

EUROPEAN COMMUNITIES

Social security for migrant workers



FR of Germany

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Guide

**concerning the rights
and obligations with regard to social security
of persons going to work in
THE FR OF GERMANY**

In your own interest
read this guide carefully

NEW EDITION

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This guide gives only general guidance.

It must not be treated as a complete and authoritative statement on the law in any particular case.

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1. General information

The purpose of this part of the guide is to inform you of your social security rights and duties when you come to the Federal Republic of Germany to work here as an employed or self-employed person.

In the following chapters you will be given information on the qualifying conditions and the formalities to be completed in order to receive benefits in the following cases:

- (i) sickness, maternity and death (death grants);
- (ii) accidents at work and occupational diseases;
- (iii) invalidity (occupational invalidity and general incapacity for work), old age and death (pensions);
- (iv) unemployment;
- (v) family allowances for children (Kindergeld).

2. Organization

Your insurance is the responsibility of the institutions listed below.

2.1 Sickness insurance (general scheme)

The local general sickness fund (Allgemeine Ortskrankenkasse, AOK) competent for the town in which you are employed; however, you may also come under a sickness fund of a company (Betriebskrankenkasse, BKK), or trade guild (Innungskrankenkasse, IKK), the federal insurance fund for miners (Bundesknappschaft) or the sickness insurance fund for seamen (See-krankenkasse). Your employer will give you the information you require.

Self-employed persons entitled to join voluntary insurance come under the AOK.

Self-employed farmers: the agricultural sickness fund (Landwirtschaftliche Krankenkasse) competent for the town in which you are employed.

2.2 Accident insurance (Accidents at work and occupational diseases)

Depending on the sector of the economy in which you are employed or self-employed, you are covered by a professional and trade association:

- (i) responsible for industrial undertakings (Gewerbliche Berufsgenossenschaft);
- (ii) for agricultural and horticultural undertakings (Landwirtschaftliche Berufsgenossenschaft);
- (iii) for undertakings in seafaring and sea-fishing (See-Berufsgenossenschaft).

2.3 Pension insurance

- (i) Regional insurance offices (Landesversicherungsanstalten) for manual workers, certain self-employed categories, in particular self-employed craftsmen;
- (ii) Federal insurance office for clerical staff (Bundesversicherungsanstalt für Angestellte) for clerical workers, self-employed artists and publicists and certain other self-employed categories;
- (iii) Mariners' insurance fund (Seekasse) for persons employed in seafaring, clerical staff of seafaring companies, and pilots;
- (iv) Federal insurance fund for miners (Bundesknappschaft) for manual and clerical workers in the mining industry.

2.4 Old age insurance for farmers

The agricultural old age insurance fund (Landwirtschaftliche Alterskasse) responsible for the place in which the farm is located.

2.5 Unemployment insurance

Federal Labour Office (Bundesanstalt für Arbeit) and its regional labour offices (Arbeitsämter).

2.6 Family allowances

Federal Labour Office (Bundesanstalt für Arbeit) and its regional labour offices (Arbeitsämter).

2.7 Self-employed artists and publicists (sickness and pension insurance)

Artists' social fund (Künstlersozialkasse), Wilhelmshaven.

3. Compulsory insurance

The following categories of persons are subject to compulsory insurance:

3.1 Sickness insurance

- (a) Employed persons
 - (i) manual workers
 - (ii) clerical workers whose annual earnings do not exceed a fixed amount (1983 = DM 45 000);
- (b) Pensioners and pension claimants who have provided proof of having completed the prescribed insurance periods, if necessary taking into account periods completed in other Member States;
- (c) Certain categories of self-employed persons (persons carrying on a domestic trade or industry, teachers, educators, artists etc.) whose annual income does not exceed a fixed amount (1983 = DM 45 000);
- (d) Self-employed artists and publicists, under certain conditions.

3.2 Sickness insurance for farmers

Farmers and foresters and those in similar undertakings if the farm or undertaking is their basis of subsistence.

3.3 Accident insurance

All persons employed under a contract of private or public employment or apprenticeship as also homeworkers, persons carrying on a domestic trade or industry, persons engaged in coastal shipping or coastal fishing, persons engaged in health, veterinary or welfare services, blood donors, etc. However, doctors and other persons providing medical treatment, dental surgeons, and dispensing chemists, in so far as they are self-employed, are not covered.

Insurance cover also extends to children while attending a kindergarten, schoolchildren while attending a school providing general education, and students during their training for further training at a university-level educational establishment.

3.4 Pension insurance

- (i) All manual and clerical workers regardless of the level of their earnings;
- (ii) Self-employed craftsmen who have paid compulsory contributions for less than 216 calendar months;
- (iii) Persons carrying on a domestic trade or industry, self-employed persons engaged in coastal shipping or coastal fishing, self-employed teachers, educators, and other categories of self-employed persons;
- (iv) Self-employed artists and publicists;
- (v) Self-employed persons who have voluntarily joined compulsory insurance.

3.5 Old age insurance for farmers

Owners of farms who derive a sufficient means of subsistence from their undertaking.

3.6 Unemployment insurance

All employed persons.

