

# National Report Germany



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## PROJECT PESSIS: PROMOTING EMPLOYERS' SOCIAL SERVICES ORGANISATIONS IN SOCIAL DIALOGUE



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# „Sociosclerosis“: Employer-employee relations in German Social Services at the crossroads

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## 1. Project PESSIS: Promoting employers' social services in social dialogue

The aim of the research project 'Project PESSIS: Promoting employers' social services in social dialogue' is to provide a detailed understanding of how social dialogue is organised and structured (or not) in the social services sector in Europe. It aims to identify barriers to increased cooperation among employers in the sector. The term social dialogue is defined as 'a dialogue between employers and employees'. Eleven national studies will contribute to an overall European perspective of social dialogue in the social services sector, outlined in the European summary report.

Each national report presents a 'picture' of how social dialogue is organised at local, regional and national levels and has addressed the following six research questions:

- What is the size of the social services sector, both in terms of workforce and of employers in aggregated value?
- How well represented is the sector in terms of number of employers and workers covered by collective agreements?
- What are the types of social dialogue or collective agreements that exist?
- How many employers of the sector are involved in social dialogue and at what level?
- What are the key labour issues dealt with and at what level?
- Are there any labour issues that could be dealt with at European Union (EU) level?

'Social services' is a term that can be interpreted in different ways across Europe but for the PESSIS project, the key groups included are:

- Long-term care for older people;
- Care and rehabilitation for people with disabilities;
- Child care.

'Social services' may also cover a range of other services, for example, services for homeless people. These have been included only when they have particularly strong systems of social dialogue. The main focus of each national report is on the three key groups listed above.

The terms public, for-profit and not-for profit sectors are widely used across Europe. They are defined in this report as: Public sector – Government departments, public sector agencies or municipal authorities commission social services in many countries and contract for-profit and / or not-for profit providers to deliver social services. In some countries, social services may still be delivered by municipal or regional government authorities. Public authorities (national, region or local government) may fund social services by providing money directly to individuals. For-profit sector – Providers of social services which operate to make a profit. They may operate with shareholders or they may be private companies, owned by one or more individuals. In some countries, family businesses deliver social services. They may be large or small in size. Not-for-profit sector – Providers of social services, which do not operate to make a profit. In some countries this sector may be called the voluntary or charitable sector. In some countries, volunteers deliver some of the services for the not-for-profit sector.

## **2. Methodological approach of this study**

To answer the previously stated research questions different sources were used:

- To represent the level of employment and employment trends in the social economy, the employment statistics of the Federal Agency for Work (BA) was applied. For the years 2008 and 2011 data on social insurance and marginal employment of the social economy sectors had been considered. This also includes information on women's employment and part-time employment in the social economy.
- To size the vendor landscape we had taken "Sales Tax Statistics", the "Nursing Statistics" and the "Children and Youth Services Statistics" into account. The "Sales Tax Statistics" contains information on taxable businesses in the social economy, while the "nursing statistics" offers the numbers of outpatient and inpatient care. From the "children's and

youth welfare statistic", information on facilities / providers for this area of social economy had been taken.

- To describe the collective agreements and their objects of regulation different sources had been considered. Firstly, relevant publications on this subject were sighted, for example studies by the Economic and Social Research Institute (WSI). Additionally the tariff registers of Verdi - The United Service Sector Trade Union had also been considered. It provides information on the number of completed collective bargaining agreements, the contract partners, the level of the collective agreement (federal, county-/regional, operational) and the control subjects. In dialogue with the experts on collective bargaining agreements and the responsible staff of the unions we also asked for additional information on the proportion of the facilities which are covered by tariff regulations. In addition information on wage settlements in the social economy was collected by internet research. This approach was chosen because of the separate labour law as a result of the Third Way in the social economy, which in its dimensions, structure and content cannot be adequately examined with the mentioned sources.
- The previously outlined steps were supplemented by in-depth interviews with ex-perts in the social economy. The interviews were used to provide detailed information on the structure, organization and content of social dialogue from the employer's perspective in particular. Furthermore, it was the aim of the interviews to obtain information on key obstacles to cooperation, its causes and future design challenges to the social dialogue in the social economy. Central guiding questions of the expert interviews were:
  - How has the environment for organizations / social enterprises changed in the recent years?
  - What impact did these changes have with regard to the design of employer-employee relations?
  - What are the greatest challenges with regard to the design of employer-employee relations at present?
  - What role is played by European directives / regulations?
  - How to describe the current landscape of collective agreement / contractual arrangements in the social economy?
  - Which objects of regulation are currently in the focus?
  - What are the expected objects of regulation to gain importance in the future?

- Does the design of the social dialogue need special requirements from the employer's perspective?
- Which topics of industrial relations should be addressed at European level?

The findings were subsequently summarized and condensed in a SWOT-analysis on social dialogue in the social economy in Germany. The works in the project were carried out in the period from February to May 2012. Included in the compilation of results was also a Skype conference on coordination of research strategies between the Euro-pean partners and the results of a coordination meeting of project partners on 17/04/12 in Brussels.

### 3. Social Services and social economy in Germany – Basic information on the profile of the sector

#### 3.1 Definition social services - Core elements of the social economy

In the understanding of the current discourse the core elements of the social economy are social services. Till now there is no obligatory, general definition for the idea of "so-cial service" hence there is no generally binding delimitation of the social service sector in Germany either (Badura/Gross 1976, zit. by Heinze 2011). Primarily the "orientation at immaterial problem situations and special circumstances of the particular" is distinctive for the idea of the social service. Correspondingly the aims of social services are the restoration respectively the improvement of the physical or emotional life, the experience ability, the social ability and quality of life (Heinze 2011: 169; Grunow 2006: 805; Hartmann 2011: 76; Bauer 2001: 20). The core of social service work is the providing of help and welfare which is mainly offered and financed publicly by professional service providers (cf. Brinkmann 2010: 3).

#### 3.2 Social Economy" - Economy industry and stabilization element for societies in a change

If one speaks about "social services" in view of the economic meaning most people talk about "social economy". The term "social economy" can be understood as change of paradigm as public and social services are not only recognized as a social cost, but also a social productive force and stabilizing factor for other economic sectors. This becomes especially clear in the biggest activity field of the social economy - the old people's welfare. The care, support and company of older people is a social task which contributes

to the employment directly and indirectly, generates independently creation of value and altogether contributes to the growth of the national economy. Social services also have an important relief function for the acquisition system in the national economy as professionally rendered social services assign and create capacities for job performances in other economic sectors.

### 3.3 Economical delimitation of the social economy - Social concerns and Social pro-visioning

Till now there is no general understanding about how the social economy can be measured in view of its industry-specific delimitation. The social economy can be described as the economic sector in which directional behavior socially translates into services and is offered on the market. In comparison to other economic sectors it can be defined as an industry association with the aim to promote the common good and not to achieve private profits. Social services as constituting elements of the social economy work, stamp and programme social measures to secure one's livelihood primarily in the area of care, health, the integration of people with handicaps, education as well as youth welfare. Object of the social economy is particularly common and personal supply (social provisioning) as useful life maintenance. This is primarily the fulfillment of social requests (social concerns) like protection against risks of life, the mastering and solution of socially defined problems of single people or groups in the community and social problem situations. After the definition of Kramer (2006) supplier/protagonists of the social economy can be organized as both as a non-profit or as a private organization, crucial is the public welfare orientation (Kramer 2006: 12). The outlined definitions show clearly the difficulties in the delimitation of the social economy in comparison to other public welfare oriented service fields (e.g. the hospital sector).

