; second the national state has the legislative power in those cases in which a national interest is to be seen or the imperative of equal life conditions (§§ 72; 106 GG) is concerned by the regulation, third the national state might formulate a legislation but the federal states can deviate (as we have it here in the case of the Hamburg Law on Care and Living Quality which replaces the Institutional Homes Act (HeimGesetz)). But in most cases of competitive legislation the national law overrules the legislation of the federal states.

Since Hamburg is a federal state it has its own constitution and therefore it has not only a parliament (Bürgerschaft) as legislative, a government (Senat) with the chief mayor as its head and an administration as executive but also a constitutional court (Hamburgisches Verfassungsgericht) as judicial power. Within the legislative process usually a lot of actors participate on all political levels. In Hamburg in the three fields of interest here usually not only politics and administration but also the social partners and other interest groups take part in the agenda setting, policy formulation as well as in the implementation of these policies. In the administrative process three departments are of particular importance:

- BASFI (Behörde für Arbeit, Soziales, Familie und Integration – Authority for Employment, Social Affairs, Family and Integration)
- BWI (Behörde für Wirtschaft, Verkehr und Innovation – Authority for Economy, Traffic and Innovation)

- BSB (Behörde für Schule und Berufsbildung – Authority for Education and Vocational Training)

We will elaborate this in more detail in the case studies.

In **child care**, except for the KibeG which is a local adaptation of the laws mentioned in table 1, are national laws requiring approval of the Bundesrat. For the implementation in Hamburg the main political responsible is the committee for family, children and youth (Familien-, Kinder- und Jugendausschuss), which needs – as it is in all fields regarded – to cooperate with different committees (eg. the for social affairs, work and integration; budget etc.), administrative departments, especially the BASFI (Behörde für Arbeit, Soziales, Familie und Integration – Authority for Employment, Social Affairs, Family and Integration) and the local social partnerships like providers or interest representations.

Before 1995/96 **elderly care** was regulated mainly by the federal and municipal level who accordingly to the social aid act were obliged to pay the care for those people in need who could not afford it. With the implementation of the long-term care in 1995/96 the national state took over the main responsibility. Although the federal states and the municipalities remained responsible for the local care infrastructure (§ 9 SGB XI) an agreement of the federal states to the law and its changes in the federal chamber (Bundesrat) is necessary. In the implementation the committee for health is mainly political responsible actor and the BASFI the central administrative actor.

Educational policies and so called **life-long learning** also are explicitly in the competence of the federal states. In Hamburg the committee for social affairs, work and integration is primarily responsible for life-long learning policies but also the BWI and the BSB are involved here. Main social partners are business representatives as well as unions.

4. Local administration and overview of provision (D)

4.1. Local policy documents (B)

Although the template asked for one main policy document only we decide to analyse three coalition agreements on the national level in order to provide a more time differentiated view on these documents. In general Hamburg has a long standing socio-democratic tradition. Since 1953 social democrats (SPD) were in every government until 2001 and had to be in opposition until 2011 when they could regain absolute majority in the city parliament (Bürgerschaft). This should be kept in mind because it makes our research period here, from 2001 to 2009, somewhat atypical for Hamburg. We have selected three coalition agreements: first the coalition agreement of 2001 between the Christian Democratic Union (CDU), the Free Democrat Liberal Party (FDP) and the

Party Constitutional State Offensive (Partei Rechtsstaatlicher Offensive) – a local law and order party which existed between 2000 and 2007 only. This coalition broke down in 2004 and the Christian Democratic Union managed it to get an absolute majority in the re-elections in 2004. Here we refer on the governmental declaration and the governmental program. In 2008 the elections the Christian Democratic Union lost their majority and needed to form a coalition, which was formed with the Green Party (Bündnis 90/Die Grünen) – a national novelty. But also this coalition did not hold a complete parliamentary term (four years) and the social democrats gained an absolute majority in the re-elections in 2011.