4. Right to join insurance

4.1 The following persons may join the statutory sickness insurance scheme on a voluntary basis:

- (i) employed persons who are exempt from insurance, in particular clerical workers whose earnings exceed the compulsory insurance ceiling (cf. section 3.1 above);
- (ii) persons engaged in small-scale industry and other owners of undertakings as well as members of an employer's family working for him without an actual contract of service and without receiving remuneration, if their total annual income does not exceed a fixed amount (1983 = DM 45 000);
- (iii) self-employed farmers who have ceased to be subject to compulsory insurance.

The person concerned may ask for voluntary insurance by applying to the competent sickness fund mentioned in section 2.1 above.

4.2 The following persons may join the statutory pension insurance scheme on a voluntary basis:

- (i) persons who are not or no longer subject to compulsory insurance under German law; in certain cases, voluntary insurance is also possible when the person concerned is not or no longer resident in Germany;
- (ii) self-employed persons may also voluntarily join the compulsory pension insurance scheme for manual workers or for clerical workers within two years of commencing self-employment. For as long as they continue to be self-employed they will be subject to compulsory insurance on a par with employed persons.

4.3 The following persons may join the accident insurance scheme on a voluntary basis:

Self-employed persons who are not yet covered by statutory provisions providing insurance against accidents at work and occupational diseases.

5. Contributions

Employed persons' contributions are as a rule deducted from their earnings and transmitted by their employer. Self-employed and voluntarily insured persons have to pay their contributions themselves. Please note the following:

5.1 Sickness insurance (general scheme)

The contribution rate is on average 11% of earnings up to the upper limit fixed each year for the assessment of contributions (1983 = DM 3 750 per month). Half of the employed person's contribution is paid by himself, the other half by his employer.

Pensioners' contributions are in general paid by the pension insurance institution. From 1 July 1983 pensioners themselves will have to pay a part of their contributions, namely 1% of the pension in 1983, 3% in 1984 and 5% in 1985.

From 1 January 1983 pensioners will have to pay contributions on supplementary old age benefits (i.e. on pensions other than social security pensions);

(i) for unemployed persons, contributions are paid by the Federal Labour Office (Bundesanstalt für Arbeit);

(ii) for self-employed artists and publicists, contributions are paid by the Artists' Social Fund (Künstlersozialkasse);

(iii) other self-employed persons and voluntarily insured persons have to pay the contributions themselves. Certain categories of voluntarily insured clerical workers receive an allowance from their employer amounting to half of the contribution.

5.2 Sickness insurance for farmers

Farmers and voluntarily insured persons have to pay contributions themselves by transmitting them at the end of each month to the competent agricultural sickness fund. Separate rates are fixed for each contribution class. When assigning farmers to a particular contribution class, account is usually taken of the average value per hectare of their holdings actually used for agricultural purposes.

5.3 Accident insurance

The means to cover the expenditure of the professional and trade associations (Berufsgenossenschaften) are provided by firms and companies. Voluntarily insured self-employed persons have to pay their own contributions.

5.4 Pension insurance

Under the pension insurance schemes for manual and clerical workers the contribution rate is 18% (18.5% from 1 September 1983) of earnings, up to the limit for the assessment of contributions which is fixed every year (1983 = DM 5 000 per month). Employers and employees pay half each. Voluntarily insured persons and self-employed persons have to pay the full amount of the contribution themselves. For unemployed persons the Federal Labour Office (Bundesanstalt für Arbeit) pays the compulsory contributions for pension insurance.

Under the pension insurance scheme for miners the contribution rate is 23.5% (24% from 1 September 1983), up to the fixed limit for the assessment of contributions (1983 = DM 6 100 per month). Employers pay 15% of the contribution and employees 9%.

5.5 Old age insurance for farmers

All farmers pay the same contribution (1983 = DM 105 per month), regardless of income, to the competent agricultural old age insurance fund. The payment periods are laid down by the fund's charter.

5.6 Unemployment insurance

The contribution rate is 4.6% of earnings, up to the fixed limit for the assessment of contributions (same as for pension insurance — see section 5.4). Employer and employee each pay half of the contribution.

5.7 Family benefits (child benefit)

Child benefits are financed wholly from public funds and there are no contribution payments.

6. Insurance documents

6.1 Employed persons

As soon as you have taken up your job, your employer will take the necessary steps to have you registered for insurance with the sickness insurance fund (Krankenkasse) which will then inform the competent pension and unemployment insurance bodies. You will be allocated an insurance number under which the pension insurance institution will record your periods of insurance and your earnings on which you have to pay contributions.

After the registration procedure has been completed, the pension insurance institution will send you an insurance book (Versicherungsnachweisheft).

You should take your insurance identity card (Ausweis) from the insurance book and hand the book to your employer right away. If

you were insured in the Federal Republic of Germany before and already possess an insurance book, you should hand it to your employer when taking up your job.

When employment ends your employer will give it back to you.

6.2 Insurance identity cards and insurance numbers are also issued to self-employed persons who are covered by compulsory insurance or are compulsorily insured at their own request, and also to voluntarily insured persons; compulsorily insured self-employed persons also receive an insurance book.