### 3.4 Supplier landscape of the social economy – pluralism of carriers, welfare mix and heterogeneous financing bases

The supplier landscape of the social economy forms a pluralism of carriers and welfare mix with its public, freely charitable as well as private carriers. Furthermore it is task of the public authorities to guarantee, coordinate and control the delivery of free carriers (Brinkmann 2010: 60). Public carriers act predominantly at a urban level, while the European Union, the Federal Republic of Germany and its states hardly offer social services of their own themselves (Brinkmann 2010: 127). At the federal level, public carriers form a federation with the German Association of Cities, the German County



Association of Towns and Municipalities with the top local organizations. The charitable area can be associated with free non-statutory welfare. As the largest provider of non-statutory offers with a total of 100,000 establishments and more than 1.5 million employees the carrier of the non-profit voluntary welfare is of central importance (BAGFW 2009: 10). The most important actors in the field of welfare work are the Workers's Welfare Service, (Arbeiterwohlfahrt, AWO), the German Caritas Association (Deutscher Caritas Verband, DCV), German Red Cross (Deutsches Rotes Kreuz, DRK), the Association of Non-affiliated Charities (Paritätische Wohlfahrtsverband, DPWV), the Welfare Service of the Protestant Church in Germany (Diakonisches Werk der Evangelischen Kirche in Deutschland) as well as the Central Welfare Agency of the Jews (Zentralwohlfahrtsstelle der Juden in Deutschland). Private carriers of social services differentiate themselves into private commercial as well as private freelance suppliers (Brinkmann 2010: 61). Private commercial suppliers are private led enterprises, which are administrated like a business management and orientate themselves at service achievement as well as at profit as main goals (Brinkmann 2010: 61). They do not get any public turnings to the financing of their offers but refinance themselves with state performance considerations as well as with direct payers (Brinkmann: 68). A variety of private suppliers of social services have placed themselves on the care market - particularly in the area of itinerant care - in the 1990s years, as a whole although they have moderate to minor quantitative meaning, with increasing relevance, however (Brinkmann: 60, 68).

### 3.5 Provider structures in the social economy at a glance - Many worlds shape the picture

In regard to the suppliers, the social economy is shaped like the following:

- Altogether, there are 12.000 out-patient services and 11.600 services of the stationary old people's welfare in Germany.
- 62% of the 12.000 out-patient services are private carriers, 37 % on a free charitable ones and another 2% are public carriers. 55% of the stationary old people's welfare facilities are non-statutory carriers, 40% are private ones and 5% are public carriers.
- There are currently 51.484 day nursery facilities for children in Germany. About 33% of them are maintained publicly and another 67% of the facilities are operated by a non-statutory carrier.

- Furthermore there are around further 32.676 facilities of the children and youth welfare, of which 23.7% are carried publicly and 76.3% non-statutorily.
- No details on facilities of the out-patient services for handicapped people are available in Germany. Older studies estimate 5.000 facilities of the help for handicapped people in Germany (Pflegerstatistik 2009; Statistische Ämter des Bundes und der Länder 2011 Statistiken der Kinder- und Jugendhilfe 2011; Care statistics 2009; Statistical offices of the federation and the countries 2011 statistics of the children and youth welfare 2011; own research).

### 3.6 Digression: Free-profit and social entrepreneurship

The German model of the welfare state is essentially characterized by the "free welfare". It summarizes the entirety of social assistance that is provided free or on non-profit basis in an organized form in the Federal Republic of Germany. Non-statutory welfare distinguishes itself from commercial - profit-oriented - offerings and from offerings of public institutions. The term "freigemeinnütziger Träger" (independent charitable organisations) focuses primarily on the large welfare associations in Germany (see above). A free non-profit organisation focuses primarily on promoting the common good. The welfare status of an institution in Germany is primarily a fiscal matter of fact and is defined by § 52 tax code. It reads:

"A corporate body pursues charitable purposes if its activities are aimed at encouraging the public to be selfless in material, spiritual or ethical terms. Funding for the general public is not given when the number of people, promoting the benefits, is delimited, e.g. belonging to a family or staff of a company, or as a result of his separation, especially for spatial or professional characteristics, is remaining narrow. Funding for the general public is not only given because a corporate body transfers its financial means to a statutory body."

The coexistence of public and non-statutory welfare work in the Federal Republic is unique in the world. More than 1.4 million people have a full-time employment, an estimated 2.5 to 3 million more people have a honorary appointment. The charities are federalist in structure, i.e. its member organisations are mostly legally independent. Basis of the work are different ideological or religious motives and goals. It is common for both associations that they are linked directly to the charity and solidarity of the population.

Much of the non-profit organisations in Germany are legally organized as a registered civil society, with addition of foundations, non-profit cooperations with limited liability (gGmbH), and - rare-social profit corporations. In recent years individuals have established more and more non-profit limited liability companies. These people are also known as social entrepreneurs, as they are targeting their work especially on finding solutions to pressing social problems and not pursue a motive of profit. Social entrepreneurs often cooperate closely with other non-profit organisations or institutions for large charities. In addition to the traditional institutions of the welfare organisations and the "honorary appointment" in the field of social services, they represent a little-known form of organisation of social services in the field of tension between government, business and civil society about the scope, relevance and effects for the social economy and for the economy in general.

### 3.7 Social economy in Germany - economy statistical approach and methodical notes

The social economy in Germany is not only a central field of public measures to secure one's livelihood, but it is also extremely important for the economy and employment. Depending on the economic sector of the "social economy" the number of employed persons and information on sales or gross value varies. The following report takes into account the sectors of the social economy that are shown in Table 1, which were also included in the calculation of the data on employment and revenue performance in the industry. As outlined, the social economy is linked closely with other sectors, particularly in the segments of public administration, education and health. To access these links in a first survey, the importance of some of the industries was weighted on the basis of existing studies and our own estimates. The basis was of industrial classification tool WZ 2008. The following industries have been drawn in by their respective weights in the analysis:

**Table 1: Included economic sectors for the delimitation of "social economy" to WZ/Nace Code 2008**

<p><b>WZ 84120</b></p> <p>Regulation of activities of providing health care, education, cultural services and other social services, excluding social security [factor of weighting: 0,3]</p>
<p><b>WZ 85101</b></p> <p>Pre-primary education [factor of weighting: 1,0]</p>
<p><b>WZ 854</b></p> <p>Higher education [factor of weighting: 0,1]</p>
<p><b>WZ 869</b></p> <p>Other human health activities [factor of weighting: 0,8]</p>
<p><b>WZ 87</b></p> <p>Residential care activities [factor of weighting: 1,0]</p>
<p><b>WZ 88</b></p> <p>Social work activities without accomodiation [factor of weighting: 1,0]</p>

Source: WZ 2008; own representation; evaluation along similar lines to Karmann et.al (2011).

