

AGF Position Papers: Towards a Family-Friendly Working Environment

It is the main objective of the family organizations that are joined together in the AGF to improve the overall framework conditions for families. Here, the world of work is, among other sectors, an important component in a comprehensive family policy – because often the world of work is one of the most important pacesetters for daily family life and reaches deep into the family. So, out of the family policy's triad of time, money and infrastructure two parts, "money" and "time" are directly affected. Hence particular working conditions not only codetermine the financial situation of families, their life satisfaction and the impact of changes in family situations, but also the necessities and possibilities of childcare and often the fundamental decision whether to start a family at all or not.

Because of this the AGF has intensely dealt with the topic area of a "family-orientated working environment". In view of the services that families have to deliver daily when managing the balancing act between job requirements and familial responsibilities better framework conditions are urgently needed. So far the world of work lacks in consideration for the reality of family life in all its diversity.

By addressing important issues in its papers the AGF makes clear which changes in the world of work could contribute to enable families, despite their different situations, to experience economic stability, to be socially protected as well as to better reconcile work and family life. In particular the following issues are addressed:

- 1. A Corporate Culture for a Better Reconciliation of Family and Work**
- 2. Right to Return from Part-Time up to the Original Weekly Working Time as well as Further Suggestions to Improve the Law on Part-Time Work and Fixed-Term Contracts**
- 3. Long-Term Work Hours Accounts as a Time Policy Measure**
- 4. For Good And Adequate Employment!**

A red thread runs through the different papers as a basic principle:

To think the world of work from the perspective of families! This will end up not with a work-friendly world of the family but rather a family-friendly world of work.

AGF Position Paper:

Right of Return from Part-Time Up To the Original Weekly Working Time

These demands of the Family Associations are minimum requirements for the right of return to be effective. More extensive regulations, which to some extent already exist in individual collective agreements or company agreements, are explicitly welcomed and supported by the AGF. The minimum standards formulated here are meant to be implementable also for small and medium-sized companies.

Right of Return / Time-Limited Part-Time:

- 1) The right to reduce the extent of work to part-time further remains for **all employees**.
- 2) Newly complementing the above: The introduction of an **entitlement to reduce the working hours for a limited period of time**. A minimum time limit is not specified.
- 3) The entitlement applies for all employees. **In a case of conflicting wishes to this new entitlement, employees with familial care responsibilities are given priority**. Employees with familial care responsibilities include all employees, who look after or care for an under-age child or a close relative in accordance with §7 Pflegezeitgesetz (Elderly Care Leave Act).
- 4) If no claim is asserted to prolong the time period of reduced working hours, then **after the expiry of the time-limited period of part-time an automatic right of return up to the original weekly working time applies**. To return to an extent of work with less working hours per week than originally valid before, a claim has to be asserted at least 6 months before the end of the part-time work period.

Furthermore from the viewpoint of the AGF the following fundamental changes in the Act on Part-Time Work and Fixed-Term Employment (TzBfG) are necessary:

Refusal of the Wish to Work Part-Time:

The refusal of a wish to work part-time shall only be possible if there are adverse "urgent operational reasons" that stand against it. This means an alignment with §9 TzBfG and §15 BEEG.

Increase of working hours:

In order to make it easier to increase the work scope, especially for persons with familial care tasks, paragraph 9 TzBfG should be supplemented. The AGF's proposal is:

When filling a corresponding vacant workplace and if qualifications are the same, the employer is obliged to preferentially consider a part-time employed employee, who has expressed his or her wish to increase his or her contractually agreed number of working hours, unless there are adverse urgent operational reasons or wishes to work of other part-time employed employees standing against it. The preferential treatment especially applies to employees with familial care responsibility.

The possibility to increase should not only exist in the case of a vacant full-time position but also if it is possible to combine the currently held part-time position with another free or newly created part-time position.

AGF Position Paper:

A Corporate Culture for a Better Reconciliation of Family and Work

Introduction

Family awareness, family orientation, family friendliness, and family equality – in the last five years these terms have also gained importance in the economic field and on the labour market. Besides specific measures within companies and legal or tariff conditions a decisive criterion for a family-oriented company is how far established family orientation is in its corporate culture and its employees. Its corporate culture determines how a company reacts to problems and challenges in everyday life. It is the sum of the corporate community's convictions and habits, and it has consequences for the actions of the employees as well as the communication with externals (such as customers, suppliers and so on). Moreover, companies with a family-oriented corporate culture also directly profit internally: because of more motivated staff, less absenteeism and fluctuation, sinking personnel costs as well as an improved image.

Family-oriented culture means accepting, intuitively supporting and assisting employees with familial care responsibilities. A culture of family orientation in companies is mutually dependant on some internal and external measures. It can at the same time be the result and the precondition of different family-oriented measures and reinforce them as well as be reinforced by them. Among other things it influences how insistently and how permanently the goal of being a family-oriented company is pursued and whether family awareness is actually lived out or only exists on paper.