6.3 Self-employed farmers

Self-employed farmers must notify the competent sickness fund within two weeks of the beginning or end of an activity as head of an agricultural undertaking or as an assisting member of the family.

This fund will, on application, provide a certificate showing the contributions which self-employed farmers have paid to the agricultural old age insurance fund.

7. Benefits and qualifying conditions

Sickness insurance (General scheme)

The sickness insurance scheme protects you and the qualifying members of your family in the case of illness, maternity and death (death grant). The insurance comprises the following benefits:

- (i) measures for the early detection of diseases;
- (ii) health services (care of the sick, i.e. medical and dental treatment, supply of medicines, bandages and dressings, aids and appliances, spectacles, prostheses and orthopaedic appliances, hospitalization, nursing at home, cash sickness benefit, and domestic help);
- (iii) maternity benefit;
- (iv) other benefits;
- (v) death grant;
- (vi) benefits and services for members of your family.

In the following sections you will find further information about when you are entitled to these benefits and which conditions you have to satisfy in order to receive them.

7.1 For the early detection of diseases the insured person and the members of his family may ask for a preventive medical examination for certain diseases. The following preventive examinations may be applied for:

- (i) for children up to the age of 4, examinations may be requested for the early detection of diseases that may be particularly detrimental to their normal physical and mental development;
- (ii) women from the age of 30 may be examined once a year for the early detection of cancer;
- (iii) men from the age of 45 may be examined once a year for the early detection of cancer.

Before the examination you must hand the doctor a document known as the Berechtigungsschein which is obtainable from your sickness fund and which shows that you are entitled to the examination.

7.2 For as long as you are insured, you and the qualifying members of your family are entitled to free medical treatment by general practitioners and specialists and to necessary dental treatment by dentists.

Please note the following rules:

(i) When you need treatment you should hand the doctor a certificate called Krankenschein, showing your entitlement to treatment, which is obtainable from your sickness fund or your employer. In some cases the sickness fund will issue you with a booklet containing a number of such certificates; when you need medical attention you should take out one of these from the booklet and complete it yourself. Each certificate is valid only till the end of the calendar quarter in which the treatment began. Only one sickness certificate may be used each calendar quarter. In an emergency the doctor will treat you without requiring a sickness certificate; in this case you should tell the doctor with which sickness fund you are insured.

(ii) Treatment is provided by doctors or dentists recognized by the sickness funds. At the beginning of treatment or at the beginning

of each calendar quarter you may choose a practitioner from the list of doctors and dentists which can be consulted at the sickness fund office. In an emergency you may go to another doctor or dentist, who should as soon as possible be given a sickness certificate (Krankenschein) issued by the sickness fund and which the fund has endorsed with the word 'Notfall' (= emergency). Further treatment should however be provided by a doctor or dentist attached to the sickness fund.

(iii) Should the doctor treating you consider it necessary to refer you to a specialist or a polyclinic or similar institution, he will give you a referral note (Überweisungsschein).

7.3 Drugs and medicines are available on prescription from a sickness fund doctor and can be obtained from all dispensing chemists. You will have to pay the chemist DM 2 for each medicine prescribed, except in the case of hardship. The sickness fund does not pay the cost of very cheap drugs and medicines unless they are prescribed for children under the age of 16.

7.4 Minor aids and appliances (spectacles, trusses, medicinal bandages, arch supports, etc.) and certain types of therapeutic treatment (such as medicinal baths and massages) will be prescribed by your doctor when necessary. You must first submit the prescription to the sickness fund. For each of these items you have to pay a charge of DM 2.

7.5 Any necessary prostheses or other major aids and appliances will be prescribed by your doctor and paid for by the sickness fund. Such prescriptions must first be submitted to the fund for its approval.

7.6 For dentures your sickness fund will pay up to 60% of the costs. Before dentures can be manufactured, the estimate of costs must be submitted to the fund for its approval.

7.7 The sickness fund provides for hospital treatment in the 'general class'. The following should be noted:

(i) There is no restriction on the duration of stay in hospital while the patient is covered by insurance. If your insurance ends while

services are still being provided, the sickness fund will no longer be obliged to pay their costs after up to 26 weeks counted from the date on which insurance ended.

(ii) Admission to hospital requires a statement from the doctor that treatment in hospital is necessary. Apart from emergencies, an application must first be made to the sickness fund for coverage of the costs.

(iii) For up to 14 days within a calendar year, the insured person himself must pay DM 5 per day in hospital. Children under the age of 18 are exempt from this payment.

(iv) The sickness fund may also provide spa treatment and treatment in sanatoria and other specialized institutions. As a rule the insured person must pay DM 10 per day for such treatment.

Under special circumstances domestic help may be provided or you may receive a refund, at an appropriate rate, of the costs of a home help engaged privately.

7.8 Transport costs exceeding DM 5 that are necessary to get medical treatment, hospital treatment, etc. are paid for by the sickness fund.

7.9 Cash sickness benefit (Krankengeld)

When you become unfit for work as a result of illness through no fault of your own, your employer will as a rule continue to pay your wage or salary during the first six weeks of incapacity for work. When you become incapacitated you must immediately notify your employer of the expected duration of your incapacity. By the third day at the latest you must send your employer a statement from your doctor confirming your incapacity and its expected duration.

