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Policy formation and policy actors in Hamburg

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

FLAWS Working Paper

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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 almost all Hamburg governments since the end of second world war until 2001 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, some policy-making competences are devolved to the 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. Mapping the policy-framework

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

		<p>Insurance, ALG I)</p> <ul style="list-style-type: none"> • 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 childcare 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 childcare), 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 (Jaehrling, 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:

¹It 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.

²Teilzeit- 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 labourmarket 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 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 states although this lies in the competence of the states (not yet accomplished in all 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.

Governance System (C)

Germany is a federal state with three political layers: federal state, states (Bundesländer) and municipalities. Hamburg, however, is a 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 state level in Hamburg itself.

The constitution gives legislative power to the national state as well as to the 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 worth mentioning 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 states (eg. almost all education policy). But in the many cases where there is no explicit federal or state competence three types of ‘competitive legislation’ (konkurrierende Gesetzgebung) exist: first, the federal state takes action without additional conditions; second the federal 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 federal state might formulate a legislation but the 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 states.

Since Hamburg is a state (Land) 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 all laws mentioned in table 1, are national laws requiring approval of the Bundesrat. For the implementation in Hamburg, the 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. It is also noteworthy that there are very few for-profit providers of child care in Hamburg (mostly company kindergartens). The two big groups of non-profit providers are either public organisations or welfare association organisations which build a bargaining system with the public authorities.

Before 1995/96 **elderly care** was regulated mainly on the state 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 federal state took over the main responsibility. Although the states and the municipalities remained responsible for the local care infrastructure (§ 9 SGB XI) an agreement of the states to the law and its changes in the federal chamber (Bundesrat) is necessary. In the implementation the committee for health is mainly the political responsible actor and the BASFI the central administrative actor. But there also exists a committee for care in Hamburg which accordingly to § 92 SGB XI is supposed to give recommendations to the city parliament in all topics related to the local care system. It consists of all relevant actors in Hamburg especially the care insurances, the provider, the seniors representatives as well as members of the administration, namely the social welfare administration. Differently from child care the for-profit providers are the majority in elderly care. All providers of elderly care – for-profit as well as non-profit have built a joint umbrella organisation. In this way the providers were able to negotiate a Hamburg alliance for care with higher care allowances with the care insurances and the city. The aim is to attract enough qualified personnel in elderly care because the providers are often short of qualified staff. But in general this field seems to be driven by the administration, not least because the political parties do not differ much in regard to this policy field.

Educational policies and so called **life-long learning** also are explicitly in the competence of the 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.

4.1. 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 (ParteiRechtsstaatlicher 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 childminder 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 they 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
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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,	<ul style="list-style-type: none"> Local adaptations of SGB
	quality), care compensation (generosity, duration) & social security during care activities	<ul style="list-style-type: none"> 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"> HamburgischesBildungsurlaubsgesetz (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 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 Homes Act (HeimGesetz) and the social assistance law (SGB XII) are formulated on the national level although the agreement of the states in the Bundesrat is necessary. Nevertheless there is some room for manoeuvre for the 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 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. The recent Hamburg frame plan for elderly care fo 2010 set the the following aims:

1. Strengthening home care
2. Extending new living arrangements –flat sharing communities
3. Extending culture sensible care for migrants
4. Extending and enhancing the possibilities hospice facilities
5. Support for education and training in care
6. Demands meeting development of long-term care support centres (Pflegestützpunkte)

Expanding the projects for low-threshold aid There also exists a Hamburg alliance for long-term care which aims to enhance the attractiveness of jobs and training in elderly care particularly for jobless. The program is not aimed to women in particular but since most of the employees in elderly care are women it might have an effect on women's labour market participation. Nevertheless some of our interviewees told us that it the provider have difficulties to find enough qualified staff to meet the quality criteria set by the regulations.

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. This interpretation is supported by the following statement in the city's general plan for elderly care from 2010: „care at home is the

generally preferred kind of help. Relatives engage in this help in a historically unique comprehensiveness. Also neighbours do help informally or citizens do it by civil engagement. The social political task is to support people in need for care, their relatives and other helpers in a way that sustain home care with the most proficient quality of life. A part of the framework therefore necessary can be formed by the city (city's general plan for care 2010 p. 16).

4.3. LLL and Training

For training and education many policies have been devolved to the 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 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.).