The economic sector 854 "Tertiary and post-secondary, non tertiary lessons" covers universities, general technological highschoools, administration technological highschoools as well as professional academies, special academies and schools of the health service. The economic sector 869 "health services not mentioned elsewhere of [n.a.g.]" consists of practices of psychological psychotherapists and therapists, massage practicesm, physiotherapy practices, practices of medical swimming-pool attendants and pool attendants, midwives and obstetricians as well as of related professions, non-medical practitioner practices as well as other independent activities in the health service. The economic sector 87 "homes" contains nursing homes, stationary facilities of the psychosocial support, facilities for drug-related problems, old people's homes and handicapped person hostels as well as other hostels. The economic sector 88 "welfare" covers the social support of older people and handicapped persons, itinerant social services, other social support of older people and handicapped persons and among others the daytime care of children.

The used weightings cannot claim any general validity. Unlike other economic sectors (e.g. health economy, motor industry, energy industry) there is till now hardly any study on the social economy in Germany which quantitatively and qualitatively has a good look at the interweaving relations in this line of business, its value-added chains and relations. The weightings carried out in this respect are plausibility assumptions based on sources on hand and assessments of one's own. Altogether, a delimitation on basis of the economic sector statistics is useful to obtain the international comparability of the data. Basis for the composition of the data to the employment level and to the trend in employment was the employment statistics of the federal agency for work (BA). Employees (SvB) with social insurance were included as well as insignificantly employees of the years 2008 -2011.

### 3.8 Employment in the social economy in Germany - work among women, growth and precarious employment! - The partial industry makes the difference

In the following central results are introduced in regard to the social economy, to the employment level, to the trend in employment as well as to the economic relevance in Germany. Besides the data for the employment subject to social insurance (SvB), insignificant employment, the meaning of part-time job as well as to the woman employment in the social economy in Germany are treated as well. Currently round 28,61 million people (Federal agency for work 2012) are employed with a social insurance in Germany. Therefore every 14th employees in a social insurance in Germany currently is working in the social economy.

#### 1. Development of the employment subject to social insurance (2008-2011):

If one takes all economic sectors mentioned above into account, 2.020.929 people were employed in the social economy in Germany (table 2) in the year 2011. The central pools of employment were the nursing homes (866.042; 43%), the social welfare (616.545; 30.5%) as well as the nursery schools (280.935; 13.9%). In the year 2008 the social economy in Germany did hold 1.739.570 employees with a social insurance. In 2008 the greatest employment shares were allotted to the old people's welfare (774.892), the welfare (496.593) as well as to the nursery schools (242.180). Thus in the time period 2008-2011 an increase of the employment subject to social insurance amounts to a total of + 16,2 % in this line of business. The increases in the partial industries

amounts +11,8 in the old people's welfare, +24.1% in the welfare and +16,3% at the nursing schools and are therefore extremely dynamic.

**Table 2: Employment subject to social insurance in the social economy in Germany (2008-2011)**

Economic sectors (WZ 2008)	2011	2008
84120 Regulation of activities of providing health care, education, cultural services and other services, ex	25.134	25.055
85101 Pre-primary education	280.935	242.180
854 Higher education	29.339	25.564
869 Other human health activities	202.934	175.286
87 Residential care activities	866.042	774.892
88 Social work activities without accomodiation	616.545	496.593
<b>Employment (in total)</b>	<b>2.020.929</b>	<b>1.739.570</b>

Source: Beschäftigtenstatistik der Bundesagentur für Arbeit (2012); own calculation.

## 2. Development of the marginal employment (2008-2011)

In the year 2011 altogether 292.147 people were marginal employed in Germany (table 3). Unlike the employment subject to social insurance there are other share distributions in the area of marginal employment. From all marginal employment relations there are 113.370 (38.8%) in the social welfare, 79.466 in the nursing homes (27.2%) and further 60.524 in the health service (20.7%). In the year 2008 the amount of insignificant employment relations in the social economy in Germany was about 270.181. Thus there was an increase of marginal employment relations by +8.1% in the time period 2008 -2011. The dynamics of each development were however quite different which shows table 3.

**Table 3: Marginal employment in the social economy in Germany (2008-2011)**

Economic sectors (WZ 2008)	2011	2008
84120 Regulation of activities of providing health care, education, cultural services and other services, ex	1.582	1.591
85101 Pre-primary education	28.955	26.665
854 Higher education	8.250	7.432
869 Other human health activities	60.524	58.265
87 Residential care activities	79.466	81.260
88 Social work activities without accomodiation	113.370	94.968
<b>Employment (in total)</b>	<b>292.147</b>	<b>270.181</b>

Source: Beschäftigtenstatistik der Bundesagentur für Arbeit (2012); own calculation.

In the welfare there was an increase of + 19,4 % and in the health service of 3.9%. In the nursery homes there was even a decline of 2,2% in the insignificant employment. To insignificant employment is frequently referred to as as precarious employment. In certain sections of the social economy there seems to be a different development. The development has been particularly dynamic in the welfare, the one section that in the past often has been considered to have as volatile and non-regulated trading conditions as well as to have a lasting trend towards privatization in Germany.

### 3. Development of part-time employment in the social economy in Germany (2008-2011):

To show the employment dynamics in the German social economy another central indicator is the development of part-time employment (table 4). The following table on the one hand shows that between 2008 and 2011 the share in part-time employed has increased in all considered sections of the social economy. If the share of part-time employed 2008 still was 42.9%, it was already 45.4% in the year 2011. Altogether, the social economy employment profile is based on part-time employment to a high extent. On the other hand it shows that the meaning of part-time employment varies in the considered sections of this line of business.

**Table 4: Part-time employment in the social economy in Germany (absolute and shares in per cent, 2008-2011)**

Economic sectors (WZ 2008)	2011	rates	2008	rate
8412 Regulation of activities of providing health care, education, cultural services and other services, exc	9.810		39,0	9.431
85101 Pre-primary education	150.845		53,6	129.082
854 Higher education	13.814		47,1	11.399
869 Other human health activities	57.114		28,1	45.260
87 Residential care activities	403.138		46,5	333.715
88 Social work activities without accomodiation	282.922		45,8	217.036
<b>Employment (in total)</b>	<b>917.643</b>		<b>45,4</b>	<b>745.923</b>

Source: Beschäftigtenstatistik der Bundesagentur für Arbeit (2012); own calculation.

While in kindergartens in 2011 the share of part-time employed was about 53.6% in the nursing schools, it is only 28.1% in the health service (not others mentioned). To which extend the high importance of part-time employment also effects the articulation of interests and organization of employees cannot be concluded at the moment.



**4. Development of female labour in the social economy (2008-2011):**

The social and health service is a field which has high share of female waged work. The following table (table 5) shows that the part of female labour in the entire industry "social economy" can be estimated around 80.0%. Considerable differences are also recognizable if one compares the various lines of businesses: While a share of female labour of 95.2% is reached at the nursery schools, the share of women is considerably less with merely 49.6% in the area of "tertiary and post-secondary, non tertiary lessons". In the course of time a relatively constant development can be documented in the use of female labour. Furthermore table 6 shows that particularly the insignificant employment has an enormous importance for women in the social economy at present.

**Table 5: Female labour employment in the social economy in Germany (employment subject to social insurance, absolute and shares in per cent, 2008-2011)**

Economic sectors (WZ 2008)	2011	rate	2008	rate	
8412 Regulation of activities of providing health care, education, cultural services and other services, exc	17.110		68,7	17.234	68,7
85101 Pre-primary education	267.966		95,2	232.538	96,1
854 Higher education	14.553		49,6	12.738	49,8
869 Other human health activities	148.575		73,2	129.566	73,9
87 Residential care activities	689.891		79,6	615.054	79,4
88 Social work activities without accomodiation	479.737		77,8	381.431	76,8
<b>Employment (in total)</b>	<b>1.617.832</b>		<b>80,0</b>	<b>1.388.561</b>	<b>79,8</b>

Source: Beschäftigtenstatistik der Bundesagentur für Arbeit (2012); own calculation.