A Culture Towards Corporate Family Awareness in Germany – Data and Development

Various studies in Germany measure the family awareness of companies and thereby ascertain a basically growing family orientation. The corporate culture is an important part of the entire complex and not always separately shown. So for instance in the "workandfamily-index" companies reach an amount of 67 points (0 = no family awareness at all, 100 = high family awareness) on average, in the special sector of family aware culture the average lies at 68 points.¹ In fact the "workandfamily-index" measures the perspective of the management level. Based on that, the research centre "Family-Aware Human Resource Policy" (Familienbewusste Personalpolitik, FFP) has developed the so-called "family-awareness-index", which shows the corporate family awareness from the view of the employees. As part of an employee survey in North Rhine-Westphalia on behalf of the State's Ministry for Families, Children, Youth, Culture and Sport employees gave local companies an average value of around 64 points, in the category "family-aware culture" the average lies at 63.7 points.²

Other surveys, however, show that many employees are still unsatisfied with their individual possibilities to reconcile both areas of life: Beside the need for further concrete measures for reconciliation³ 49 percent of families with children under 18 years speak out in favour of a greater consideration of fathers, who want to spend more time with their family. One third of parents – mostly fathers – are furthermore under the impression that they meet with a lack of understanding when it comes to short-term absence from work due to care problems.⁴ Obviously there is a wider discrepancy between companies' efforts to improve the daily reconciliation of family and work on the one side and employees' actual experiences on the other side.

¹ Forschungszentrum Familienbewusste Personalpolitik (FFP), Studie 2013

² http://www.ffp-muenster.de/tl_files/dokumente/2011/familienbewusstes-nrw.pdf

³ 71 percent of families with children under 18 years wish for more flexible working hours and 59 percent speak out for an easier return to employment. Also, 60 percent of fathers would principally like to work less, but 83 percent say that in their company there are no or only complicated possibilities to work part-time (cf. Monitor Familienleben 2010).

⁴ IfD Allensbach, Monitor Familienleben 2013



AGF's Comments and Reflections

A family-oriented corporate culture comes "from inside" and is supportive of family-aware measures in the company. Conversely, measures (maybe also externally enforced ones) support a family-oriented corporate culture. Family-aware measures are not (only) implemented because they are imposed from "outside" but because the company wants them.

Companies with a family-oriented culture do not alone reduce reconciliation of family and work to the topic of childcare or women and mothers, instead they equally consider the wishes and needs of men or fathers, respectively, with regard to children as well as other dependent persons.

No Replacing of the Culture of Attendance With a Culture of Availability

The corporate practice of a culture of attendance is an important factor in everyday life. In too many companies full-time work and overtime are still seen as criteria for a higher work performance, for greater corporate loyalty, and as precondition for career advancement. But employees with family responsibility can hardly or not at all meet these requirements and therefore get left behind. This especially affects women/mothers, who very often work part-time or from a home office and who decide to take longer career breaks. But still, this topic is not a "women's issue". Especially men are often met with a lack of understanding when they express the wish to have more time for family duties. Women and mothers are far more quicker granted the wish for a family-aware work organisation – albeit with potential long-term negative effects on the validation of their work performance and their possibilities of career advancement. It is true that flexible working time models have been able to partially weaken the family-unfriendly "culture of attendance" but at the same time a new "culture of availability" has emerged – especially among executive personnel. Supported by new media, like the business mobile phone, the smart phone, and the Internet it makes it more difficult to draw the line between work and private sphere.

A family-oriented corporate culture allows employers and employees to develop working conditions together, including the possibility of individual working time models, which respect the wishes of families for reliability, predictability, economic stability and adaptation possibilities. In this kind of atmosphere short-term work losses or absenteeism, respectively, are accepted by employers and colleagues as typical for families and maybe taken into account. Models for a long-term reduction in working hours or leave are developed together and for executive personnel, too, taking on family responsibilities is taken for granted.

Including Employees Without Familial Care Responsibility

A family-oriented corporate culture has to be a holistic approach within the company and all must support it. That also means that employees, who (currently) have no familial care responsibility get included and their interests concerning a balanced work- and private life are considered accordingly. Although potentially it can come to diverging interests, these should be resolved together without playing off employees with different responsibilities against each other. This can also mean having to create appropriate compensatory measures. A positive overall climate will strongly support the acceptance of individual life situations – and so most of all also those of families.

Responsibility At All Levels

Because corporate culture is made up of the lived attitudes and habits of the whole company, in order to change that culture the attitudes and habits of all employees must be changed permanently. Here management levels play a twofold role: On the one hand they have to initiate the measures, support them as well as communicate them internally and externally, and on the other hand at the same time they themselves are an important target group for reconciling family and work. They themselves have to be put in a position to reconcile family and work: For their own good, but also in order to be able to set an example for living the changes towards a family-aware corporate culture.



