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EXTENDING PENSION COVERAGE IN GERMANY
The Employment Insurance Approach

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Abstract

The focus of this paper is on coverage of self-employed in the German pension system. Currently three quarters of Germany's self employed are not mandatory covered in any pension insurance. Changes in labour market structure, employment and occupational patterns make that coverage gap more relevant from an individual and from a societal point of view.

A solution could be to impose mandatory insurance on all self employed in the future. Some steps to implement such a policy and some of its implications are described in the paper.

COMPLETING PENSION COVERAGE IN GERMANY

The employment insurance approach

I. INTRODUCTION

I.1 Some stylized facts and design features of the German pension system

- The German pension system emerged over 150 years and had been reformed several times. The system is shaped by a strong focus on gainful occupation and thus differs, for instance, from systems based on length of residence.
- The overall structure of the system is now in line with a multi-pillar design, although its concepts of definition may differ from other terminologies.¹ The system comprises a zero pillar providing means-tested income support at subsistence level, a highly stratified first pillar – described in detail below – a voluntary second pillar providing company pensions at firm or industry level and voluntary private investment and pension insurance vehicles. (Figure 1)
- The German pension system provides coverage to dependent and self employed. Self employed are covered in different schemes as well, as is explained in detail below. Although most of mandatory coverage is for de-

¹ Cf. World Bank (1994) and Holzmann and Hinz (2005).

pendent employees, there is quite significant fragmentation and stratification within the first pillar, which comprises the following schemes:

- The statutory pension insurance for workers, employees, and miners, some groups of self employed.
 - A special scheme for farmers
 - Special schemes for members of chambered professions.
 - A pension scheme for civil servants, soldiers, judges, members of parliament and undersecretaries.
- Generally speaking, while the second and third pillars and the schemes for chambered professions are funded according to fully funding principles, are the first pillar schemes funded in the pay-as-you-go- method. The current funding mix of full and PAYG-funding is about 40 to 60.
 - The focus of this paper, however, is not coverage or funding in general, but coverage and coverage gaps of self-employed in the German pension system.

Figure 1: Schematic Presentation of German's Multi Pillar System

Third Pillar	Private Pension Insurance							
Second Pillar	Occupational Pensions						Chambered Professions	Civil Servants
First Pillar	Farmers' Pension Provision	Statutory Pension Insurance						
		Insurance of Craftspeople	Insurance of Artists and Publicists	Insurance of Vulnerable Groups of Self Employed	Voluntary Insurance	Miners	Employees	
Zero Pillar	Means tested Income Maintenance at Subsistence Level							

Source: Author's compilation.

II. COVERAGE OF SELF EMPLOYED IN THE GERMAN PENSION SYSTEM

- As described in the following sections, the German pension system provides coverage to self employed in special and general schemes.

II.1 Coverage of self employed in special schemes

- The *Farmers' Pension Provision Scheme* provides coverage for farmers; its benefits are at minimum level. The scheme contributory in principle but its benefits are highly subsidised. One of the major reasons to establish the scheme was to ease the process of handing over the farm to the next generation.
- Physicians, pharmacists, architects, notaries, lawyers, tax consultants, veterinaries, chartered accountants, dentists and psychological psychotherapists are termed liberal or chambered professions. Among the prerequisites to get licensed to practice such a profession individuals must fulfil is to join the particular professional chamber. The members of the professional chambers have the right to establish their own pension scheme, similar to the rules of mutual insurance companies. These schemes are called pension schemes of chambered professions.²

² Cf. ABV 2004).