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 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 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 states particularly in fostering professional training and retraining.

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3. Qualitative Study: policy formation and policy actors

Introduction

For the qualitative case studies we selected three cases of policy formation which seem to be symptomatic for their policy fields. In child care policies the city is quite active and ahead of the national development. The case we choose in child care policies is the implementation of the Hamburg Child Care Law, which is quite ambitious particularly for a West German city. In elderly care policies we selected the implementation of the long-term care support centres. These centres needed to be implemented in Hamburg because of a reform of the SGB XI the most important German regulation for elderly care. The case reflects the general situation in elderly care in Germany where since the introduction of the long-term care insurance the most important impulses come from the national level and in its implementation the care insurances are heavily involved. An initiative by the Hamburg administration and the service provider in elderly care to enhance the amount of well-trained staff in elderly care was chosen as example for life-long learning and vocational training.

Child care policies

General attitudes towards policy formation

Child care in Hamburg is seen by most interviewees as a well-developed policy field. After some experimentation following the introduction of a child care voucher system in 2004, the provision is now rather need-oriented, so that almost everyone can make use of it. The only group that is not provided for is that of parents taking care of their children at home, when these children are younger than three years of age. These parents have no right to receive a child care voucher, unless they can prove a specific educational need of the child. For children above the age of three a right to child care exists in the extent of five hours per day regardless of parents' occupation or children's need.

In terms of policy-making, there is also quite some appraisal to be found in the interviews. There seems to be a well-connected network of actors of different organizations cooperating at all steps

of the policy-making process. For example, the major charity organizations cooperate with the administration in the Authority for Work, Social Affairs, Family and Integration (BASFI) in two commissions in order to set-up and implement the framework agreement. While there seems to be some general informal exchange between politicians and service providers, the charity organizations only contact politicians in the parliament officially, if they feel that the cooperation with the administration is not sufficient to serve their interests. Our impression was that this doesn't happen all too often. The major contacts of the charity organizations during the conservative phase of local government were persons from the opposition (Social Democrats and Greens). The politicians themselves also named the charity organizations as major contacts, but named also other providers of child care. Furthermore, for them the local parents' board (Landeselternausschuss) seems to be of high relevance.

In the following we present a case of policy making in regard to the voucher system. This was the major policy change in Hamburg during the last ten years and all interviewees agreed that this was a successful development leading to higher child care provision in Hamburg.

Child Care Voucher System

The idea of a voucher system related to the desire of parents to be able to decide more freely in their choice of child care (Diekmann et al., 2008). It was introduced into Hamburg Parliament by the Social Democrats during their reign of government before 2001. However, the process was stopped by a change in government. The Social Democrats then, in opposition, started to cooperate with the local parents' board, which is the major local representation medium for parents' interests. This board introduced an initiative, which culminated in a petition for a "Volksbegehren" (referendum). This petition was successful and the following referendum voted in regard of improving child care and parents' choice in Hamburg. Thus the new government was forced to react to this communication of the population's interest.

The government of conservative mayor Ole von Beust (Christian Democrat) then introduced the "Kinderbetreuungsgesetz" (Child Care Law), which included the voucher system. This meant that parents of children from the age of 0 until 12 could now receive a voucher in regard to a stated need. This need was at first related only to employment. However, the parents' board and the charity organizations pressed politicians to broaden the needs definition. On the one hand, parents participating in activation measures also had a need of child care, even though they were not yet employed. On the other hand, children of unemployed persons could have a specific need of educational support, if they were disadvantaged in some regard to their learning capabilities. Eventually, this definition was accepted, which means that now in Hamburg a very broad group of children has a right to child care, even though there is no encompassing right to child care below

the age of three.

One interviewee from the opposition party (at that time the Social Democrats) said that the conservative government tried to buffer the increasing costs of child care through this law with an increase in group size and lower quality within the kindergartens. This was opposed by the charity organizations and the parents' board and has been gradually taken back over the last couple of years. However, this led to increases in contributions for parents, which the opposition (now government) promised to take back after election. To this aim, the opposition signed a contract with the parents' initiative, which also gave them legitimation to act after election irrespective of any coalition agreement. Eventually, the Social Democrats managed to get the absolute majority and now they do not have to go into coalition with anyone and will have to show their compliance with this contract.