Changing The Culture By A Family-Oriented Daily Company Life

Because a family-oriented corporate culture can only be forced onto a company to a limited extend from outside, it is most of all daily company life that causes the changes: The more employees there are on all levels, who take a family-aware work culture for granted, the more this will spread to other employees and the more it can be expected that persons with a similar attitude will join the company. Therefore it should be a goal of companies that a significant part of all different levels has experiences in active familial care responsibility. Companies have to be concerned with their employees' everyday reality. So companies could for instance make it their goal that

- a significant part of the executive personnel has worked part-time before / or is currently working part-time or has taken a parental or care leave for at least two months before,
- the number of persons with an active family responsibility is increased on all management levels,
- a certain number of the concerned and in the company employed fathers should utilize parental, child sickness care or (family) care leave.

AGF Suggestions To Strengthen Family-Oriented Corporate Culture

Changes in corporate culture usually happen in the long run. Convincing reasons and incentives (such as the recruitment of skilled employees, staff retention or a low sick-leave rate) or a similarly high level of discomfort (such as a shortage in skilled workers or high fluctuation) can act as an accelerator. In order to further strengthen a family-oriented corporate culture in Germany the positive effects of such a culture should become more obvious. Relevant skills get emphasised, family-aware behaviour gets rewarded and further relevant behaviour gets encouraged. Starting points that would function as accelerators could be:

- Sensitising executive personnel for family-aware working time models and their advantages for the company: for example with the help of mandatory training and mentoring programs between older executive personnel with families and junior executives.
- Promoting the communication and exchange between executive personnel concerning the topic: for instance by providing a translation of the benefits for business results of a family-oriented corporate culture (such as higher motivation, less absence from work and fluctuation, sinking personnel costs) as well as online-platforms or round tables for exchanging experiences (within the company and across companies).
- Being aware of executive personnel as employees with families: for example by introducing family work as career step as well as promoting part-time leadership and job-sharing offers.
- Considering competences acquired in the context of familial care tasks as professional key competences: resilience, planning- and organisational skills, flexibility, sense of responsibility, empathy and self-initiative.
- Promoting the dialogue within companies concerning the topic by: campaigns, employee magazines, company newsletters or other internal communication media, introducing the topic of family awareness into discussions with employees, prominent description of practical possibilities of reconciliation (i.e. guidelines, checklists).
- Sensitising and supporting small and medium-sized companies (SMC) so they implement family-aware solutions (often the prejudice persists that reconciliation is only something for big companies): For instance by editing best-practice-examples and introducing concrete consulting services in the chambers of commerce and industry and in chambers of trades. Here it is necessary to keep in mind the different challenges in various industries, such as ICT, media and creative industry with their high number of potential young fathers.
- Introducing company agreements containing reconciliation. Here, too, new definitions for incentives can be developed, for example the contentment of employees as additional way of evaluating executive personnel and corporate success.



- Introducing tax concessions for companies acting family-aware, which go beyond the already existing possibilities of tax deductibility of infrastructural services. For example the higher expenditure for coordination, which often comes with family-aware working time models, or other measures for promoting family orientation, could be included here.
- Political introduction of a say for employees when it comes to the situation of their working hours, under consideration of company-specific features (such as in the health-care sector and in the metalworking industry).
- Corporate management and employees together build a model for family orientation (i.e. "Guidelines for a flexible and family-aware organisation of working time" of the corporate network "Success Factor Family" and arrange if necessary positive and negative sanctions. The model is also used in job descriptions and as leadership guideline.

AGF Position Paper:

Long-Term Working Time Accounts as a Time Policy Measure

Introduction

Long-term working time accounts are accounts aimed for employees to deliberately save for longer periods of paid leave. The compensated period of time is often unlimited.

The conditions for legally recognized long-term working time accounts are laid down in the so-called Flexi-II-Law (Law for the improvement of conditions securing flexible working time regulations). Since 2009 these accounts have to be kept as “cash accounts”, which means credits must be accounted for in Euro. Because of this, long-term working time accounts, which fall under the law, are also called “assets”. The set up of an agreement over such an asset must be done in the form of a written document.

Savings can be accumulated through either working time or payment components, such as overtime, flexitime surplus, vacation days, special payments, Christmas/holiday pay, salary components or rises in salary. One of the law’s primary goals is to remove previous insecurities concerning handling these assets, insolvency protection as well as the assets’ transferability. The legal recognition and regulation of long-term working time accounts in Flexi-II is seen as an entry into a life-phase oriented organization of time.

Current dissemination and utilisation of Long-Term Working Time Accounts

In total, around two percent of all companies work with long-term working time accounts, so that according to the Institute for Employment Research (IAB) in Nuremberg circa 5 to 10 percent of all employees can use them. This percentage has been stagnant for the last years. Long-term working time accounts are mainly offered in companies with more than 500 employees. Of such companies circa 13 percent provide their employees with long-term working time accounts, with a slightly rising tendency, whereby in two thirds the percentage of users lies at less than 50 percent of all entitled persons. The public service sector offers long-term work hours accounts more often than the private sector does. So, accordingly, the dissemination is highest (five percent) in the administration/education and training sector. In 60 percent of the companies that work with long-term working time accounts these are not available to all employees. Often certain groups of persons – mostly short-term and/or temporary employees such as executives – are excluded from their usage. It is mainly well- and highly-qualified employees – middle-aged men starting from the age of 35 years and women from the age of 49 years, who profit from long-term working time accounts.¹

Female users are comparatively older because of women’s above average share in part-time work, often combined with low income, which makes paying into long-term working time accounts more difficult.² Women want to use the work-free phase much more often for further training than men do. In practice though the most commonly intended purpose, both men’s and women’s, is early retirement.³

Basically users prefer saving time-credits, while only few employees, usually without exception the highly qualified, deposit money.⁴

¹ BMAS (2011): Research Report Labour Market Nr. 418, Evaluation Flexi-II-Law. The reasons companies state for not introducing are, among others, organisational expenditure, provision costs, and missing recognizable advantages.