II.2 Coverage of self employed in the Statutory Pension Insurance (general scheme)

- In principle the Statutory Pension Insurance provides coverage for workers and employees in dependent employment. In addition it provides mandatory coverage for some groups of self employed. The first group to mention are those self employed who are considered as vulnerable. The rationale for such a classification is that in vulnerable occupations neither a regular or long-term customer base is established nor a significant capital stock is built-up, which both could serve as assets to fund a retirement income.
- Examples for such “vulnerable” self employed are teachers and educators and persons providing nursery care who do not employ an employee liable for statutory pension insurance. Other examples are midwives, sea pilots, trade-persons, artists and publicist employing not more than one employee. A further group of self employed are those who use only for one customer and do not employ themselves employees liable for mandatory pension insurance.
- A second group of self employed under mandatory coverage are craftspeople. Their membership is mandatory for a contributory period of 18 years. The rationale behind this rule is that such a contribution record should suffice to achieve a pension at subsistence level, and consequently the risk of falling into poverty at old age and thus becoming a burden for the public purse is reduced. Following the minimum mandatory period, of course craftspeople are entitled to continue mandatory insurance or to opt for voluntary insurance in the statutory or private pension insurance.

Table 1: Mandatory Coverage of Self Employed in the German Pension System

GROUP OF SELF EMPLOYED	FIRST PILLAR SCHEME
Farmers	Farmers' Pension Provision Scheme
Members of chambered professions	Pension Schemes of the Chambered Professions
Craftspeople	Statutory Pension Insurance (for 18 years)
Artists, Journalists	Statutory Pension Insurance
Particular Groups of Self Employed	Statutory Pension Insurance
Other Groups of Self Employed	NO MANDATORY PENSION INSURANCE

Explanation: see text.

Source: Author's compilation.

- One general prerequisite of mandatory insurance in is a continuous monthly income of € 400 and more. Exemptions apply for artist and publicists. Single client self employed could opt out of mandatory insurance during the first three years of self employment. In 2006 around 240,000 self employed were covered in the statutory pension insurance.
- As can be seen in table 1 there is a broad range of schemes to provide mandatory coverage for self employed in the German pension system. Nevertheless there is a significant group of self employed who are exempted from mandatory coverage. Those groups were seen as being not in need of mandatory pension insurance. This was seen as reasonable because those self employed are accustomed to organise their affairs, they would earn significant amount of wealth, and could sell their businesses at retirement.
- Traditionally self employed were not considered in need of social protection. For self employed it was assumed they would provide for pension according

to the circumstances of their particular situation and that the financial means would emerge as a consequence of their business activities. A legal mandate was required only for particular groups as mentioned above.

- Currently about 7 percent of all self employed are covered in the farmers' pension scheme, 8 percent are members in the pension schemes of the chambered professions and 7 percent are mandatory members of the statutory pension insurance. This means that more than tree quarters of all self employed are without mandatory pension insurance.
- Although there is no systematic knowledge of how and to what extent this group of self employed used to provide for old age, a general pattern was that this group of self employees typically owned houses or took out life insurance. Of course, there was always a small number of self employed who suffered from low pension provision either due to myopic behaviour or due to bad luck briefly before retirement. In such cases retirees were supported by social assistance benefits.
- But since the mid of the 1980s and in particular during the last decade the patterns of self employment have changed. The number of self employed has significantly increased and their income position became more diverse. Now the group of self employed could no longer be ignored. In case of old age poverty the funding needs had put a significant on burden on the budgets of municipalities.³

³ For a broader set of international approaches cf. Hu and Stewart (2009).

III. CHANGES IN LABOUR MARKET STRUCTURES AND EMPLOYMENT PATTERNS

- There are three trends in labour markets and employment patterns that tend to increase the risk of old-age poverty or inadequate pension provision: More people and a higher percentage of gainfully occupied are self employed, there are more frequent changes in the employment careers, including those between dependent and self employment, and
- The boundaries between dependent and self employment are getting blurred, which make it difficult for the pension administration to assess the contributory status related to a particular business activity. One example are self employed who almost exclusively serve a single customer.

III.1 Cross section structure of employment

- Since the German pension system is based on gainful occupation labour market participation is of paramount importance for the opportunity to earn adequate pension rights.
- After an extended period of high unemployment and stagnating employment since 2006 the absorptive capacity of the labour market has bounced back again. In 2008 the number of gainfully employed reached a peak at 40.33 million. The number of employees liable to social insurance has also increased, between mid 2006 and mid 2009 by about 4 percent.