For the major charity organizations the voucher system meant that their funding now depended on the number of children within a kindergarten. This produced some pressure to orient the set-up of kindergartens towards the need in different neighbourhoods. The organizations experience this increase in flexibility requirements as a positive aspect, because, as one interviewee said, it is easier to estimate parents' need and react to it, than to depend on the authority's decision of whether or not they fund a given institution. He also said that they appreciate the power of economic decision-making that they have now.

The city appreciates the regional restructuring, which takes place automatically in relation to the vouchers issued. Usually, there are enough spaces for child care and the only problems relate to the degree of walking distance or very special working times of some parents. Apparently not everyone is completely happy with their child care arrangement, but the official said that she regards this as rather "luxury problems".

Summary

In regard to women's employability the policy has a clear effect. It has made it much easier to combine work and care also the rather generous opening times, in some cases from 6 am to 8 pm, contribute to the work friendly arrangement. The drop of bitterness may lie in the fact that the need for more flexibility also raised the amount of part-time work in the child care facilities.

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Interview with the chief of the Association of the Social Welfare Organisations in Hamburg

Elderly care policies

General attitudes towards policy formation

All interviewees appraised the good opportunities the Hamburg labour market offers for women. Most of them see the social services provided by the long-term care insurance as a relief from the care burden because it offers choice to people in need for care as well as their relatives.

The general aim of the long-term care insurance to enhance choice for people in need of care is well supported in Hamburg. It a main aim to maintain the relative high rate of family care (Hamburg Main Frame Plan for Elderly Care, 'Pflegerahmenplanung'). There for it is not the main aim to bring caring people in work but rather to support caring people find a work life balance by providing low-threshold aid and alternatives to residential care. Support in that is provided for example in form of so called long-term care support centres (Pflegestützpunkte) which have been established in 2009 in Hamburg accordingly to the reformed care insurance law (SGB XI) by the Long-Term Care Further Development Act (Pflegeweiterentwicklungsgesetz). We will describe these long-term care support centres in more detail below.

Policy-formation

In Hamburg care policies are mainly driven by the administration and here by department for Seniors, Care and Legal Tutelage (rechtliche Betreuung) (which recently was changed from the administrative office of social affairs to the administrative office of Health and Consumer Protection) and the Hamburg Society for Long-term Care (Hamburgische Gesellschaft für Pflege) an alliance of very most of the providers. The local politics appear not to differ very much in their aims towards elderly care and do rather seldom take over initiative. There are also senior representatives which are important insofar as the needed to be informed and asked of their opinion, but they usually do not take initiative too (vice chief Sub department Seniors, Care and legal Tutelage in the Authority for Health and Consumer Protection). The department for Seniors, Care and Legal Tutelage (rechtliche Betreuung) do also claims to be neutral in relation to party politics (vice chief Sub department Seniors, Care and legal Tutelage in the Authority for Health and Consumer Protection). Further relevant actors are the city parliament (Bürgerschaft) and here the committee for social affairs in particular as well as actors in the districts or other administrative offices as we will see below or different civil society actors according to the topic in question.

There exist three well established institutionalized dialogues between politics, administration and relevant interest groups like provider or the senior citizen representatives. The first is the committee for social affairs in which the main topics are discussed in public and the most important decisions are made. The second is the committee for care in Hamburg which accordingly to § 92 SGB XI is supposed to give recommendations to the city parliament in all topics related to the local care system. It consists of all relevant actors in Hamburg especially the care insurances, the provider, the seniors representatives as well as members of the administration, namely the social welfare administration. The third are the care symposiums which take place on the district level. Besides these there exist a lot of more or less periodic events on which the politicians, professional experts and civil society actors meet each other. Besides this highly institutionalised dialogues there exist a lot of formal and informal occasions in which the actors can meet. Most of the interviewees also told us that the contact they use depend very much on the topic in question, because the field is large and very fragmented.

In the following we will analyse the long-term care support centres which are very much in line with general aim of the care insurance to support choice and self-help instead of actively aiming at labour market participation of caring women. The question is whether and if so, how far this policy has the potential to support caring women and ease their labour market participation.

The implementation of long-term care support centres in Hamburg

The long-term care support centres were introduced in Hamburg due to the reform of the long-term care insurance in 2008 by the Long-Term Care Further development Act. But responsibility for the implementation has been given to the federal states and despite the short time since the implementation a considerable variation can be found (Döhner et al 2001: 15).