Thus the share of marginal employed women in the social economy was 77,4% in the year 2011 and has increased by +59 percentage points if one compares it to the year 2008 (71,5%). It also becomes clear, that the realized shares in the certain sections of the line of business vary considerably. Particularly the nursery schools (83.1%), the health service (79.1%) and the nursery homes (78.2%) have high shares of marginal employed women. If one compares the various economic sectors, the future trends differentiate here, however: While the economic sector "tertiary and post secondary, not tertiary lessons" could record a decline in insignificant employment with women between 2008 and 2011, the other economic sectors had to record increases here.



**Table 6: Development of female labour employment in the social economy (marginal employment, 2008-2011)**

Economic sectors (WZ 2008)	2011	rate	2008	rate
8412 Regulation of activities of providing health care, education, cultural services and other services, exc	1.066	67,3	1.094	68,8
85101 Pre-primary education	24.062	83,1	2.229	83,6
854 Higher education	3.893	47,2	3.464	46,6
869 Other human health activities	47.876	79,1	47.354	81,3
87 Residential care activities	62.176	78,2	64.957	79,9
88 Social work activities without accomodation	86.924	76,7	74.141	78,1
<b>Employment (in total)</b>	<b>225.997</b>	<b>77,4</b>	<b>193.239</b>	<b>71,5</b>

Source: Beschäftigtenstatistik der Bundesagentur für Arbeit (2012); own calculation.

### 3.9 Economic relevance of the social economy

Based on the sales tax statistics there are about 20.000 taxable facilities in the social economy in Germany. Here it must be taken into account that a large part of the facilities of the social economy are not subject to sales tax liability. Data on hand show (here: including the hospital sector) a gross creation of 151 bn € nationwide. This corresponds to a contribution to the complete gross value added of 6.7% (Karmann et al 2011).

#### 3.10 Forecasts for the development of social economy – social economy also strengthens the national economy

Current forecasts on hand for the development of single sections of the social economy predict a growing demand for professional offers in Germany particularly in the fields health, care and education. The assumptions that it will come to an increase of people in need of care, of development of the children's day support and to an expansion of offers in the area of the domestic services (primarily domestic helps) in future offer basis for this. It was the aim of a current study of the Prognos-Institute to forecast the effects of an expansion of the demand and the supply of social services in the time period 2007-2025 on growth and employment in Germany. The summarized results are: (Dauderstädt 2012):

- Between 2007 and 2025 there is going to be an increase in employment of around 667.000 jobs in the area of social services. Of this 436.000 jobs are allotted to the caring sector, 138.000 on the area of "education" and another 93.000 jobs on the area of the supporting domestic helps.
- In the course of this expansion of offers and employment it will come to an expansion of the costs and the pay in the social economy. The additional expenditure does not have to limit the national economy

necessarily, but an expansion of the employment can contribute to more growth according to larger incomes and thus will lead to more growth overall.

- An expansion of the social services can be growth effective for the whole national economy. Important factors are among others the transformation of housework (e.g. care and child care) into waged work, the generation of new income and higher output of social services also can contribute to a rise of the employment ability.

The area of the old people's welfare can be described as a central growth field of the social economy as the most dynamic and in view of forecasts on hand. The following current forecasts support this:

- The statistical Federal Office has presented a forecast of the manpower requirements and supply (Afentakis/Maier 2010) in care professions up to 2025. If one takes the employment structure 2005 of care professions in whole Germany (respectively the old federal states) as basis, the lack of trained nurses can be estimated as 193.000 or 214.000 health workers ("status quo scenario") and 135.000 or 157.000 health workers ("scenario dropping treatment quotas") up to the year 2025.
- The Institute for labour market and employment research (IAB) forecasts for the years up to 2030 an increase of 550.000 employees (full time equivalents) (Pohl 2009) in the care sector alone in the scope of the long-term care for elderly people on 1.2 million.
- A forecast of the institute of the German economy (IW) also supports the increasing economic meaning of the care sector. The need for full time employees could triple (Enste/Pimpertz 2008) on about 1.6 million up to the year 2050.

#### 4. Employers' Associations, collective bargaining and social dialogue in Social Services in Germany: A profiling analysis of its systems, institutions and outcomes

##### 4.1 Employer-employee relations in Germany: The general model in the summary

The system of the employer / employees relations is actually regulated quite openly in Germany:

- Employees assemble themselves voluntarily in trade unions. These are ordered by economic sectors and branches of industry. In General one trade union is respectively responsible for a line of business.
- Employers become a member of employers' associations which also are differentiated to economic sectors and branches of industry. In most cases one employer organisation is responsible for a line of business. The associations often fulfill the tasks of an employers' federation as well as the tasks of industry associations.
- Both together - trade unions and employers' associations – conclude collective wage agreements which determine the working conditions and the payment for the staff of the members of the employers' association.
- Central contents of wage agreements are pay and salaries, working times, holiday entitlements, working conditions and regularisations for conclusion and cancellation of employee-employer relationships.
- Basically one distinguishes between skeleton agreements, wage agreements and single issue arrangements. Skeleton agreements regulate the framework conditions of the labour deployment, wage agreements regulate the amount of the pay and salaries, general agreements on employment conditions. Single issue arrangements regulate e.g. gratifications, the holiday and the Christmas gratifications or sometimes also questions of education and further education.
- In the federal republic of Germany skeleton agreements are often concluded supraregional on federal level. Wage agreements refer predominantly to specific sub-regions of the Federal Republic which for the most part embrace one or more federal states. Furthermore there

are also many company agreements, the most prominent in Germany is that one of the Volkswagen AG.

- A wage agreement can be declared as generally binding by the German Ministry of Economic Affairs when being a "public interest". It then applies to all enterprises and employees of a line of business and not only to the employees of enterprises which belong to the employers' association. Employers, bound to collective agreements, have to employ at least the half of the employees falling to the scope of the wage agreement (§ 5, para. 1 no. 1 TVG) as a prerequisite for a general declaration of obligation. Moreover, the employers have a de facto right of veto since the general obligation may be explained with the agreement of the top organisations of the employers and the employees (§ 5, para. 1 set of 1 TVG).
- Wage agreements are negotiated between employers' associations and trade unions. If one does not find any agreement, it comes to labour disputes which may also lead to strikes and lockouts.
- In the enterprises the interests of the employees can be represented by work councils. These are chosen by the employees and have codetermination rights protected legally in many questions, for e.g. the organisation of working time, the manpower planning or regarding the system of the assessments.
- The installation of works councils is often initiated and advocated by unions. Many works committees get furthermore support by officials from the trade unions.
- Beyond the acquirement of rates for pay and working conditions trade unions and employers' associations work together on equal terms in a number of committees, in which they are advising and deciding together with government institutions and further interest organisations about public and half public matters. The central fields of bargaining are: unemployment, retirement and health insurances and the system of control and regulation of the vocational training and education.