Incapacitated workers who do not enjoy the continued payment of their wage or salary by their employer are eligible for cash benefits (Krankengeld) payable by the sickness fund. The rate of this benefit is 80% of your last regular wage or salary (Regellohn) but it may not exceed your last regular net earnings.

If you have deliberately caused your own illness you may be refused part or all of the benefit payments. If someone else is re-

sponsible for causing your incapacity for work, you must immediately inform your employer.

Before you can receive cash sickness benefit, you must:

- (i) inform your sickness fund if you are receiving a pension or if your illness is attributable to an accident at work or an occupational disease;
- (ii) attend at the hour indicated if invited to medical examinations;
- (iii) heed your doctor's instructions, in particular as regards staying in bed and times at which you may go out;
- (iv) immediately inform your sickness fund when you change your place of residence or stay, indicating your new address.

7.10 Women insured with a sickness fund are eligible for the following maternity benefits:

(a) benefits in kind

- (i) free attendance by a doctor and assistance from a midwife during pregnancy and after delivery. You should obtain a certificate called Mutterschaftsvorsorgeschein from your sickness fund, showing your entitlement to these services;
- (ii) assistance from a midwife and, if necessary, a doctor during delivery, as well as drugs, medicines, bandages, and similar items;
- (iii) coverage of the costs of confinement in hospital for up to six days after delivery;
- (iv) a flat-rate grant of DM 100 towards the expenses involved in the confinement; medical attendance during and after pregnancy must be paid for by the insured person.

(b) maternity allowance

Maternity allowance is paid for six weeks before and eight weeks after confinement; it is paid at a rate corresponding to the average net earnings during the last 13 weeks or the last three months. The minimum rate is DM 3.50 and the maximum rate DM 25 per calendar day. No maternity allowance is paid to women who continue to receive their normal wage or salary.

7.11 Death grant

A death grant (Sterbegeld) is paid on the death of an insured person; the minimum rate of the grant is DM 100. Claims for a death grant must be made to the sickness fund, enclosing the death certificate and receipts relating to funeral expenses. If the death occurred in another Member State, application for a death grant should be made on an E 124 form.

7.12 Benefits for members of the family

Members of your family (i.e. usually your wife if supported by you and your children if supported by you up to the age of 18 or, if still at school or in vocational training, up to the age of 25) living in the Federal Republic of Germany are entitled to benefits in kind under sickness insurance in the same way as insured persons. In order to qualify they themselves must not be personally insured under sickness insurance and their income must not exceed a specified limit (1983 = DM 430 per month). Any change of circumstances that may affect the grant of benefits (e.g. income level, change in place of residence) must be reported to the sickness fund without delay.

7.13 The qualifying members of your family are entitled to receive maternity benefits in kind in the same way as insured working women as well as a maternity grant (Mutterschaftsgeld) of DM 35 or, under certain circumstances, of up to DM 150.

7.14 On the death of a member of your family a death grant (Sterbegeld) is paid on certain conditions, at the rate of half that payable on the death of an insured person.

7.15 Members of the family who

- (i) reside in another Member State;
- (ii) are temporarily staying in another Member State;
- (iii) go to another Member State after the occurrence of the event insured against in the Federal Republic of Germany,

are on certain conditions also entitled to sickness insurance benefits. Your sickness fund will inform you about the formalities to be fulfilled in order to receive benefits.

7.16 Sickness insurance for farmers

The sickness insurance scheme for farmers in principle grants the same benefits on the same conditions as the general statutory sickness insurance scheme (see section 7 above, and following). However, in view of the special conditions obtaining in agriculture, provision may be made for the payment of the cost of a temporary farmer's assistance (Betriebshilfe) in the case of a protracted or serious illness of the farmer or his wife.

8. Accident insurance (accidents at work and occupational diseases)

The accident insurance scheme protects you while at work or while travelling to and from work. This protection includes measures:

- (i) to prevent accidents, and
- (ii) to provide insurance cover in case of injury.

8.1 There are statutory safety requirements for the prevention of accidents under which employers are obliged to fit out and maintain their premises in such a manner that those working there are protected against accidents and occupational diseases. It is your duty to comply fully with the safety regulations, of which you will normally be informed at your place of work in your mother tongue.

8.2 In the event of personal injury the following benefits may be granted:

- (i) first aid;
- (ii) curative treatment according to a specific procedure;
- (iii) supply of prosthetic appliances and orthopaedic aids;
- (iv) vocational rehabilitation aimed at resettlement in employment;
- (v) provision of a farming assistant and domestic help in case of hospitalization (under the agricultural accident insurance scheme);

(vi) additional cash benefits for medical treatment and vocational assistance, in case of temporary incapacity for work;

(vii) grant of pensions to injured persons and survivors, in case of a permanent reduction of earning capacity.

Entitlement to benefits arises on the occurrence of an accident at work; occupational diseases give rise to the same entitlement as accidents at work.

There is no need for the injured person or the survivors to apply for benefits as these are determined by the appropriate department. The employer or the head of the undertaking is obliged to report all accidents to the professional or trade association (Berufsgenossenschaft).

Employed and self-employed persons have in principle the same entitlements.