² Wotschak, Philip (2011): More Sovereignty Over Time – For Some: Long-term Accounts Favour the Highly Qualified. In: WZB Mitteilungen, Nr. 134, p. 19-22.

³ BMAS (2011): Research Report Labour Market Nr. 418, Evaluation Flexi-II-Law.

⁴ Ebd.



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Conditions for Long-Term Accounts According to Flexi-II:

Possibilities for Withdrawal / Usage

- Paid complete or partial leave are possible. Savings can be used for the reduction of working hours or leave, especially in the case of care duties in the context of the Home Care Leave Act, parental leave, reduced working hours after TzBfG, early retirement as well as professional qualification. In the account agreement more possibilities can be contractually fixed or the usage can be limited to certain purposes, respectively.

Money-Back-Guarantee

- The guarantee clause ensures the complete return of the total paid-up value to the employee at any time. This does not apply, if the intended purpose was agreed to be leave directly before entering retirement.

Guarantee in Case of Insolvency

- From a certain amount onwards ("simple monthly reference value", ca. €2.100 East and €2.500 West) the savings have to be insured against default (but this underinsurance limit only becomes effective at 70% of the savings). Not more than 20% of the asset value may be invested in shares or equity funds as investment guarantee, however tariff regulations can specify otherwise.

Subsidisation of the Employer

- Residual paid leave claims or overtime can be paid into the account. Savings are based on a gross basis and are (initially) tax-free. The employer's social contributions on the amounts paid in will be credited to the account.

Continual Employment Despite Leave

- This stays valid as long as there is wage being paid from the asset during the leave and the wage does not differ disproportionately from the formerly paid income. Then also the social security protection remains.

Negative Balances Inadmissible

- Employees can only withdraw from already established savings. Withdrawing above the amount of savings is non-admissible.

Assets' Transferability

- Here the set up of an asset agreement with the new employer as well as her or his approval is required. Savings starting from 16.170€ (west) or 13.650€ (east), respectively (six times the monthly reference value) can be transferred onto the German Federal Pension Fund. The Pension Fund's administrative costs will be deducted from the employer's asset. If the transfer is impossible, then the asset has to be dissolved, which means that it will usually be paid out in one sum, minus taxes and charges.



40 AGF's Evaluation

41 The AGF supports all measures that help families to reconcile work and family. At the same time she especially
42 stresses the need for such measures to take into deeper consideration the life course perspective. In this context,
43 long-term working time accounts can be a useful instrument to create a family-oriented work environment, which
44 many employees highly appreciate. However, in their overall effect long-term working time accounts are narrowly
45 limited, which is mainly caused by the fact that too few people can really utilise them, so that their range stays
46 rather short.

47 ■ Particularly during the early family phase the instrument is only suitable to a very limited extent: Withdrawing
48 savings from the asset for periods of child-care leave when starting a family is hardly possible, because often
49 not enough time or money has been saved in advance. The reasons for this are the short period of employment
50 until then, unstable employment relationships, in which long-term working time accounts are often not provided
51 as well as low payments at the start of a career. On top of that, during child-care leave financed by the parental
52 allowance, the amount taken from the savings will be credited to the parental allowance as a part-time
53 employment.

54 ■ For employees with low income, long-term working time accounts are often no option, because they usually rely
55 on their full payment.

56 ■ The same is true for part-time employees – usually women or mothers, respectively: They earn a rather low
57 income while often at the same time having family obligations, so they can hardly build up time reserves.
58 Considering that almost four fifths of all mothers work part-time, then, a big group of persons drop out who
59 cannot use the instrument in the long-term.

60 ■ long-term working time accounts can be at least an indirect incentive to work overtime; may be in order to
61 compensate short-term employment and low income at the career start. That means that the short-term effects
62 of using long-term working time accounts, especially during the early family phase, can even be
63 counterproductive.

64 ■ In practice the missing obligation appears to be an obstacle for employees when withdrawing credit from the
65 asset: often employees cannot withdraw credit from their asset according to personal needs, but instead rely on
66 the good will of their superiors. Their reservation often leads to restrictions, which lever out the long-term
67 working time accounts' principle of individual possibilities for leave.⁵

68 ■ The so far insufficient transferability limits the use of long-term working time accounts. However, especially in
69 times of growing professional mobility, economic upheavals and the increase of short-term contracts, not only
70 personal career planning is getting more difficult but also long-term employment with one single employer more
71 unlikely. Some groups of persons are structurally excluded from using long-term working time accounts: under
72 the current circumstances, which require the context of an employment-relationship to save, certain groups of
73 professionals like freelancers and self-employed craftsmen and craftswomen categorically cannot use long-term
74 working time accounts. But in these groups of persons, too there is a need for more sovereignty over time for a
75 better reconciliation of work and family life. The limitations are also worrying because nowadays self-
76 employment is often not chosen freely, often especially for women it is a way to make the reconciliation
77 possible.