The aim of the policy is to provide nearby located advice, provision and assistance for the insured and their relatives (§92c SGB XI). The centres shall provide information and advice relating the rights and duties according the SGB XI and for the choice of social services provided by the federal and local agencies. The centres also shall offer to coordinate all available services including the support of their use and furthermore the centres shall connect the different services (§ 92c. 2).

The need for the program arose out of the realization that those advice offers need to be low-threshold and made well known on the national level. Accordingly to the Hamburg Main Frame Plan for Elderly Care from 2010 (p. 11) the need for advice in Hamburg was already met but not well used (see also Döhner et al: 20) and that by introducing the centres the threshold of use could be lowered and due to public campaigns more potential clients would know about this support (Interview vice chief Sub department Seniors, Care and legal Tutelage in the Authority for Health and Consumer Protection). Nevertheless the centres were implemented additional to the

existing advice structures.

The eight existing centres³ were implemented in Hamburg in 2009 by a general ruling (Allgemeinverfügung) of the Authority for Health and Consumer Protection (December 2008) and a framework agreement for work and financing of long-term care support centre (Landesrahmenvertragnach § 92c Abs. 8 SGB XI zurArbeit und Finanzierung von Pflegestützpunkten in Hamburg) between the long-term care insurances and Hamburg in January 2009. They are coordinated on the state level by a steering committee in which the authority for Health and Consumer Protection sends two Members, the care insurances six members and districts four members. A consulting committee was introduced to give voice to civil interest groups, the provider as well as to other interested specialists. In each district having a centre an coordination committee was introduced to coordinate the activities of the centre and its collaboration with other actors in the district (framework agreement § 7,8). Many civil organisations asked to be involved in the centres to provide services on their own and profit from the coordination efforts of the centres. The civil organisations also wanted rooms for their services in the centre, but it is not clear from the material to which degree this wish was fulfilled. Also the collaboration between centres and civil society organisations is to improve further (Döhner et al 2011: 150). In the beginning there has been a notion of rivalry between ambulant care providers and the centres because the care provider also give advice and uses it to recruit clients. But it since the centres are supposed to be neutral towards the market this is a minor problem (Döhner et al: 150).

The centres were designed out of the experience of previous helpdesks and the findings of pilot project in Hamburg which was one of 16 pilot projects carried out between 2008 and 2009 in several German. The pilot projects were realized with a monitoring of the Board of trustees of German Elderly Aid (Kuratorium Deutsche Altershilfe) a German think tank and financed by the Federal Ministry of Health . Hamburg also engaged a scientific monitoring of the implementation process in order to find out how many centres and personnel would be needed to fulfil the demand for the three main task: information, advice and case management (Döhner et al 2011; Michell-Auli et al 2010).

The centres all in all work similar. In each centre three full-time equivalent were financed, one by the city district and two by the care insurances. The city provides rooms an additional financial support. The centres also have some freedom in organizing themselves and so some centre have

³ There is one additional centre for children and young adults which is not considered in this report, but it works in the same way.

three fulltime employees and other more but in part time. The services of the centres are free of charge.

Summary

Overall there is no direct influence of the policy on the employability of women by the policy and it was not meant to do this. But there might be an indirect effect by providing help for self-help and choice. This point of view is supported by the findings from Döhner et al (2011: 21ff) who found out that most of the clients of the centres are not the persons in need for care but their relatives. They are mostly women, working and seek information on the complex care, advice and/or organizational support for their relatives. If these women find what they are looking for in a one-stop-shop manner nearby their living environment and with less time effort then it might be easier for them to combine work and care. On the other hand Döhner et al (2011: 132). Nevertheless all in all the centres are a meant to strengthen home care by relatives (Hamburg Main Frame Plan for Elderly Care 2010: 3)

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Interview with the chief of the Association of the Social Welfare Organisations in Hamburg

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Life-long learning and vocational training policies