Please note the following details as regards the benefits mentioned above:

8.3 Curative treatment (Heilbehandlung) comprises medical treatment, supply of medicines, appliances and prostheses, and treatment in hospital or in a special establishment. For information on the grant of these benefits in another Member State, see Guide No 1 on the Community regulations.

8.4 Vocational assistance (Berufshilfe) comprises the following benefits and services:

(i) assistance in obtaining or retaining a job;

(ii) vocational prospection, aptitude testing, vocational preparation and, where appropriate, any basic training required by the person's infirmity;

(iii) vocational adaptation, training, further training and retraining, and, where appropriate, assistance towards obtaining a school-leaving certificate.

For the duration of vocational assistance, an interim allowance (Übergangsgeld) is usually paid. The rate of this allowance varies with the number of dependants, the degree of incapacity, etc. and it may amount to 80%, 70% or 65% of earnings specified by law.

8.5 Injury benefit (Verletztengeld) is paid while you are incapable of work because of injury caused by an accident at work or because of an occupational disease so long as you are not receiving your wage or salary, cash sickness benefit (see section 7.9) or interim allowance (see section 8.4).

Injury benefit is paid at the rate of 80% of your last regular earnings suspended as a result of incapacity for work; the maximum rate is equal to your last regular net earnings. Self-employed persons are paid injury benefit for every day of the week, including Sundays, at the rate of a 450th part of their annual income from self-employment.

8.6 Invalidity pension (Verletztenrente) is paid when your incapacity for work ends but at the latest from the 79th week following the day on which you sustained the accident at work or contracted the occupational disease, if your earning capacity has diminished, due to the accident or disease, by at least 20% for more than 13 weeks. The rate of invalidity pension depends on the degree to which your earning capacity is reduced and also on the amount of your annual earned income.

Where appropriate, an allowance for severe disablement (Schwerverletztenzulage) amounting to 10% of the pension is paid in addition to the invalidity pension and an increase for dependent children (Kinderzulage) at the rate of 10% of the pension for each child up to the age of 18 (up to 25 for schoolchildren and those in vocational training). A qualifying condition for the payment of these supplements is that your earning capacity is reduced by at least 50%.

8.7 Survivors' pensions (Hinterbliebenenrenten) are paid if death was due to an accident at work or an occupational disease. The following types of survivors' pensions are available:

- (i) widow's pension (Witwenrente);
- (ii) widower's pension (Witwerrente);
- (iii) divorcee's pension (Geschiedenenrente);
- (iv) parents' pension (Elternrente);
- (v) orphan's pension (Waisenrente); entitlement to orphan's pen-

sion (for fatherless or motherless children 20% and for full orphans 30% of annual earnings) depends on the orphan's income.

8.8 *Lump-sum settlements (Abfindungen) can under certain conditions be paid instead of an invalidity pension or a widow's or widower's pension. Should you be interested in such a settlement, please apply to the professional or trade association (Berufsgenossenschaft) from which you receive your pension.*

8.9 *A death grant (Sterbegeld) is paid where death has occurred as the result of an accident at work or an occupational disease, to the person arranging the funeral. The grant amounts to one-twelfth of annual earnings but is not less than DM 400.*

9. Pension insurance schemes (insurance for occupational invalidity, general incapacity for work, old age and death — pensions)

Pension insurance for manual workers, clerical workers and miners

The following benefits and services are available:

9.1 Health services

These include:

- (i) medical rehabilitation (necessary health care and treatment in sanatoria and special institutions);
- (ii) vocational rehabilitation (retraining and assistance in obtaining or retaining a job);
- (iii) complementary rehabilitation benefits (in particular the interim allowance which, depending on the form of assistance and on individual circumstances, ranges between 90% and 70% of the amount laid down by law).

9.2 Pensions for insured persons

- (i) Occupational invalidity pension (Rente wegen Berufsunfähigkeit). May be claimed when the insured person suffers from oc-

cupational invalidity and has completed a qualifying period of at least 60 valid months of insurance.

(ii) Pension for incapacity for work (Rente wegen Erwerbsunfähigkeit). May be claimed when the insured person is unfit for work and has completed a qualifying period of at least 60 valid months of insurance.

(iii) Old age pensions (Altersruhegeld). May be claimed when the insured person reaches pensionable age, has completed the prescribed qualifying period and satisfies certain conditions as regards employment and income. The following persons may qualify for an old age pension:

- (a) severely handicapped persons and persons suffering from occupational disability (Berufsunfähigkeit) or from general incapacity for work (Erwerbsunfähigkeit) from the age of 60 if they have completed 35 years of insurance, provided that their income earned does not exceed DM 425 per month between ages 60 and 62 and DM 1 000 per month after age 62;
- (b) insured women who have reached the age of 60 and who over the last 20 years have principally paid compulsory contributions (not less than 121 contribution months), who have completed a qualifying period of 180 valid months of insurance, and whose earnings do not exceed DM 425 per month;
- (c) unemployed persons who have reached the age of 60 and who during the last year and a half have been unemployed for at least 52 weeks, have paid compulsory contributions for at least 8 years during the last 10 years, have completed a qualifying period of 180 valid months of insurance, and whose earnings do not exceed DM 425 per month;
- (d) insured persons who have reached the age of 63, have completed 35 years of insurance, and whose earnings do not exceed DM 1 000 per month;
- (e) insured persons who have reached the age of 65 and have completed a qualifying period of 180 valid months of insurance. For them there are no limitations as regards employment or earnings.