78 Despite these deficits long-term working time accounts can act as additional instrument to reconcile family and
79 work. Under the current circumstances this applies less to the early family phase and rather more to dealing with
80 care tasks. Nevertheless here too the limitation that most of all employees who earn good money can save up

⁵ Wotschak, Philip; Scheier, Franziska; Hildebrandt, Eckart (2009): Keine Zeit für die Auszeit: Langzeitkonten schaffen im Erwerbslebensverlauf bisher kaum Entlastung. In: WZB Mitteilungen, Nr. 123, S. 12-15.

81 corresponding assets remains valid. The strong fixation of long-term working time accounts' usage for an early
82 retirement shows their limited effect on enabling family leave.

83 Still, even with long-term working time accounts that are organised in a reasonable way and made useful for families
84 the reconciliation of family and work should not be declared an individual's private concern. It is true that by long-
85 term work hours accounts employees are given individual possibilities, but this does not release society from its
86 responsibility to provide further suitable offers and infrastructure for reconciliation. These are also needed by other
87 groups of persons such as long time unemployed, who cannot utilise long-term working time accounts at all which
88 are only aimed at dependent employees.

89 **Proposals to Further Develop Long-Term Working Time Accounts**

90 In its current form and against the backdrop of the individual life course the instrument of long-term working time
91 accounts will even with modifications only ever reach a part of all families. In order to still improve it within the
92 limited frame and to further exhaust its potential the AGF proposes concrete, short-term measures to utilise long-
93 term working time accounts better:

- 94 ■ Introduction of an annual maximum limit for the amount of overtime that can be paid in.
- 95 ■ Opening up of long-term working time accounts for other forms of family leave outside the so far established
96 entitlement requirements of the Flexi-II-Law according to §3 Home Care Leave Act and §15 Parental Benefit Act.
97 For instance in the BEEG also the entitlement period of benefits (up to the child's third year of age) is defined.
98 Here a clarification might be needed, that this time limit does not apply to the use of the savings and that they in
99 fact can be utilised even longer by the employees. At least though a widening of purposes is recommended to
100 include the Family Home Care Leave Act 2012 (use for pay increase in case of part-time care) as well as the turn
101 to other forms than just home care. Because longer leave can also become necessary in cases of mainly external
102 care, such as serious illness, new care arrangements or end-of-life care.
- 103 ■ Introduction of an explicit legal duty of companies to offer the above mentioned familial purposes. Because so
104 far the intended purpose can be limited in the concrete account agreements between company and employees.
105 So from companies' side early retirement is the dominant intended purpose. The use for parental leave or other
106 education leave on the other hand is only intended explicitly in 33 percent of companies.
- 107 ■ Creating rules that broadly secure the use of savings according to individual needs. Up to now no obligation for
108 employees to withdraw from savings exists, withdrawal is rather subject to approval by the employer.
- 109 ■ Basic transfer of long-term working time accounts from every employer to the social security funds for instance
110 through the pension fund. Here instances are provided for instance by the Netherlands. This would solve the
111 transferability problem in case of changing employers more effectively than the current regulation does.

AGF Discussion Paper:

For Good And Adequate Employment!

Uncertainty resulting from precarious employment is especially adverse for families. Seen from the life course perspective such employment can cause problematic income and life situations as well as having insufficient social protection. Therefore precarious employment often poses the risk of poverty, which especially hits families: mostly it is mothers and young adults starting a family, who have uncertain and low-paid work. Because of that the risks, which result from such employment have to be limited. After all families need good and adequate employment!

Clarifying The Terms – When Is Work Precarious?

Precarious employment is unstable, long- and/or short-term, economically risky employment with little hope of an existence securing employment and as such they are often unwanted by employees / families. Examples are mini jobs, temporary employment, small and involuntary part-time employment as well as temporary employment through agencies. In this context the term “atypical” employment is often used as well. Here freelance work and self-employment are included, so that the term becomes the opposite of so-called “normal work”. “Normal work” is characterized by full-time work or close to full-time part-time work with appropriate income, plus an inclusion into social security networks and a permanent employment contract. For employees in atypical employment a higher risk of precariousness is often assumed, but an atypical employment does not automatically have to be precarious and uncertain. Therefore, from the standpoint of the AGF using the terms precarious employment and atypical employment synonymously would be too short sighted so that from here on we will refer to employments with a risk of precariousness. In the long- and/or short-term such employment shares the risk of leading into precarious income and life situations as well as into having inadequate social protection, with the threat of these factors becoming permanently reinforced. How strong the risk will become depends on the particular life phase or life situation, respectively, the families are in. And yet, “normal work” can be precarious too. This is true if the pay is too low to secure a permanent subsistence and does not allow a long-term social protection.