General attitudes towards policy formation

All interviewees appraised the good opportunities the Hamburg labour market offers for women. The sectors of health services, administration and media offer in their view many jobs for women. According to the administration official from the Authority for Work, Social Affairs, Family and Integration, there is also no need for specific policies in regard to the training of women. In his view, young women are often more qualified than young men. The general aim of labour market related vocational training policies is to provide people with knowledge to get or maintain a job. With a few exceptions – most measures financed by ESF – such policies in Hamburg are usually not gendered. For the return to the labour market it seems to him most important to have a qualified case manager, who can help his or her client. This is best achieved by good general structures of employment services. In the following we present a case of vocational training created in Hamburg to fill the need for qualified staff in elderly care which is not a specific Hamburg problem. Professional elderly care in Germany is low paid work although there exists a minimum wage of 8,75 € per hour⁴ it is not easy for the care provider to find enough trained personnel to meet the ratios demanded by the regulations. The question to be answered here is do the quality offensive in elderly care foster women's employment in Hamburg?

The Second Hamburg Quality Offensive in Elderly Care

The policy called the 2. Hamburg Quality Offensive in Elderly Care was introduced in Hamburg in 2009 and has a precursor in the program '1. Hamburg Quality Offensive in Elderly care' which was introduced in 2002 and terminated in 2006. In this program training on the job for approximately 300 care workers were supported (6. Newsletter Alliance for Elderly care). The recent program is part of the 'Alliance for elderly care', in which are placed further programs to attract young people for a vocational education in elderly care and which we do not deal with in this report.

The need for the program arose because of a lack of well qualified personal in elderly care. Although the number of qualified professional care workers rose about 7 % (full-time equivalents) between 2003 and 2007 to 8.500 people⁵, well trained care workers were hard to find for care

⁴The minimum wage was implemented in August 2010 by the Federal Ministry of Labour and Social Affairs with 8,50 €/hour in West Germany and 7,50 €/hour in East Germany. Since 01.01.2012 it has been raised to 8,75 €/hour in West Germany and 7,75 €/hour in East Germany.

⁵ In the same time the number of people in need for care rose about 5 % (Hamburg Main Frame Elderly Care 2010: 45)

organisations in Hamburg. In 2009 260 positions for examined care workers and 130 positions for care assistants were open and it was likely that the situation was to get worse as the estimation of the Authority for Social Affairs, Family, Health and Consumer Protection (Behörde für Soziales, Familie, Gesundheit und Verbraucherschutz – BSG) showed (city's frame plan for elderly care from 2010, p. 48). The problem was discussed in the press as well as in the circles of experts from the authorities to the organisations of providers (El-Cherkeh and Fischer 2010: 18).

The program aims to assure quality of care by expanding number of well qualified staff in elderly care. To reach this aim three measures were established. First low qualified staff in elderly care organization were financially supported if they participated in trainings on the job to become examined carers (examinierte Pflegekraft) or assistant carers (Pflegeassistenten). All in all, 60 training places were supported by the program between 2010 and 2011. Secondly, 100 places in fulltime education were reserved for jobless people. All available training places were occupied. Thirdly: for migrant care workers with a foreign vocational education in care a special test preparation scheme were established to ease the achieving of a German certification.

The policy was coordinated on the state level of Hamburg by local authorities, the Federal Employment Agency - team Hamburg and the Hamburg Society for Care (Hamburger Pflegegesellschaft). The authorities were the Authority for Social Affairs, Family, Health and Consumer Protection (Behörde für Soziales, Familie, Gesundheit und Verbraucherschutz – BSG); the Authority for School and Vocational Education (Behörde für Schule und Berufsbildung – BSB) and the Authority for Economy and Work (Behörde für Wirtschaft und Arbeit). The Hamburg Society for Care is an umbrella organization of almost all providers of elderly care in Hamburg and very active in elderly care policies.

The initiators of the policy were the Authority for Social Affairs, Family, Health and Consumer Protection together with the Hamburg Society for Care. The other authorities were included successively. The Authority for Social Affairs, Family, Health and Consumer Protection was at this point responsible for elderly care in the city and was mainly interested in good care quality for the citizens. It also administrates resources from the European Social Fund which were used particularly for the training of migrant care workers. The Hamburg Society for Elderly Care as the representative of the providers had the problem that not enough well qualified staff was to find in order to meet the specialist ratio demanded by the German care regulations. Also their members were increasingly unable to finance the vocational training by themselves. The Federal Employment Agency – team Hamburg however was interested in giving jobless people a chance on a growing although not very well paid market and it could provide additional funding for the program out of the 'Konjunkturprogramm II' and a program for low qualified workers (WeGebAU) (Hamburg Main Frame Plan for Elderly Care 2010, p. 50). The authority for School

and Vocational Training was needed for its competences in regulating the training possibilities. At the moment however it is not clear at which point in the policy-making process the Authority for Economy and Work and city parliament were included.