The insurance institution paying the pension must be notified of any employment of more than two months a year and earnings exceeding the upper limits specified above.

9.3 Survivors' pensions

On the insured person's death the widow, widower, previous spouse and orphans qualify for a pension, provided that the insured person had completed a qualifying period of at least 60 months. Subject to the conditions indicated below, the following pensions may be granted:

- (i) maintenance pension (Erziehungsrente): death of former spouse, dissolution of marriage after 30 June 1977, no remarriage, bringing up at least one child entitled to an orphan's pension, five insurance years completed by the survivor, and no income from work exceeding DM 1 500 per month or DM 625 per month (in 1983), depending on the individual circumstances in each case;
- (ii) widow's pension (Witwenrente): death of husband and proof of having completed a qualifying period of 60 months;
- (iii) widower's pension (Witwerrente): death of wife if the deceased was principally responsible for the maintenance of her family, and proof of having completed a qualifying period of 60 months;
- (iv) pension for former spouse (Rente an den früheren Ehegatten): dissolution of marriage before 30 June 1977, death of former spouse who must have been responsible for the maintenance of the survivor concerned, and proof of having completed a qualifying period of 60 months;
- (v) orphan's pension (Waisenrente): death of one of the parents (partial orphan's pension, Halbwaisenrente) or of both parents (full orphan's pension, Vollwaisenrente) and proof of having completed a qualifying period of 60 months. This pension is paid up to the age of 18, and up to the age of 25 for those attending school or in vocational training, and beyond the age of 25 under certain conditions. The orphan's income must not exceed certain limits.

On remarriage, the widow's or widower's pension is replaced by a lump-sum settlement amounting to five times the annual sum of the pension.

9.4 Mutual settlement of pension entitlements

By virtue of a woman's independent social security coverage, the total pension entitlements accrued during the marriage is divided

equally between the two spouses when they get divorced. The spouse with the highest accrued or prospective pension entitlement is obliged to transfer to the other spouse half of the value of the difference between their respective entitlements. Periods relating to prospective pension rights which, within the framework of a settlement, have been transferred to a spouse divorced after 30 June 1977 or which have been acknowledged in respect of that spouse, are taken into account towards completing the qualifying period.

9.5 Pension rates

The amount of pension due depends on the personal basis of assessment, the general basis of assessment (1983 = DM 25 445), the number of insurance years, and the rate of increase.

For each child up to the age of 18, or 25 for those attending school or vocational training courses, pensions are increased by a supplement known as the *Kinderzuschuss*, which amounts to DM 152.90.

The rate of survivors' pensions is calculated as a percentage of insured person's pensions.

Important: When you have reached the age of 45 the pension insurance institution will send you every six years a survey of the insurance periods recorded in your name. If you are resident outside the Federal Republic of Germany, you should apply to the insurance institution for these surveys. Insured persons who have reached the age of 62 will on request also receive information on the level of their accrued entitlement to old age pension.

9.6 There are certain special features under the miners' insurance scheme (knappschaftliche Versicherung). The following pensions may be granted:

- (i) miner's pension paid to those whose ability to work in mines has been reduced (*Bergmannsrente wegen verminderter bergmännischer Berufsfähigkeit*);
- (ii) miner's old age pension payable from age 50 (*Bergmannsrente wegen Vollendung des 50. Lebensjahres*);
- (iii) miner's pension for occupational invalidity or general incapacity for work (*Knappschaftsrente wegen Berufsunfähigkeit oder Erwerbsunfähigkeit*);

(iv) miner's retirement pension (Knappschaftsruhegeld).

Your employer or the federal insurance fund for miners (Bundesknappschaft) will help you with any enquiries.

10. Old age assistance for farmers

The following benefits may be granted:

10.1 Health services and benefits: see section 9.1.

10.2 Pensions

(i) old age pension (Altersgeld) is granted to farmers who have ceded their farm, reached the age of 65 and paid at least 180 contributions to the agricultural old age insurance fund before reaching the age of 60;

(ii) early retirement pension (vorzeitiges Altersgeld) is granted to farmers who have ceded their farm, are unfit for work and have paid at least 60 contributions to the agricultural old age insurance fund before reaching the age of 60 or before becoming unfit for work;

(iii) a widow's old age pension (Altersgeld für die Witwe) is granted if the farm has been ceded, she is not a self-employed farmer herself, the deceased husband was entitled to an old age pension and the marriage was concluded before she reached the age of 65; where these conditions are not fulfilled, the pension may under certain circumstances nevertheless be granted;

(iv) an early retirement pension for widows (vorzeitiges Altersgeld für die Witwe) is granted if the farm has been ceded, she is not a self-employed farmer herself, her deceased husband was entitled to an early retirement pension and the marriage was concluded before the deceased reached the age of 65; where these conditions are not fulfilled, the pension may under certain circumstances nevertheless be granted;

(v) a land cession pension (Landabgaberente) is granted to a farmer who has ceded his agricultural undertaking for the purpose of structural improvement, who has reached the age of 60 or is no longer fit to work as a farmer or has reached the age of 55 and for

whom no employment can be found; moreover, he must have paid at least 60 contributions to the agricultural old age insurance fund and have been at the head of an agricultural undertaking during the last five years;

(vi) an orphan's allowance (Waisengeld) is paid to a farmer's orphans up to the age of 18, or 25 under certain circumstances, when the farm was ceded and the orphans are not farmers themselves, and if the deceased farmer paid at least 60 contributions to the agricultural old age insurance fund before he reached the age of 60 or up to his death.