In the second half of the 20th century the outlined German system of employer-employee relations has contributed decisively to the high standards of payment and social security and services in Germany in international comparison; additionally there was a comparatively low number

of strikes. However, since the middle of the 90s there are significant changes, which reduce the clarity and relevance of the system of employer-employee relations system in Germany:

- An increasing importance of the decentralised level, i.e. the company level: During the 90s there were approximately 3000 company wage agreements, in 2011 there were almost 7500, that is an increase by 250%.
- There is a firm decline of the number of the employees, that are covered to collective bargaining agreements in the first decade of the 21st century: In 1998 the quota was 76% in Western Germany and 63% in Eastern Germany. The quota has sunk to 63% in the west and to 50% in the east in 2010.
- The implementation of minimum wages in selected lines of business: As a direct reaction to the increasing meaning of badly paid jobs and after controversial scientific and political discussions and changes of the legal conditions it came to the implementation of minimum wages which were passed by the government in agreement with the organized social parties. At the beginning of 2012 there are currently minimum wages for 11 lines of businesses altogether, one of them is the care industry, or being more precisely: The geriatric care and the out-patient care delivery.
- A decline in the importance of corporate participation and decision possibilities of the trade unions and employers' federations: While during the 70s and 80s many basic political decisions were prepared, accompanied and partly also implemented and governed by tripartite structured commissions, the governance structures have become more confusing and more volatile since then. This is especially predominant in the area of the vocational education and training. In the past the control and regulation of the complete system was characterized by trade unions, employers' federations and by the chambers of industry and commerce (or trade corporations) quite decisively; today, the newly developed bachelor and master degrees of the universities set the course, where hardly ever cooperation between trade unions and employers' federations takes place.

The outlined changes of the last 15 years have led to more fragility and partly to a subtle loss of importance of the trade unions and employers' federations in regard to design, control and regulation of economy and work

landscape in Germany (cf. Bosch et al 2011, Heinze 2009). They are albeit still important protagonists in the fields of work and social policy as well as in terms of con-arrangement of wages and working conditions. In future they will remain as such since they are backed up by a comprehensive net of legally secured institutions and routines as well.

#### 4.2 Employer employee relations in the social economy: The peculiar sector-specific features

The system of the employee-employer relations in the social economy resembles the above described facts for the national economy in Germany in many aspects. In case of the change trends - more fragility and sneaking meaning losses - the pendulum swings in the same direction. But there are also some very unusual features, which stamp the change trends lastingly and strengthen them in direct comparison to the national economy. Particularly the following features have to be mentioned as specific to the social sector in Germany:

- A large part of the social economy - namely those that are bound to either the Catholic Church Caritas and the Protestant Diakonia - is subject to an independently defined employment and collective labour law, which is enshrined in the canon law. This has many things in common with the public law labour in Germany. As part of the canon law the churches and church organisations have individual labour law design options, backed up by ART. 140 GG (Grundgesetz). The industrial law of the churches brings about, however, serious deviations in view of the social dialog and finding of agreements on pay and working conditions opposite the other conditions in the German economy:
- With respect to collective bargaining - Caritas and Diakonia are talking about labour law agreements - strikes and lockouts are forbidden. Instead, there are exclusive negotiations on equal representation in committees, which can be terminated if no agreement can be found by (multi) arbitration proceedings.
- There are no worker's councils but employee representations (Mitarbeitervertretungen - MAV) at the operational level. Participation rights are quite similar to the worker's council representatives but there also are differences. One would not speak of an overall better or worse position in general, and systematic comparative research on this issue is generally non existend (cf.

Jakobi 2007, 79f). Such employee representatives generally have little contact and cooperation relations with the service sector trade union ver.di.

- In collective bargaining processes the employees' side – Caritas and Diakonia often call them "institutionalised service community" (Dienstgemeinschaft) – is not represented by the trade union (service sector trade union ver.di) in the negotiations to 'wage determination', but rather by delegates from groups of employee representatives. These work at the different levels (in company networks, in regions or on the Federal level) and send their representatives to upper-level umbrella associations on the base of different regulatories.
- Most other economic sectors in Germany have one employers association. The social economy sector has no less than eight employer associations, and accordingly, eight negotiating arenas in which bargaining contracts are sought and found.

The negotiation arenas have to be distinguished:

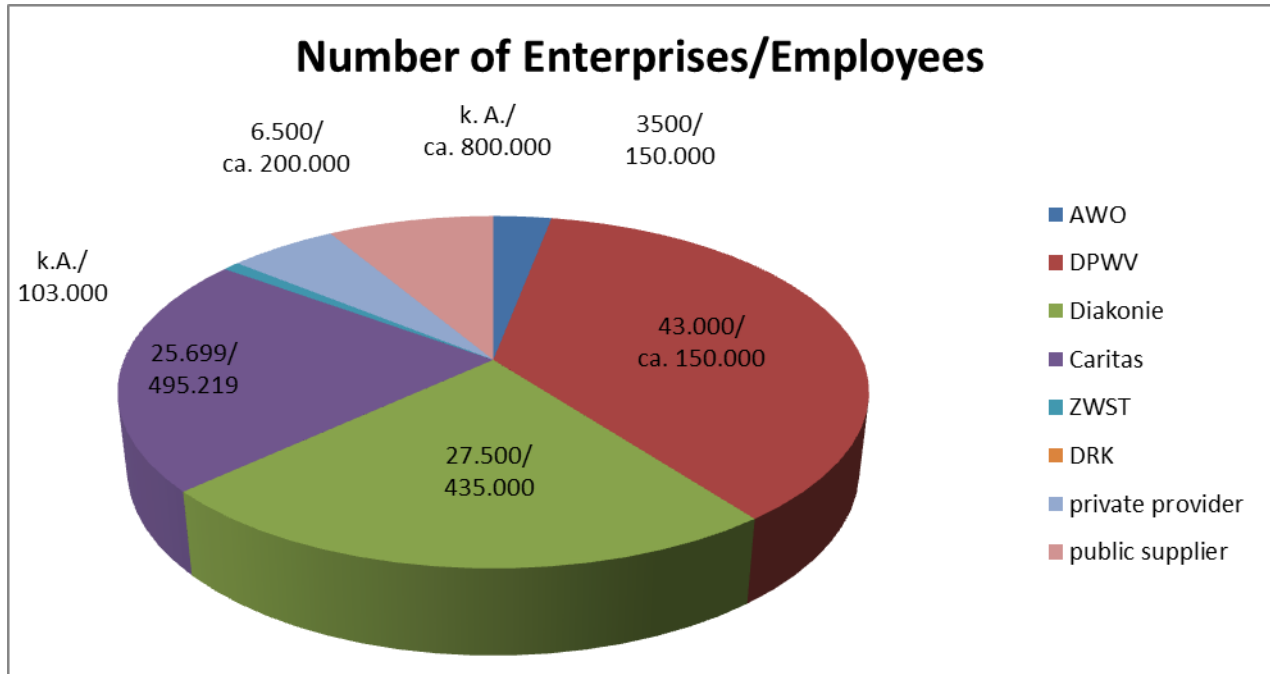
- the (non-statutory) Roman Catholic Caritas (holding organisation: German Caritas Association (Deutscher Caritas Verband, DCV.)
- the (non-statutory) Protestant Diakonie (holding organisation: Welfare Service of the Protestant Church in Germany)
- the (non-statutory) Central Welfare Agency of the Jews (ZWST)
- the (non-statutory) Workers's Welfare Service (Arbeiterwohlfahrt, AWO) with its traditional anchorages in the labour movement,
- the (non-statutory) German Red Cross (DRK),
- the (non-statutory) Non-affiliated Charities (Paritätische Wohlfahrtsverband, DPWV)
- Public providers, these primarily on the local one, are partly active also at the regional level, however, and the employer interests are



represented by the association of the municipal employers - Verband der Kommunalen Arbeitgeber (VKA),

- Private provider with the federal association of private providers of social services (bpa).