- Besides this positive development, it is nevertheless to note that the expansion of employment is also the result of an expansion of so called precarious employment.⁴ Employment is considered precarious if carried out as part time work with 20 hours per week or less, on a term contract, on temporary work or on a minor or fringe job. It is a common feature of such occupations that they are carried without enrolment in any pension plan (pension insurance) or without sufficient coverage by the pension plan chosen.
- Tables 2 a and b report the development in the size and the structure of employment between 1993 and 2008. While total employment has increased the number and share of dependent employment liable for social insurance has decreased; this applies in particular to full time employment which declined from about 68 to about 56 percent of total employment.
- This decline reflects a move to more part time and atypical employment and to more self employment. The number of self employed increased from 3.6 million to 4.5 million and its share grew from 9.7 to 11.1 percent.
- To summarize, these statistics show an employment trend away from dependent employment under mandatory pension insurance coverage to a variety of forms of employment under insufficient coverage or no coverage at all. Of course these are cross section observations and do not inform how many people are affected by these trends in the course of their life time.

⁴ For a similar development in Japan cf. Takayama (2009).

Table 2 a: Structure of Employment

TYPE OF EMPLOYMENT	1993	2008
	In percent of total employment	
Self employed	9.66	11.09
Employees	90.34	88.91
... Employees liable for social insurance	76.17	68.20
... Employees liable for social insurance and in full time employment	67.80	55.74
... Employees liable for social insurance and in part time employment	8.37	12.43
... Employees in atypical employment	9.93	20.92
Total employment	100.00	100.00

Notes: Part time refers only to part-time work with 20 hours per week or less.

Source: Statistisches Jahrbuch 2009, 3. Arbeitsmarkt (Statistical Yearbook 2009, Section 3: Labour Market).

Table 2 b: Structure of Employment

TYPE OF EMPLOYMENT	1993	2008
	'000 persons	
Self employed	3'625	4'465
Employees	33'916	35'798
... Employees liable for social insurance	28'596	27'458
... Employees liable for social insurance and in full time employment	25'454	22'443
... Employees liable for social insurance and in part time employment	3'142	5'003
... Employees in atypical employment	3'034	8'425
Total employment	37'541	40'263

Notes: Part time refers only to part-time work with 20 hours per week or less.

Source: Statistisches Jahrbuch 2009, 3. Arbeitsmarkt (Statistical Yearbook 2009, Section 3: Labour Market).

Table 2 a and b, continued.

Definitions:

- **A-typical employment:** part-time work with 20 hours per week or less, fixed term contract, exclusively marginal employment, temporary employment (labour leasing)

III.2 Impact on life time employment pattern

- Another aspect of self employment is that in a growing number of cases self employment is not any longer a stable and permanent form of occupational engagement, but is a transitional part of the working career with shorter or longer duration. (see tables 3 and 4) Frequent changes between dependent or self employment and project work become an element of the working career for a growing part of the labour force and increasingly affect younger generations.
- Therefore it seems reasonable to counterbalance the discontinuity of work careers with continuity in the patterns of pension provision. It would help to reduce old age poverty risk when pension saving is continuously pursued during the entire working life.
- In addition one must note that also employment careers based on standard employment contracts are increasingly affected by interruptions. The causes for these are on the one hand a lack of employment opportunities and on the other hand family obligations for rearing children or caring for relatives.
- In such cases the mechanism of solidarity steps in. Thus, while on unemployment benefit the further increase of pension rights is financed by contributions made by the Federal Agency of Labour. Pension rights for periods of child rearing are financed by contributions made from the federal budget, irrespective from reduction or interruption of employment. During periods of long-term care the long-term care fund pays contributions for the care-taker.