Main concerns of the coalition agreements:

- 2001 18 big topics: school; universities and universities of applied sciences; inner security (innere Sicherheit); judiciary; juvenile courts (Jugendgerichtsbarkeit); penitentiary system (Strafvollzug); economy; traffic; urban development and construction (Stadtentwicklung und Bau); environment; health, drugs, social affairs (Soziales); family; sport; culture; city districts (Bezirke); budget;
- 2004: 16 big topics: metropolis Hamburg – growing city; Hamburg - cosmopolitan city; strengthen northern Germany – shaping the metropolitan region; solid budgetary policy safes the city's future; Hamburg sets standards in educational policy; growth needs science; extending Hamburg as cultural metropolis; strengthening industrial location – fostering employment; urban development on future (Stadtentwicklung auf Zukunftskurs); mobility for the metropolis; sustainable environmental policy for a green city on the waterfront; Hamburg safe; strengthen Hamburg as health care location; Hamburg as sport city; Hamburg as modern service provider;
- 2008: nine big topics: child care, school, education; culture, creative economy and science; economy and environment; traffic urban development and sport; social affairs and diversity; domestic policies (Inneres) and judiciary; civic rights and constitution; city districts, Europe and international relations; budget and finances;

The different topics and their positioning within the governmental programmes already show how the governments tried to emphasize certain points: the first coalition compounded a strong law and order orientation with a neoliberal economic policy. The CDU-government focussed on its concept of a growing city but combined with support for women's employment by extending child care possibilities. The CDU/Green Party coalition tried to combine economic development with environmental protection and to implement new accents in gender mainstreaming particularly in the university policies and to become the German region with the highest female start-up rate. But nevertheless in all analysed governmental programmes it can be seen that the local politics saw economic growth (maybe the least in the last coalition agreement) as a necessary condition for urban development and the creation of jobs one of the most urgent pressure. This can also be seen in the goals and measures in respect to the three policy field child and elderly care as well as lifelong learning the overall aim to. Although in different quality. The clear focus is on

developing child care services by which young mothers profit most. In this respect we can see similar developments on the national as well on the local level. The aims and measures towards life-long learning are not so well developed and of course do not explicitly aim towards fostering female employment. In the field of elderly care not much happened during the time period analysed here –as well quite similar to the national level. Gender mainstreaming as an aim is most prominent in the last coalition agreement between CDU and Greens where it has its own minor topic in the science topic (gender equality in scientific stuff) but in the other two governmental programmes it not so well developed.

Child Care Policies

The coalition formed by **CDU, FDP and Party Constitutional State Offensive (2001 -2004)** declared the upbringing of children as the primary task of the parents although day care facilities had to complement it. The coalition aimed to reduce the financial burden of families for child care by lowering the cap for contributions as well as to rise the minimal amount of income for a free use of the care services. They also excluded certain kinds of income from the calculation of care costs. In the long run they aimed to provide cost free day care. They also wanted to make sure that job search, training or job interviews are treated equally as having a job. Furthermore they aimed to ease the use for working parents by extend the opening of day care facilities up to 8.30 pm and on Saturdays and to promote child minder and the founding of company kindergartens.

As for the care for children in school age the coalition wanted to introduce three all-day school per year following a priority list made by social criteria and to employ socio-pedagogic staff.

The **CDU government** between 2004 and 2008 wanted to enhance labour market participation and to ease the combining of work and family especially for families with children and promised a demand meeting child care infrastructure by expanding kindergartens and child minders as well as company kindergartens. They promised a right for care for at five hours a day inclusive lunch in order to make it attractive for the not so well of and migrants. It also aimed to enhance care quality by developing standards for preschool education as well as a training program for the staff in child care facilities. As for the costs the wanted to further develop the voucher system introduced by the former government.

The government also promised to further develop all-day schools in all types of schools step by step following mainly social criteria and furthermore to enhance school quality by inspections and evaluations.

Another aim was to develop together with the local economy measures for a more family friendly human resource management in the companies.

The **coalition of 2008-2011 (CDU and Greens)** saw child care as a central component of modern family, educational and social and integration policy and put it on the first topic in their coalition agreement. The coalition aimed to enhance the reconciliation of work and family life as well as to improve the quality of education and thereby the integration of migrants. They consequently promised a right for day care when the child becomes 2 years old as well as a cost free last year for at least five hours a day inclusive lunch. Also when the families would get a further child and the mother would stay at home, the family should have the right to bring previous children to the child care facilities. As for the quality they wanted to rise the number of high qualified child teacher, a quality control management system was about to be implemented and to be a child minder should become a regular profession.