Figure 1: Provider and employees in the sector of social services in Germany



Source: own research and calculation.

Economical speaking it is a fact, that the free non-statutory welfare and private providers dominate the care sector (outpatient care, residential care activities) as the public (social and youth welfare departments, regional authority associations (Landschaftsverbände) with their special hospitals for handicapped persons and mentally ill persons) and confessional providers dominate clearly in the area of child and youth welfare (Kindergarden, leisure amenities etc.).

The mentioned collective bargaining arenas are structured very differently and are presently in transition. Thus the Caritas has succeeded at establishing an open and top-down structured negotiation system within the last few years. However, the world of the welfare and social work still is very strongly characterized by decentralised protagonists and seeks for new ways



for more transparency and homogeneity seeks at present. The decentralised strengths, the level of the enterprises and sole proprietorships are very dominant in the DPWV and the private ones. The public ones adapt the results of the wage negotiations for the public service. The united service trade union ver.di represents the employees' side in all non-christian negotiation arenas. In the world of the Caritas and Diakonie ver.di is looking till now for new ways to shape the representation of interests, however, with only modest success. Merely in two rather smaller negotiation regions (Nordelbien, Berlin-Brandenburg-Oberlausitz) ver.di sits at the table as negotiation partner, but has to accept the fact, that strikes are prohibited. The competition in social services has intensified considerably within the last two decades. A large part of the purchases for social services comes from public customers. There used to be refunds for the providers for their services based on confirmed service price catalogues. Meanwhile, the orders are put out to tender and awarded to the most reasonably priced provider. This award practice has increased the competition in the social economy considerably and contributed to a growing group of strong private providers (v. a. opposite the non-statutory sector) and has led to economic problem of the providers to the point of take-overs, insolvencies and bankruptcies.

#### 4.3 The world of the wage rates, collective bargaining and agreements in the social economy

According to the findings of this study the outlined eight collective bargaining systems in the social economy produce a variety of collective agreements and labour law regulations on different levels (e.g. federation; federal states, corporations and enterprises). Neither the official collective bargaining archive of the Federal Ministry of Labour, the archive of the Economic and Social Research Institute (WSI), nor the collective bargaining register of the service sector trade union ver.di has a resilient overview. Up to now, this situation has not been adequately described and evaluated. The research for this project is based on the sources mentioned above. Supplementary research, interviews as well as internet search, has been done in cooperation with the respective institutional organisations (see above). Based on this work it has to be considered as facts,

- that there are approximately 1.430 wage settlements and agreements in the social service sector.
- that about 1.300 of them are assigned to the non-church arenas and approx. 130 are assigned to the church negotiation arenas.

- that of the 1.430 bargaining agreements 218 are skeleton agreements, 253 are wage agreements and 840 are single issue arrangements.
- that a lot of the agreements are emergency agreements due to the rescue of an enterprise which got into economic difficulties.

With regard to the adherence of collective bargaining agreements one can go back to the data of the business panel of the Institute for labour market and employment research (IAB) (see Bispinck among others 2012, Kap.1.7). The industry-specific definitions used there cannot be completely brought into congruence in terms of the definition of social economy in the present study and in the complete PESSIS project, though. Based on assessments from expert interviews we nevertheless assume that the IAB data to the lines of business health and education and teaching corresponds broadly with definition of PESSIS. Therefore:

- 32% of the enterprises and 52% of the employees are covered by industry-specific wage agreements,
- 5% of the enterprises and 11% of the employees are covered by house or company wage agreements,
- and 63% of the enterprises as well as 37% of the employees work without an involvement in collective bargaining agreements.

Thus the adherence of collective bargaining agreements in the social economy is tightly over the average of the German economy but also considerably lower compared to established lines of business such as the building and construction, trade or the finance and insurance services. In addition one has to say that the supplementary expert interviews pointed to great differences between the different negotiation systems of the social economy for the present project. So the Caritas and Diakonia refer to an adherence of collective bargaining agreements of over 90% (also see the statements on the Bundestag hearing 2012) while the private providers assume that far more than 80% of the employees is working without any collective bargaining agreement.

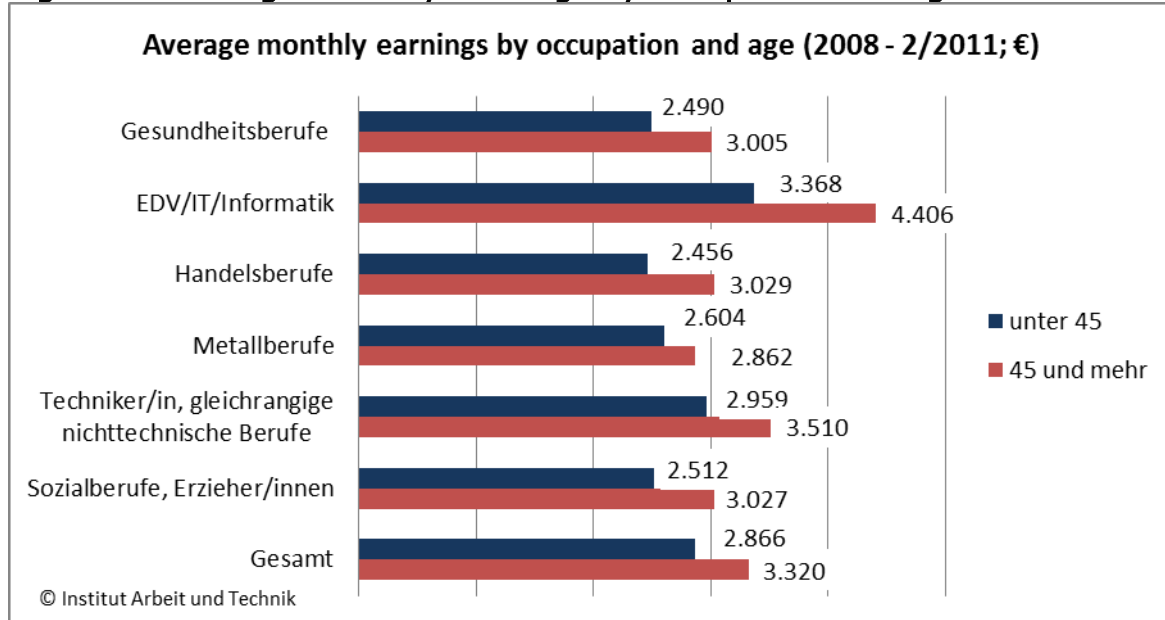
Data about the membership rate of facilities and enterprises in employer associations of the social economy are not available. However, one can

assume that the membership density ratio corresponds roughly to the quota of tariff coverage for the enterprises. This means that approximately about one third of the enterprises belong to an employers' association. It is to assume that particularly smaller private enterprises do not belong to any employers' association. With the non-statutory providers however the membership density ratio is at almost 100%.