When the agreement mentioned above was concluded in 2009 the Hamburg Society for elderly care started a public campaign to promote the program and find care workers who were willing to attend it. The authorities engaged schools for care to organize the courses which is generally done by a public tender (chief department labour market policy and ESF-administration in the Authority for Work, Social Affairs, Family and Integration (BASFI)). The Federal Employment Agency - team Hamburg started a campaign by its own to find jobless people able and willing to participate in a retraining for three years.

People could apply under the following conditions:

- a) Care workers with an education in care for six months (care helper, Betreuungshelfer) or two years (care assistant, Pflegeassistent) and similarly qualified persons whose employer supports this application (60 training places between 2009 and 2010) and who have a contract for at least 30 hours per week.
- b) Jobless people, with an vocational training outside the care professions (100 training places between 2009 and 2010).

Firms could apply to participate in the program if had their registered office in Hamburg, agreed to provide the practical part of the training for those people trained on the job and to release them from their work duties during educational times. The firms also would not have to pay any educational costs and furthermore could get support for the salary up to 50 %. In case of retraining the firms would need to provide the practical education in the last year of the training and to pay a training salary accordingly to the collective agreement.

For the financing of the program at least four funds were utilized: The European Social Funds managed by the by the Authority for Social Affairs, Family, Health and Consumer Protection, the Konjunkturprogramm II and the Vocational further Training Program for low qualified and older Employee (WeGebAU) both federal programs managed by the Federal Employment Agency and last but not least the so called Law on advanced training for furthering the careerUpgrading Training Assistance Act (Aufstiegsfortbildungsförderungsgesetz – ‘Meister-BAföG’) a joint program of the central state and the federal states to support vocational training for workers.

The program has been a success in so far that all training places were used, the number of training positions and the proportion of for-profit provider providing these trainings rose. Also the public actors considered the program as a success, so it could be continued in 2011. It is estimated that the program will help to meet the rising demand for qualified care workers, but since the training is still going on an evaluation of its effect has not been done yet.

summary

In general the policy seems to be effective in increasing vocational training, because all additional trainings offered in 2009 and 2010 were used and since the most care workers are female it may contribute to raise the female employment rate. But it obviously do not raise the labour market participation of women (or men) because only people who already are on the labour market are entitled to participate in the program. Furthermore the demand for well qualified staff is raising anyway, simply due to the demographic development. A little while ago some care workers from health care and from the hinterland of Hamburg changed to elderly care, but this development has stopped in the last years, which was one reason for the program (Hamburg Main Frame Plan for Elderly Care 2010: 45). To maintain the necessary ratio of well-trained staff not only the number of training places seems to be important, but also the overall situation in the jobs so the care workers stay in the job. This situation is considered as heterogeneous, as on the one hand care jobs tend to be secure, the salary is compared with other regions relatively high (but also the living costs in Hamburg) and the working conditions are rather good. On the other hand the job satisfaction seems to be rather heterogeneous and the job image not the very best (Hamburg Main Frame Plan Elderly Care 2010, 49). But the latter is difficult to influence on the Hamburg level.

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Interview with the chief department labour market policy and ESF-administration in the Authority for Work, Social Affairs, Family and Integration (BASFI)

Interview with the vice chief Subdepartment Seniors, Care and legal Tuttelage in the Authority for Health and Consumer Protection

Interview with the chief of the Association of the Social Welfare Organisations in Hamburg

Vereinbarung zwischen der Behörde für Soziales, Familie, Gesundheit und Verbraucherschutz (BSG), der Behörde für Schule und Berufsbildung (BSB), der Behörde für Wirtschaft und Arbeit (BWA), der Agentur für Arbeit Hamburg, team.arbeit.hamburg - Hamburger Arbeitsgemeinschaft SGB II -, und der Hamburgischen Pflegegesellschaft e.V. (HPG) über gemeinsame Aktivitäten zur Verbesserung des Fachkräfteangebotes in der Altenpflege („Bündnis für Altenpflege“), Hamburg Juni 2009.