The Problem Of A Rise In Precarious Work

With great concern the AGF notes that developments in forms of employment with precariousness risk – let alone from their concrete short- and long-term disadvantages for families – are causing an insidious general drop in job market standards and are changing the relationship between employees and employers. There is a danger, therefore, of eroding values and norms, which fundamentally questions the relationship between employers and employees. Here the position of the AGF is such that it is not the families who have to be made “suitable for employers” but that, the other way around, the world of work has to become more aware of the needs of families. There is cause for concern that the different kinds of employment and hence the various employees are being played off against each other. For instance job market studies point out that the rise in mini jobs since the reforms in 2003 has gone hand in hand with a drop in employment fully liable for social insurance contributions.¹

At the moment a lot of families especially mothers or women who care for relatives, use forms of employment that can potentially and in the long-term have detrimental effects. Part-time work is also, mostly carried out by women and mothers, sometimes to a tiny extent and often without any top-up options. They are therefore especially threatened by precarisation or they are experiencing it already through low income, financial dependency, lacking in promotion prospects and insufficient social security. On the one hand this often has to do with the predominant job

¹ The Institute for Labour Market and Career Research of the Federal Employment Agency (IAB) talks of a displacement of employment liable for social insurance contributions especially in small companies, cf. Christian Hohendanner/Jens Stegmaier (2012): Umstrittene Minijobs – Geringfügige Beschäftigung in deutschen Betrieben, IAB-Kurzbericht, Nr. 24/2012.

offers in the labour market. But on the other hand often the reason also is that it best suits their current life situations: For example to still have enough time for care responsibilities within the family or to earn an extra income if the male partner (in rare cases also the female partner) works full-time. However, family situations are constantly due to change: If one form of employment is financially and temporarily sufficient for families with one child, the situation can change when more children are born. Changes can also happen in the partnership, even separation, so that a formerly sufficient "extra income" turns into an insufficient income unable to provide a livelihood. In fact the precariousness risks of employment forms vary between family types as well as in different family phases.

Necessary Adjustments in Politics and Companies

From the standpoint of the AGF work has to enable permanent and stable participation in society, also seen from the long-term life course perspective. Families must be supported according to each of their life situations. Therefore the AGF does not condemn all forms of atypical employment per se.² But it underlines that they often hold unwanted risks and negative side effects and therefore also precariousness risks. Changes in families' life situations – caused for example by the need for care, separation, unemployment or incapacity to work of the partner working full-time – most often cannot be absorbed by atypical forms of employment. Especially against this background families always have to be economically and socially protected in the short- and long-term. In order to guarantee this, changes in different forms of employment and general measures are needed to financially stabilise families in the long-term.

The risks for families can be reduced if transitions into existence securing employment are overall made easier, if economic stability of families is protected and if the still apparent enormous differences in income and employment biographies between women and men are overcome.

In the view of AGF's Family Organisations family-friendly employment basically has to:

- Ensure a secure existence of a family and its members in the short- and long-term
- Comply with the requirements and needs of families
- Be adaptable to particular changes in families' life stages – for example top-up options for part-time work and mini jobs as well as easily changing between full- and part-time work (right to return)
- Guarantee sufficient social protection
- Encompass the same appreciation of all employees regardless of their form of employment
- Meet all employees' equal entitlement to worker's rights
- Implement same payment for same work for men and women.

Most of all, to guarantee that these requirements are met legal framework conditions need to be changed, for instance through the introduction of an Equal Pay Law and an improved supervisory authority. Furthermore company and tariff regulations are needed. Yet those alone – as experience has shown – are no guarantee for a decrease in precarious employment. As a matter of principle the increasing division on the labour market has to be reduced, by fighting against the potentially negative effects of some forms of employment and improving the situation of those employed in them.

Looking At Some Forms Of Employment In Detail

Precarious employment can exist in different forms. It could well be that for one employment more than one characteristic applies or that there are grey areas in their distinction. Here the AGF addresses the following forms:

² For instance fixed-terms are necessary to enable parental leave replacements. Many families also use part-time models to reconcile family and work. As well as that minor employed staff or „small“ part-time workers can be used to step in at problematic work times, for example in the evening or in the early morning, which also can relieve families.

part-time employment liable for social insurance contributions, temporary employment through agencies, mini jobs, and temporary employment.