10.3 Rates of old age pensions

There are standard rates for all beneficiaries. The following monthly flat rates apply from 1 July 1983:

- | | |
|---|-----------|
| (i) old age pension and early retirement pension
for a married farmer | DM 502.80 |
| for a single farmer and
for a widow or widower | DM 335.40 |
| (ii) land cession pension married | DM 651.10 |
| single | DM 432.60 |
| (iii) orphan's allowance fatherless or motherless children: 25% of
the rate payable to single persons; | |
| for full orphans: 50% of the rate payable to single persons. | |

11. Pension insurance for craftsmen

Benefits are paid under pension insurance for manual workers. There are special provisions (cf. sections 9 and following) governing the nature and scope of the benefits in this insurance branch.

12. Unemployment insurance

12.1 Benefits granted in respect of unemployment come under two headings:

- (i) unemployment benefits (Arbeitslosengeld);
- (ii) unemployment assistance (Arbeitslosenhilfe).

12.2 All persons who are gainfully employed in a manual or clerical occupation or are employed as part of vocational training qualify for benefits if they

- (i) are unemployed;
- (ii) are registered as an unemployed person with the employment office (Arbeitsamt);
- (iii) personally apply to the employment office for the relevant benefit;
- (iv) are available for alternative employment, i.e. able and willing to accept any suitable job offered;
- (v) have completed the qualifying period, i.e. have been in insurable employment for at least 12 months during the last three years preceding registration as an employed person.

12.3 There is no prescribed qualifying period for the grant of unemployment assistance. In order to receive assistance, however, you must

- (i) within a period of one year before you registered as an unemployed person have received unemployment benefit, or engaged in paid employment for at least 10 weeks;
- (ii) be in need.

12.4 The duration of benefits is as follows:

- (i) the duration of unemployment benefit depends on the duration of preceding insurable employment. It is granted for up to one year;
- (ii) unemployment assistance is granted for an unlimited period as long as the prescribed conditions are fulfilled.

As soon as you become unemployed you should contact your employment office (Arbeitsamt) and ask for information on all rules and formalities to be complied with for the award and payment of benefits.

12.5 As a recipient of benefits your duties and obligations are as follows:

(a) Duty to report to the employment office when instructed to do so

While you are unemployed you must go to the unemployment office whenever you are instructed to do so. Should you fail to turn up, unemployment benefit or unemployment assistance may be refused for two weeks; if in the next 14 days you again fail to report on being summoned, benefit or assistance may be refused for at least four weeks.

(b) Refusing to take a job offered

You may only refuse a job offered to you by the employment office if you have valid reasons. If you have not, payment of benefits will be discontinued temporarily, and withdrawn altogether on your repeated refusal without valid reason.

(c) Notification of change of circumstances

You are obliged immediately to inform the employment office — not waiting until you are asked to do so — of any changes in your personal circumstances or the circumstances of members of your family that may in any way affect your entitlement to benefit. The obligation to notify changes applies in particular when

(i) you return to your home country;

(ii) you take up paid employment;

(iii) you draw an income from casual work;

(iv) you are unfit for work because of illness;

(v) you are receiving or have claimed a German statutory pension or a pension under the insurance scheme of another country.

In case of delay or failure to notify changes of circumstances a fine may be imposed and in certain cases, you may even be prosecuted. Unlawfully acquired benefits must be paid back.

12.6 Payment of unemployment benefit in another Member State

When you go to another Member State you may continue to receive unemployment benefit on the following conditions:

- (i) after having tried for four weeks to get a job through the German employment office, you may go to another Member State to look for work;
- (ii) before leaving Germany you must ask the German employment office for a certificate (Form E 303) on the duration and level of your entitlement to unemployment benefit which within seven days of the date up to which you were available for employment to the German employment exchange you should submit to the local employment authorities of the Member State where you have gone to look for work; these authorities in the other Member State will pay you German unemployment benefit for up to three months but not for any longer than your entitlement under German law;
- (iii) you are required immediately to notify the local employment authorities to which you have handed the certificate (Form E 303) of any change of circumstances that might affect your entitlement to unemployment benefit;
- (iv) once you have been looking for work outside the Federal Republic of Germany for more than three months, you will forfeit any remaining rights to German unemployment insurance benefits.

12.7 The following benefits to safeguard jobs are available:

- (i) Compensatory benefit for short-time working (Kurzarbeitergeld), which is granted when the loss of working hours is due to economic conditions and is unavoidable; has been reported to the employment office.
- (ii) Bad weather allowance (Schlechtwettergeld) for persons employed in the building sector when bad weather conditions cause a loss of working hours in cases where at least one hour of work is lost on one working day and the loss of working hours is immediately notified to the employment office.