Details, how many per cent of the employees in the social economy are member of the responsible united service sector trade union ver.di are not available also. The estimates in the expert discussions reaches from 3 to 10%. On the employers' side the degree of organisation is clearly below the average of the German national economy of 14% (European Social Survey, <http://www.iwkoeln.de/de/infodienste/gewerkschaftsspiegel>).

To give a concise view of the income and working conditions is also difficult as there is no sufficient data, especially in comparison with other lines of businesses; when they are outlined they encounter methodological caveats. Thus the data which was presented by the Caritas and the Diakonie in the context of a hearing in the German Bundestag was criticized by the Workers' Welfare Service. However, an analysis of the LohnSpiegel, which recently has been presented by Evans u.a. (2012) can be used as rough orientation, as it was made for the lines of business health (inclusive of geriatric care), as well as for caring professions/educators. On its basis one can conclude that the average monthly income in the social economy is approx. 10 - 15 % below the average values of the national economy in Germany.

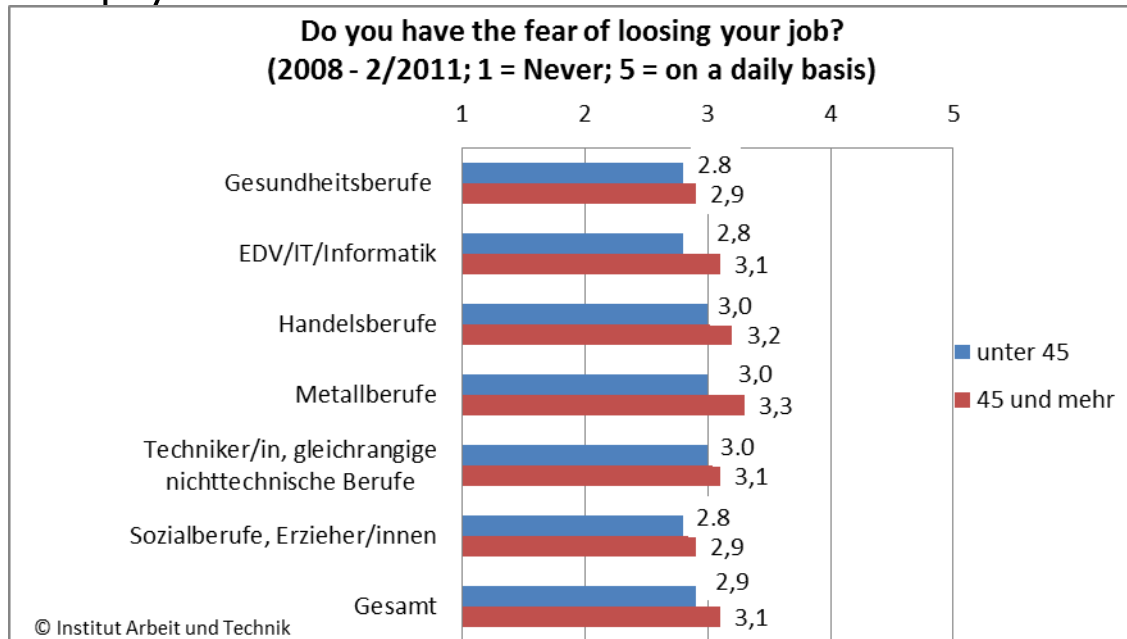
Figure 2: Average monthly earnings by occupation and age



- Gesundheitsberufe = Work in the health sector
- EDV/IT/Informatik = IT/Computer Science
- Handelsberufe = Trade business
- Metallberufe = Metal-working industry
- Techniker/in, gleichrangige nichttechnische Berufe = Technicians and jobs with equal rank
- Sozialberufe, Erzieher/inner = Social Work, kindergarten teacher
- Gesamt = All together

With regard to the working conditions the social economy stands obviously on the shady side of the business life as well (measured against the stress perception or the fear of losing the job).

Figure 3: Job security in the professional inter-group comparison and by age of employees



There are albeit very great differences within the social economy. Incomes and working conditions in the field of the care for the elderly and that of the child care are especially tenuous.

#### 4.4 Topics of the regular social dialog

During the representative interviews as well as on the checking of central statements from the social economy a number of topics stood out and give a immediate reference to the employer-employee relations in this line of business. The following aspects played a important role in this:

- The social economy is already today a great economic factor and can be regarded as lines of business with great growth and employment potentials for the future. The line of business needs a self-confident and offensive representation of interests to be able to realize these future chances. The different worlds of the social economy should cooperate and also seek for the cooperation between employer associations and trade unions here. An aim will be that more remedies for social services should be called in by the public hand as well as from the national insurances.

- Unemployment has sunk considerably in Germany within the last few years. There is already a qualified employee deficit in some employment fields and regions. All interviewed experts agreed that we have to find new ways to make the jobs more attractive in the social economy. Otherwise disadvantages could threaten the competition for workers with other lines of business in the future.
- It is uncontentionous that the pay and working conditions are very bad in some areas - primarily in the old people's welfare and at the support of small children. The search for new ways to upgrading of the work is particularly high in these areas.
- Another answer to the threatening shortage of labour is to gain to new target groups for the work in the social economy, i.e. people who do not show interest in work in this line of business till now or do not have the appropriate knowledge or skills. Address, training and integration concepts must be developed - at the best for the entire line of business and in agreement with the trade unions and the other employee persons representing the interests for these new target groups.
- Some experts also pointed out new ways of the labour organisation and the technology use to search to make the deployment of labour both better and more efficient. The Diakonie had a special event in Berlin with the topic technology use in the geriatric care at the beginning of May 2012.
- At the search for workers but also at the development of new offers and busi-ness fields enterprises of the social economy get increasingly active abroad. The attention increases for inter- and supranational future trends and authorities corresponding for decisions through this. Refreshment and standardisation of the representation of interests are seen as particularly desirable in the EU.
- The education and further education for the professions of the social economy has got into movement within the last few years. Thus some professions of the social economy are meanwhile trained (as result of the Bologna process) as bachelor qualification at universities. More transparency and coordination was called in by several experts at the development of new job outlines.

- The service sector trade union ver.di as well as some political parties (Die Linke, SPD) have the opinion to check the special rights of church-near providers, if necessary even to abolish them. This discussion found its temporary highlight in a hearing in the German Bundestag, as it was put on the agenda by the parliamentary group Die Linke. In connection with these debates it is questioned how to standardise the system of the employer-employee relations more strongly and to foster a social dialog about future questions of the social economy. In connection with this the AWO suggests the introduction of one uniform industry-specific wage agreement which then can be declared generally binding by the Federal Government.

Although the technical necessities of a Social Dialog are seen clearly in all 'worlds' of the social economy, there is (yet) no unified picture about the ways to procure it. Perhaps an external stimulus could be necessary to help along here. Some of the interviewed experts hoped, that the PESSIS project could work in this meaning.

#### 4.5 Summarising complete interpretation

In the summarising complete interpretation it stands out that the system of the employee employer relations is very strongly fragmented, even rugged in the social economy. It probably is not even justified to speak about a "system". Figuratively speaking it rather consists of eight different partial worlds which form a confused, not yet completely mapped archipelago of systems isolated by each other, which then produces an atomistic landscape of bargains and agreements. A result of this various and little structured world is that pay and income conditions in this line of business could undermine their performance and competitiveness in the long run. It is recognized by many protagonists and responsibility carriers in the social economy that there is a large renewal need in terms of upgrading the work towards more homogeneity and transparency as well as in the direction of unity. However, this social dialog is not present sector wide, rather in some isolated worlds at coincidental meetings - any miracle therefore, that the effects fall flat largely.