Table3: Frequency and Duration of Self Employment Spells

	NUMBER OF PERIODS OF SELF EMPLOYMENT	AVERAGE DURATION OF SELF-EMPLOYMENT SPELL (YEARS)	ACCUMULATED DURATION OF SELF- EMPLOYMENT SPELL (YEARS)
Chambered	3.2	11.3	27.2
Other	2.3	10.5	17.8
Without mandatory coverage	1.8	7.2	11.2

Source: AVID 2005, calculations: Ehler and Frommert (2009), p. 50.

Table 4: Periods of Self Employment in Work Career in Different Birth Cohorts

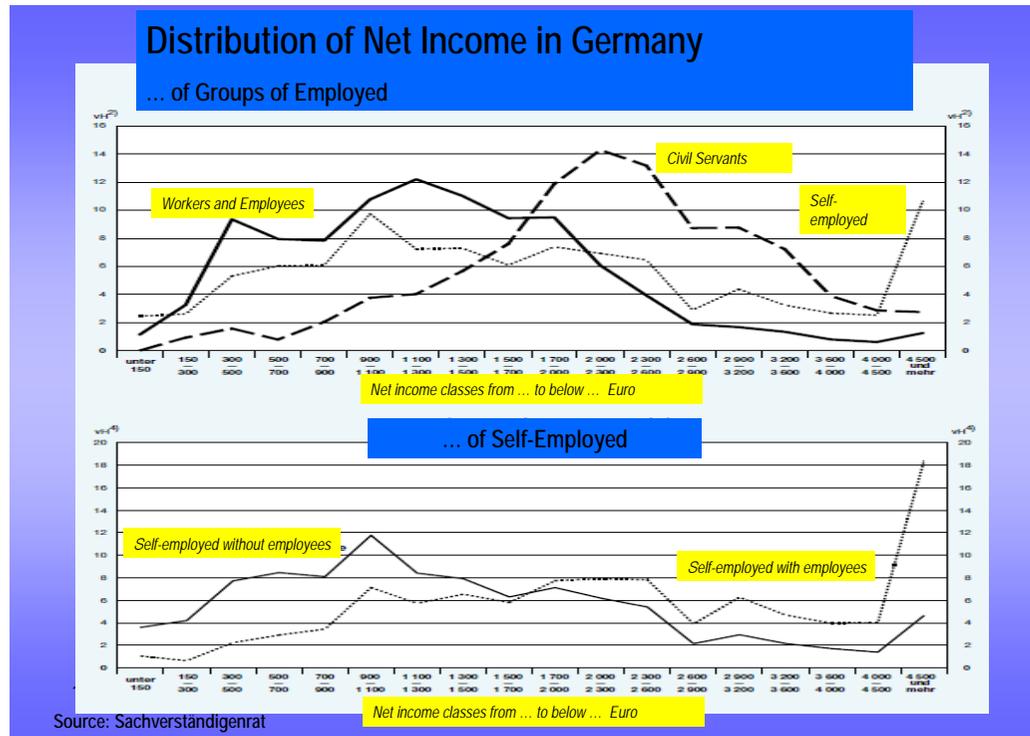
Age cohort	1942-1946	1947-1951	1952-1956	1957-1961	Total
No periods of self employment	89.1	87.2	85.0	83.5	85.9
Some periods of self employment					
Chambered professions	1.1	0.8	0.9	1.4	1.0
Other	3.2	3.6	4.2	3.6	3.7
Without mandatory coverage	6.7	8.4	10.0	11.6	9.4
Total	100.0	100.0	100.0	100.0	100.0

Source: AVID 2005, calculations: Ehler and Frommert (2009), p. 48.

III.3 Income position of self employed

- Historically the average income and wealth of self employed used to be higher than the income of workers and employees. That may have changed over time. For a significant amount of self employed the savings capacity could be insufficient to provide for health, disability or age risks. Data for 2005 show that about 32 percent of all self employed earn a monthly net income of less than 1,100 €. As could be seen from figure 2 income of self employed is rather heterogeneous, since there are many self employed with high income and also many self employed with very low income. The group of self employed with no employee tends to have lower income than those with employees.
- Generally speaking, nowadays the income position of self employed does not appear to be totally different from the one of dependent employees.