Part-Time Employment

The working time is one of the vital starting points to improve the reconciliation of family and work. The flexible opportunities that can result from the extent and the arrangement of working time should be used and the disadvantages that are caused by part-time employment should be fixed. For the AGF the most pressing points here are:

- Part-time work needs to be voluntary. Often part-time work is just involuntary, because for example there is no full-time work available for that person or there is a lack of child care facilities or care services for the elderly. Moreover the way from full-time to part-time (which for instance is often and gladly taken in order to have more family time) often appears to be a one-way street, so that a voluntary part-time becomes an involuntary permanent one.
- The transition from part-time to full-time needs to be made easier. The AGF deals with this particular aspect in one of its position papers [[Position paper „Right to Return“](#)] and demands as one measurement among others that if wanted it needs to be possible to go from full-time to part-time with a time limit. In the paper the AGF also points out that further action is indeed needed in regard to the Act on Part-Time Work and Fixed-Term Employment, concerning on the one hand the grounds for saying no to a wish to work part-time and on the other part-time employees' top-up options.
- Employees in part-time employment must be afforded the same access to training programs as full-time employees and should be evaluated and taken into consideration for promotions according to their actual work performance. Violations of the principle of non-discrimination in regard to the Act on Part-Time Work and Fixed-Term Employment must be properly punished. Too often a positive career development is still linked to being present in the company as long as possible and daily. The AGF considers appropriate corrections regarding the recognition of part-time work as necessary, not least in order to increasingly motivate men and fathers, too, to choose part-time work and so to enable a fair distribution of family- and paid work.
- The number of "near-full-time" jobs (30 to 35 hours / week) has to be increased. It would meet the wishes of families and at the same time it would be attractive for men and fathers. Moreover it is to be expected that it would make transitions from full- to part-time and vice-versa easier.
- Today's culture of presence must not be replaced with a boundless culture of availability through modern communication possibilities.

Temporary Employment Through Agencies

Employees in temporary employment through agencies are employed by a temporary work agency but actually work in a different company. Temporary employment through agencies is included in the social security systems and is normally done as full-time job. The key disadvantages are the wages, which are often low (especially compared to those of permanently employed colleagues in the user-company) and the uncertainty of the work contract. Moreover there are risks when it comes to medium- and long-term security, because phases of unemployment decrease the pension entitlement and short employment phases decrease the entitlement to unemployment benefits.

- All employees of a company, who only differ in some being directly employed and others that have been borrowed from a temporary work agency, should work under the same working conditions and receive the same wage. The AGF demands that for temporary employment through agencies for same work the Equal Pay and Equal Treatment Principle is resolutely implemented.

- The statutory minimum wage introduced in 2015 points to the right direction to prevent low wages. But it does not yet ensure equal pay.

Mini Jobs

Mini jobs are particularly problematic. They are mostly carried out by married women and mothers and often come without any career opportunities. Mini jobs do not fulfil the hope to act as bridges into the primary labour market. On the contrary they have an adhesive effect and can become a dead end. Also, carrying out a mini job for currently 450 Euros is not enough to secure ones own livelihood and can only ever be an additional income for an adequate family income. People with mini jobs are not integrated into the social security system, they do not have sufficient social protection, they are neither entitled to healthcare and long-term-care insurance benefits, nor to unemployment insurance benefits, and they often only acquire very small entitlements from the pension insurance.³ Employees' hourly wages are often considerably lower than those of other workers. This happens for instance because often there are no taxes and contributions due for these employees but this effect – actually intended to relieve the employees – gets exploited to increase the work volume and hence to decrease the actual hourly wage. At this point the newly decided minimum wage – and the linked duty to document the working time – come in, which is highly supported by the AGF.

The AGF acknowledges the fact that there are life situations when it seems useful to individual employees to work in a mini job. This applies especially to those who view such an employment as a short-term additional income, like students and pensioners might do. Both groups are hardly affected by the risks of mini jobs due to existing special rules.

Yet beyond these exceptions mini jobs do structurally carry a high risk of precariousness. This is furthermore amplified by the often considerable discrimination that employees in mini jobs experience and that goes beyond the structurally embedded disadvantages: many mini jobbers are not sufficiently informed about their rights as employees or they deem their position within the company as too low as to vehemently demand their rights. Often they are deprived of many of their rights like continued wage payment in case of illness or paid leave. This often also matches their prevailing image as "second class employees", which regardless of their actual qualification and work performance is often shared by colleagues and employers. Therefore their chances of being promoted and further trained are also significantly lower than those of employees with contracts liable for social insurance contributions. This violates the non-discrimination principle of the Act on Part-Time Work and Fixed-Term Employment.

- Employees in minor employment must be informed more thoroughly than before about their rights and companies about their duties. This could also provide a better access for employees in minor employment to training possibilities and increase the opportunities for them to be promoted. Violations against the non-discrimination principle of the Act on Part-Time Work and Fixed-Term Employment have to be controlled much stricter and adequately sanctioned. Paid vacation as well as entitlement to continued wage payment in case of illness have to be guaranteed.
- The AGF sees the construct of mini jobs as generally problematic. Even under the assumption, that full equality could be achieved in regard to acknowledging the work performance, work conditions and payment, chartered work rights as well as social protection a fundamental problem would still remain: this form of employment cannot secure an individual's subsistence. Social protection would remain marginal because of the low income.

³ The current opt-out model offers mini jobbers the option to be exempted from paying proportional contributions to the pension insurance. By doing so they in fact increase their income, but they only acquire a third of the relevant credit periods in the pension insurance.

- A legal regulation would be imaginable to give priority to employees in minor employment with equal qualification when filling regular positions liable for social insurance contributions.
- The limited advantage of an income, gross for net, gets more than lost for most employees because of the substantial disadvantages mini jobs pose: insufficient economic stability, few opportunities to develop further professionally, inadequate or no social protection at all. Therefore the AGF points out that for families mini jobs are not suitable as a permanent source of income.