## 5. Conclusions and Challenges: „Sociosclerosis“: Employer-employee relations in German Social Services at the crossroads

During the enquiries and expert interviews for the German country study PESSIS ("Promoting Employers' of Social services Organisations in Social Dialogue") project it got bit by bit clear that the social economy in Germany is in a difficult situation, perhaps even in a crisis. Without a doubt it is an industry with crisp prospects on more growth and employment. However, it runs the risk of being not able to realize these great prospects.

Social economy has difficulties in lobbying itself uniformly and strongly and it is also having problems to appear as a line of business with attractive jobs. Because of this it must be afraid again and again that public and quasi-public funds are cut for the financing of the welfare state and hence for the financing of its offers; this means disadvantages in the competition for qualified employees in the long run.

It is reason for these difficulties that the line of business is organized badly both at the employers' side and on the part of the employees. Although at the employees' side it adds an industrywidely responsible trade union with ver.di, the degree of unionization, however, is (at the Caritas, the Diakonie and with large parts at the private providers) low and also the cooperation possibilities in large portions of this line of business is extremely restricted. At the employers' side there is no uniform organisation at all, eight different negotiation arenas search for bargains and agreements instead. Due to its organisational fragmentation in Germany the social economy can be described as "braked by its own bonds".

In analogy to debates in Europe during the 70s and 80s about "Eurosclerose" - the European economy stagnated because its future abilities were stuck in a brushwood of non-compatible regulations - one could talk about "Sociosclerose" in the German social economy. Although the social economy has extremely high future potentials, it, however, cannot develop these due to its socio-institutional fundaments.

The "Eurosclerose" had been overcome with the "Single European Act" in 1986. This was a step which was conscious and planned by farsighted politicians towards the widening and deepening of the European integration.

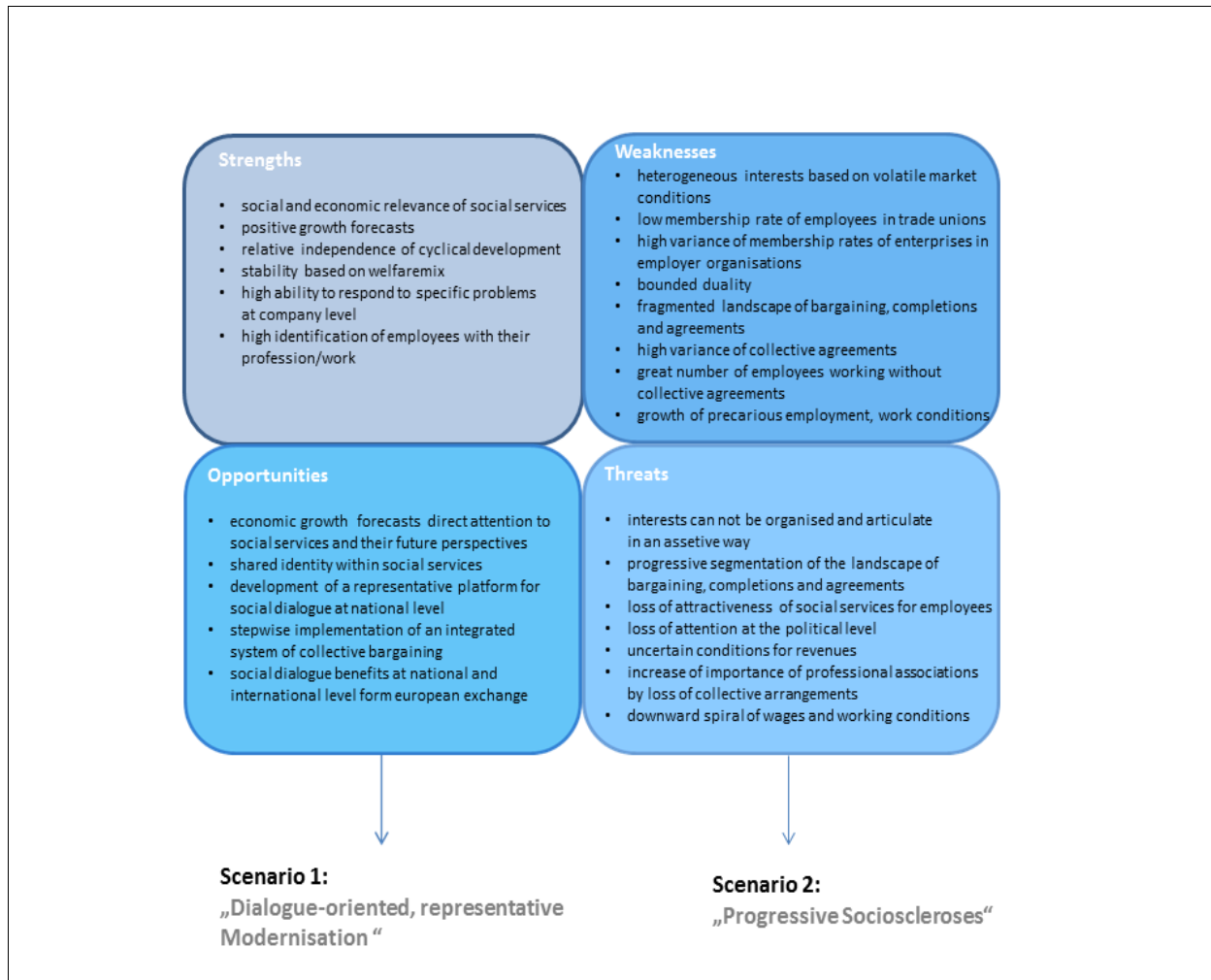


Will the responsible parties be able to comparably courageous steps in the German social economy? The goal can only be achieved through the development and expansion of organized social dialogue at a national level. Impulses from a European social dialogue can thereby be orientation and encouragement.

## 6. SWOT-Analyses of Social Dialogue in Social Services in Germany

The following figure sums on the basis of the results described the strengths, weaknesses, opportunities and threats along the social economy with a view on the social dialogue and aggregates the results in two scenarios, as a "dialogical-representative modernization" (Scenario 1) and "Progressive Sociosclerosis" (Scenario 2) respectively. With regard to the "social dialogue" the social economy is particular strong with its positive growth prospects and the economic stability of the industry. The welfare mix of public, non-statutory and private providers have proven themselves as a stabilizing element in the German model of the welfare state.

**Figure 4:**



Source: Own Presentation

The importance of collective bargaining / labour agreements at company level is a strength of the social economy; in the sense that this way enables a high ability to response and to adapt at enterprise level. On the other hand, however, the fragmented landscape of negotiation, the variance of the high level of organization of employers and the low level of organization on the employee side will all nourish the problem of "Sociosclerosis "in the social economy. All protagonists are in the challenge for responsible modernization and the "social dialogue" is the key instrument for this purpose. As part of a dialogue-representative modernization, the basic positive growth prospects for the industry through sustainable collective bargaining agreements and working conditions will be supported.

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## Annex

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