In school policies this coalition wanted to go further than their predecessors and promised to transform further 50 schools in all-day schools, mainly primary schools and to change the rate of staff to 40 % teacher, 40 % social education and 20 % freelancer.

Elderly care Policies

The **first coalition (2001-2004)** only aimed to facilitate the autonomous life of the elderly by promoting multi-generational housing projects, assisted living and to improve service and quality control.

The **CDU government (2004-2008)** aimed to further develop the 'senior-focussed city' and to assure care quality by introducing modern care concepts and the continuation of the training program for the care professions.

With the coalition agreement between **CDU and the Greens (2008-2011)** elderly care became a more prominent topic because the reform of federalism reform implemented in 2006 a modern Hamburg care law was about to be formulated. The main aim of the coalition was to enhance quality and user rights in all forms of elderly care. For quality it aimed to rise up the rate of quality controls in residential care. Persons in need for care should get more participatory rights in residential care and 50 % of all staff there should be well educated professionals. Also the professionalization of care profession was to be further developed. However home care is still seen as the primary care form. The coalition promised to retain the existing dementia program and to look for further amount of financing.

Life-long learning

The **first coalition (2001-2004)** provided no special measures for lifelong learning except for childcare support mentioned above.

The **CDU government (2004-2008)** aimed to improve the situation on the labour market by creating new jobs and primarily by reintegrating jobless people. For these the government planned to create jobs in the low paid sector, to expand the support for self-employment, to develop training initiatives for growth industries and the preservation of employability.

The coalition between CDU and the Green party agreed to strengthen professional education and trainings. It aimed to improve existing support programme for entrepreneurs and especially for migrants, women and the long-term unemployed. They also wanted to put more emphasis on longer than shorter trainings especially in the fields of renewable energies and the creativity economy as well as to develop a quality management for trainings in and out of enterprises.

4.2. Legal basis for the local administration

Table 2: Contents of policy and their regulations at the local level.

Policy Area	Content to be regulated	Regulation
Child care	<ul style="list-style-type: none"> • Daycare schemes (access, degree, quality), parental leaves (generosity, duration), definition of “unavailable for the labour market”, labour market services for mothers of young children or for re-entry of mothers with older children. • Age distinctions: 0-3, 3-6 (school entry age), 6-12 	<ul style="list-style-type: none"> • Local adaptations of SGB II & III • KibeG (child care law) • LRV (framework agreement) • FamEigVO (Act on family contribution)
Elderly care	Public care schemes (access, degree, quality), care compensation (generosity, duration) & social security during care activities	<ul style="list-style-type: none"> • Local adaptations of SGB XI (Social Care Insurance) • HmbWBG (Hamburg Law on Care and Living Quality)
Lifelong learning	Access and affordability, policies targeted at women, partnerships and cooperation, women-friendly policies	<ul style="list-style-type: none"> • Hamburgisches Bildungsurlaubsgesetz (Local law on advanced training holidays)

Source: Own compilation based on templates of WP 3 & 4.

4.3. Child Care

In Hamburg, child care is regulated in a local child care law (KibeG), the local act on financial contributions to be borne by families and a framework agreement between local administration and publicly supported child care organizations. The child care law specifies local aims and local capacities in child care. It goes beyond the goals of SGB VIII by including environmental education, preparation for school, cultural identity and tolerance as desirable goals of child care. It distinguishes nursery care (“Krippe”), basic care („Elementarbereich“) and after school care („Hort“). It stipulates that child care institutions should cooperate with the parents or legal guardians as well as with schools and other organisations, which support families.

In Hamburg only those children have a legal right to child care, that are above three years of age or who have a special need (§ 6 KibeG). This basic right includes 5 hours of child care including lunch. This obviously does not cover the working times of a parent, who works fulltime. The hours of care can be increased, if the child has a special educational need. School children have a right to after school care only to the extent to which their parents are occupied with work, training or participation in activation measures. Hamburg had originally intended to introduce a right to child care for two-year olds (see 2.4), but due to financial restraints in 2010 this was postponed to the year 2013, when this becomes a national requirement. However, even though the legal right has been postponed, the coverage for these children has already increased from 21,1% to now 32%, which is quite high compared with other federal states.