For further enquiries on these benefits, please ask your employer.

12.8 While you are unemployed, the unemployment insurance scheme pays the following contributions in your name:

- (i) sickness insurance contributions; as regards the receipt of benefits, the conditions explained in the preceding chapter on sickness insurance apply;
- (ii) contributions to statutory pension insurance.

While receiving unemployment benefit you are also insured against certain accidents.

13. Family benefits (child benefit)

13.1 Persons entitled to benefit: subject to the conditions laid down by the Federal Law on child benefit (Kindergeld) all employed and self-employed persons who have their residence or habitual domicile in the Federal Republic of Germany are entitled to child benefit for their children living in this country (see section 13.3).

13.2 Rate of child benefit

The monthly rates are as follows:

DM 50 for the first child;

DM 70-100 for the second child;

DM 140-220 for the third child;

DM 140-240 for each subsequent child.

The rate of child benefit for the second and subsequent children is linked to the parents' income. The maximum rate is reduced according to a staggered scale, starting with married couples with two children and an annual net income of DM 42 000 and married couples with three children and an annual net income of DM 49 800. For each additional child the income limit goes up by DM 7 800 per annum.

13.3 The following children qualify for child benefit up to their 16th birthday:

- (i) legitimate, legitimated and adopted children;
- (ii) illegitimate children;
- (iii) stepchildren, foster children and grandchildren and brothers and sisters on certain conditions.

Children who are over the age of 16 qualify for child benefit if they are

- (i) unmarried
- (ii) married, divorced or widowed and who are principally supported by the claimant on account of the fact that their spouse cannot adequately maintain them or because the spouse is not obliged to maintain them or because, as a widow or widower, they do not receive adequate survivor's benefits,

subject to the following conditions:

- (a) up to the age of 27 for children
 - (i) still at school or receiving vocational training provided that their income as a vocational trainee does not exceed DM 750 per month;
 - (ii) spending a year doing voluntary welfare work;
 - (iii) working exclusively as the sole help of the person running the home of the child benefit claimant if the household includes at least four more children;
 - (iv) running the home, if the household includes at least one other child, in the place of the person normally running the home during a period in which the latter is unfit for work because of illness lasting more than 90 days;
- (b) there is no age limit in respect of children who are unable to support themselves on account of physical, mental or psychological disability;
- (c) up to the age of 18 in respect of children who are not attending school or vocational training but who within the territory of the Federal Republic are registered with the employment office as applicants for vocational training or who are registered as available for employment, provided that their income does not exceed DM 240 per month.

13.4 There is no entitlement to child benefit for children for whom you and your spouse are already receiving comparable benefits, which are mainly children's increases (Kinderzulagen) or supplements (Kinderzuschüsse) paid together with accident pensions or statutory pensions. The receipt of such benefits or of child benefits paid to you by an institution in your home country may also lead to a partial or full withdrawal of your entitlement to German child benefit.

13.5 How to claim child benefit

Child benefit is granted after written application only. If you are an employed person, you should when claiming use the special form entitled 'Antrag auf Kindergeld für ausländische Arbeitnehmer'. Please ask your employer, a colleague knowing German and your own language, or someone else who is looking after your welfare to help you in completing the claim form. Please return the completed form to the employment office (Arbeitsamt) either directly or through your employer or through someone acting on your behalf.

If both you and your spouse are entitled to claim child benefit, it will be paid to either of you, as designated by common consent.

13.6 Documents required

The following documents should be sent in together with your claim form:

(i) an official certificate from an authority (if necessary in your home country) confirming that the children listed on the claim form are still alive (e.g. a civil registry document relating to the members of your family or household);

(ii) for children living in other Member States of the EEC you should use Community Form E 401, available from the employment office.

13.7 Payment

Child benefit is paid regularly at two-monthly intervals, in the course of the second month of the period to which the benefit relates. The payments are made into your account or to your

employer, who will then pay them to you. For each payment you receive written notification showing the amount transmitted and the period for which it is paid.

13.8 Duty to notify changes

You must, immediately and on your own initiative, notify the employment office of any changes in the information recorded on claim forms that could affect your entitlement to child benefit. Such notification is required in particular when

- (i) one of the children as listed in section 13.3 reaches the prescribed age limit, dies, finishes vocational training after the age of 16 or 18, draws an income (please specify how much), etc.;
- (ii) you have changed your job or are relocated by your employer;
- (iii) you are returning to your home country for more than a short period while still qualifying for child benefit; in this case, please state your child benefit number (Kindergeldnummer or KG-ummer) and your new address.

You may suffer disadvantage if you fail to communicate such information.

Note: For further information not contained in this guide, please apply to your sickness fund (Krankenkasse), your professional or trade association (Berufsgenossenschaft), the competent institution for pension insurance or old age insurance for farmers, or your employment office (Arbeitsamt). When you have any doubts about certain aspects, you may also ask your employer, the works council or employees' council of your company (Betriebsrat), a trade union or the representative organization for your trade or occupation.

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