Temporary Employment

Temporary employment often confronts the persons concerned with a huge planning uncertainty. Especially in the decision-making phase for children and in the early family stage the time limitation of work contracts plays an important role. During the last 20 years the number of fixed-term employment has almost doubled. 2,7 million employees (approx. 9 percent) from 25 years onwards had a fixed-term employment contract in 2011. Fixed-term employment affects women and men almost equally (9,4 percent against 8,6 percent). It is especially common among foreign and young employees. The majority (60 percent) of all temporarily employed workers have an employment contract for less than a year (all specifications so far: Federal Statistical Office). Temporarily employed workers have a lower salary, their hourly wage is smaller than that of permanently employed workers. Among men this wage gap is significantly wider than among women (WSI Hans-Böckler-Stiftung). Meanwhile almost every second new employment occurs as temporary. Every second fixed-term employment will be changed into a permanent employment (Institute for Labour Market and Career Research, Nuremberg IAB). Fixed-term employment normally does not meet the wishes of employees: every fifth person experiences fixed-term employment as prolonged probationary period; less than three percent support their employment to be fixed-term.

At the moment employers have a high decision-making scope when it comes to time limitation of work contracts. Fixed-term employment is permitted also without an objective reason for up to two years; within this period of time three extensions are possible. Yet tariff agreements offer even more freedom and other decision-making possibilities. Temporary contracts with an objective reason are possible without restrictions anyway; this also includes "temporary corporate demand".

- The AGF demands to take measures, which increase the life course security of temporary employees and reduce disadvantages compared to permanent employees. These involve among others the following factors: often a higher pressure to perform, lower pay, a worse negotiation position towards the employer, worse access to training and other corporate offers.
- The AGF demands the elimination of the possibility of work contracts to be fixed-term without an objective reason. Fixed-term employment will then only be permitted with a valid objective reason. This will provide the employees with more reliability and predictability.
- The misuse of time limitation for objective reasons leading to so-called "repeated fixed-term employment", which in fact happens a lot in public institutions, needs to be prevented. For example, in some federal states teachers get employed on a regular base, temporarily until the beginning of the summer holidays. Over the summer they have to register as unemployed. Then, after the summer holidays, they will get a new temporary follow-up contract. Here, the public service should actually serve as a role model and set a good example.
- The principle of equal treatment when compared with permanent employees has to be effectively enforced.

Additional Measures

Furthermore the AGF demands accompanying measures, which too can help to prevent a precarisation of families and rather enable adequate employment. These include primarily the continued introduction and reinforcement of



measures to support the reconciliation of family and professional activity. As there are, the quantitative expansion of childcare, which is still necessary, as well as the consideration of the quality of care services and their alignment with the temporal and pedagogical needs of parents and children. Moreover the AGF pleads for measures that support an equal inclusion of men into family work.

It is furthermore important for good and adequate employment for families to increasingly consider and accept non-formal qualifications when it comes to the confirmation of foreign professional qualifications, as well as to expand and support measures for post-qualification. This enables also employees with a migration background to faster pursue their learned professions, so they do not have to do work, which firstly does not match their qualifications and secondly include higher risks of precarisation.

First Essential Steps From The View Of The AGF:

Part-Time Employment

- In order to make the transition from part-time to full-time easier, the reduction to part-time must be made possible with a set time limit, if wanted. This is dealt with in the AGF's special position paper "Right to Return".
- Employees in part-time employment must be evaluated according to their actual work performance and not according to the duration of their presence in the company.
- Violations of the principle of non-discrimination in regard to the Act on Part-Time Work and Fixed-Term Employment must be punished.
- Part-time work has to be offered as "near-full-time" jobs (30 to 35 hours / week) more than it has been up to now.

Temporary Employment Through Agencies

- For the same work the Equal Pay and Equal Treatment Principle has to be resolutely implemented.
- The statutory minimum wage is a first step towards a better pay. But a true equality of payments needs to be achieved.

Mini Jobs

- The construct of mini jobs is generally problematic. Mini jobs cannot secure an individual's subsistence. Social protection remains marginal.
- At least employees in minor employment must be informed more thoroughly than before about their rights and companies about their duties. Paid vacation, as well as entitlement to continued wage payment in case of illness have to be guaranteed. Violations against the non-discrimination principle of the Act on Part-Time Work and Fixed-Term Employment have to be controlled much stricter and adequately sanctioned.
- A legal regulation would be imaginable to give priority to employees in minor employment with equal qualification when filling regular positions liable for social insurance contributions.
- Mini jobs are not suitable for families as a permanent source of income.

Temporary Employment

- Temporarily employed workers must generally be provided with more security in their life course. Disadvantages in comparison to permanently employed workers must be reduced.
- The misuse of time limitation for objective reasons in form of so-called "repeated fixed-term employment" must urgently be prevented. Here public institutions have a special duty.
- Fixed-term work contracts, without an objective reason need to be eliminated.