In all of the cases where a legal right to child care exists, the city of Hamburg is obliged to refund the costs of child care to a certain degree (§ 7 KibeG). In order to get a refund, the institution needs to be accredited or the provision needs to be within the aims of the law and within the price range of the framework agreement (§ 7, 2, 4 KibeG). Thus private, for-profit child care is possible in Hamburg, if it complies with the conditions set up in the framework agreement of local administration and the major non-profit organisations. If an institution enters the framework agreement based on § 15 KibeG, it is automatically recognized as an accredited institution. This agreement includes regulations on services to be provided (§ 16), the quality of these services (§ 17) and the prices to be paid for these services (§ 18). Any institution that complies with this agreement thus will be assumed to provide the necessary services in high quality and in reasonable price range.

Despite public funding, the parents have to share the financial burden. The degree of their contribution depends on income, number of children and the hours of child care provided. The city of Hamburg has drawn up a very differentiated plan for parents' contributions, which distinguishes more than 40 income groups based on distinctions of about 51 € per group. Furthermore, for each

income group the contribution depends on number of people living in the household and hours of child care provided. The price for nursery-care varies from 26 € per month for a low income family to 396 € per month for a high income family. Basic care and after school care are less expensive with prices ranging from 15 € to 192 €. Only during the last year before entering school, basic child care (5 hours per day) is for free. This price structure presents a disincentive to participate in the labour market for many women. For example, if a woman works part-time and the husband has a well-paid job, then half of the women's income may be consumed for child care.

Apart from legal rights to child care, it is possible to receive more child care than the basic degree of 5 hours per day. However, participation then depends on need of the parents and availability. Child care can be granted for 4, 6, 8, 10 or 12 hours per day. This offers much more flexibility in regard to working times than the basic right. According to § 2, 5 LRV the institutions also have to provide substitute care if they close during holidays. Considering, however, that capacities in the range of 8-12 hours are low, women are restrained from working fulltime.

The city of Hamburg asks parents to apply for a child care voucher three to six months before the care is needed. If a child has a legal right to child care the authorities have to find a place for the child within 3 months after the need started (§ 11, 4 KibeG). In all other cases there is no right to compensation for child care and this means that parents might have to bear all costs themselves, which could be up to 1.080 € per month. However, parents can also get a voucher if they state a special need, such as employment, participation in activation or special needs of the child.

In regard to qualification the local framework agreement distinguishes two types: so called "first staff" are employees with either a social-pedagogical degree (polytechnic) or with a state examen in education (vocational training). These persons are qualified to lead a day-care institution. Instead so called "second staff" are persons with a degree in child-minding or social-pedagogical assistants. The framework stipulates exactly the hours of first and second staff to be spent with each child. For example, a child in nursery care (4 hours per day) has a right to 2,06 hours per week of first staff treatment, 1,4 hours of second staff treatment and 0,6 hours of treatment by the leader of the institution. Accordingly, the institution needs to employ a sufficient amount of first and second staff in order to be able to provide the care in regard to the need of the institution. This capacity is calculated on a 12-month basis, so institutions can under-employ for a little while as long as they achieve a rate of 90 % of the needed provision during the year.

For "day-parents" there are only few regulations so far. The distribution of costs between local authorities and parents is similar to the way it is being handled in day-care institutions. However, "day-parents" are a little bit cheaper than care in an institution. For example, care of about 30 hours in institutional care costs from 37 € to 307 €, the same hours for "day-parents" cost from 26

€ to 211 €. There are no special qualification requirements for “day-parents”: while national law stipulates that day-parents need to prove that they have acquired the necessary skills, the local law only stipulates that the local authorities should offer opportunities for day-parents to participate in qualification and training. For some parents, this might not be enough to convince them that their child is in good hands during the day.

4.4. Elderly Care

In elderly care the most important regulations, like the long-term care insurance (SGB XI), the Institutional Institutional Homes Act (HeimGesetz) and the social assistance law (SGB XII) are formulated on the national level although the agreement of the federal states in the Bundesrat is necessary. Nevertheless there is some room for manoeuvre for the federal states and the municipalities, because the regulation only creates minimum standards which can be enhanced on the local level.

According to the task set for the federal states and the municipalities in § 9 the SGB XI the Hamburg long-term care law (HmbGVBI) aims to provide an efficient and sufficient care infrastructure (§ 1 HmbGVBI). For this aim it defines a set of actors who are to be involved in the regulation and implementation processes: the responsible local administration, actually the social department; the urban districts; the provider, the care insurance and the seniors interest representatives (§ 1 HmbGVBI). The responsible administration is obliged to make and update a framework with existing and prospects of needs and the matching of the infrastructures of care provisions as well as existing offers for prevention, which is the base for the financial support of the local care infrastructure.

The Hamburg Law on Care and Living Quality (HmbWBG) is the substitute for the national Institutional Homes Act (Heimgesetz) and similar to it, it aims to strengthen user rights, to ensure service quality, to make services more transparent and more over to facilitate social participation of people in need for care. In difference to the Institutional Homes Act it has a wider scope and includes also assisted living and flat sharing communities (§ 2 HmbWBG).

Since the end of the nineties Hamburg also has had a rather small program for care for dement people which provided longer care by professionals but at the moment it is not clear what the actual state of the program is.

All in all the local regulations and activities towards elderly care do not generally aim to get caring people in to work but to enhance rights for service provision and the life quality of users which might indirectly disburden the care load for families.

4.3. LLL and Training

For training and education many policies have been devolved to the federal states (Länder), so that much policy-making takes place at local level. While laws on vocational training exist, these often only stipulate rules for vocational training on a very general level. In reality, the competent authorities and the governments at the local level have to organize training in their municipality. The most significant case concerned the introduction of an education leave, which Hamburg did as one of the first Länder in Germany. This leave can last 5 days per calendar year and needs to be applied for 6 weeks in advance (§ 7 Bildungsurlaubsgesetz). It is possible to transfer the leave to another year. However, if the total sum of leave days adds up to more than ten days, the employer can object. In principle (i.e. with a duration of less than ten days), the employer can only object a leave, if urgent reasons of business or a shortage of staff due to socially more necessary leaves of other colleagues (sickness, parental leave etc.) exist. This regulation is comparable to regulations in other federal states in Germany. It does not specify anything in regard to the learning processes of women.

Another regional program for increased learning mobility are the so called “qualification components”. Hamburg takes part in an experiment called “Jobstarter” for improving transitions from school to vocational training in order to increase the number of young adults with vocational training. The idea of the program was launched by the Ministry for Education and Research and in a first step 14 vocations have been broken down into their basic components, which can now be trained for separately. The program relates to the idea of preparative training and tries to produce coherent and transferable understandings of different components that vocations consist of. It is supposed to make it easier for enterprises to employ and train young people without having to train them full-time. There are no specific regulations for women or for employees with caring responsibility. The policy more generally benefits everybody.

It is unclear at this stage, how the training for unemployed persons is handled at the local level. We will need to do interviews to find out, for example, how women returning to the labor market are treated in Hamburg and if this treatment corresponds to the restrictions introduced on the national level (see section 2.2.).

5. Summary

As we said in the introduction: in regard to what degree national policies support or restrain female labour force participation, we find that the policy framework in Germany is quite contradictory. While gender equality laws, employment and child care policies have developed more towards supporting the employment of women and especially young mothers, the field of elderly care organizes care as rather family-based, so that women with caring responsibilities for

older people, mainly women aged 50+, are restrained from joining the labour force. In lifelong learning special support for parents and women has been reduced.

In general we can see this apparent contradictory pattern in our three policy fields on the local level as well. All coalition agreements saw it as a primary aim to foster labour market participation, but quite similar to the national level Hamburg policy supports female employment mostly by enhancing child care facilities. And although the coalition agreements were more ambitious than the national plans and wanted to provide child care regularly from the age of 2, the implemented policies did not facilitate this aim. On the other hand, it implemented a free last year in day-care facilities, which is not the case in all federal states.

In elderly care on the national as well on the local level the main principle remains to prefer ambulant before residential care and to preserve the family care capacities on the one hand and to enhance user rights on the other. In this respect it goes somewhat further than the national regulation, but in the end it means the policies do foster the labour market participation of younger women with children, but not of elderly women, who do most of the care work for their elderly relatives.

In the field of life-long learning, which is more than the other two policy fields in the responsibility of the federal states (Länder), this finding is not so clear because the formal regulations are not aimed towards a specific group of people. Nevertheless in comparison Hamburg seems to be a bit further than other federal states particularly in fostering professional training and retraining.

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