Figure 2: Distribution of Net Income: Groups of Employed and Self employed



IV. POLICY OPTION: EXTENDING COVERAGE OF THE STATUTORY PENSION INSURANCE ON UNCOVERED SELF-EMPLOYED

- Given the recent trends in employment and social security a new approach should be tried in order to overcome the last gap in complete coverage of the labour force. Therefore all self employed who are not so far mandatory members of one of the pension schemes mentioned above should be enrolled into the Statutory Pensions Insurance.⁵
- Other schemes providing pensions for particular groups of self employed – farmers, chambered professionals – should continue to be in place.
- In view of the labour market trend described above the rationale for proposing this particular model of employment insurance to close the coverage gap is based on two arguments.
 1. Employment insurance lowers the risk of old age poverty for the self employed and for those with discontinuous work careers.
 2. Employment insurance lowers the risk of society to bear a growing fiscal burden of old age poverty of those who become needy of any form of tax financed minimum income maintenance (social assistance).

⁵ Cf. Rische (2008, 2009). SVR (2006 and 2007).

Principles of Implementation

- The implementation should follow a number of principles:
- *Equal treatment of dependent and self employed:* It is important to note that on the one hand all rules should meet the particularities of different forms of employment as much as possible and on the other hand not systematically discriminate against dependent employees. The rules should not discriminate in favour or against self employed and not imply redistribution against employees. These principles, however, do not exclude adjustment where self employment differs from dependent employment.
- *Transitional period (phasing in):* Of course the implementation of such a proposal would require a transitional period and some short term exemptions. Those above an age threshold of e. g. 50 should be exempted from the mandate, if they had already made arrangements for pension provision. Such a rule may also apply to those self employed who are younger but have made sufficient pension provision.
- However, given the risk structure of employment coverage should be taken out for disability and old age pensions (and survivors' pension where applicable).
- *Coverage:* The new mandate should not be restricted to those who start self-employed occupation but also to those already in self employment. Only those with opting out rights as mentioned above could stay outside. Mandatory provision for disability, annuities at old age and survivors' pension. Options for craftspeople and single customer self employed are removed.

- *Contributions*: The current rules governing the payment of contributions by self employed should be maintained. This refers to the contributory base, the rate of contributions and the burden of contributions. Contributory base should be standardised earnings (about average gross earnings); however there is an option to pay contributions based on effective earnings.
- During a start-up phase only portions of effective earnings should be liable for contributions. That would give to considerations to liquidity and funding need during that initial phase. However, no complete opting out should be possible. Self employed could of course pay higher contributions than the minimum.
- Income date should be transferred from tax authorities.

V. PARTICULARITIES OF SELF EMPLOYEMENT AND ACCOUNTING FOR IN THE INSURANCE REGULATION

- Income of self employed tends to be more volatile than the earnings of dependent employees. For that reason a monthly payment of pension contributions could bring about hardships and liquidity constraints to this group of insured.
- Currently deferred payment of contributions is restricted to very specific conditions. It is considered to refrain from such restrictions and allow opting for quarterly payment of contributions.

VI. FINANCIAL AND DISTRIBUTIONAL IMPLICATIONS

- There is a number of studies inquiring into the financial and distributional implications of extended coverage of self employed.⁶ Among those is the analysis by the German Council of Economic Advisors (SVR 2006) regarding the short term and long term effects of the employment insurance approach.
- The overall conclusion is that the financial implications of extended coverage are ambiguous for the pension system. First of all one must discriminate between short-term and long-term effects.
- If labour supply remains unaffected by the mandate to contribute for pensions, the short term effect would imply an increase in the number of contributors, while the number and size of pensions remain unchanged for a couple of years. That would lower the equilibrium rate of contributions at which current expenditures could be funded for a transitional period.
- In the long run the additional contributors would grow old and start to draw of pensions and the equilibrium rate of contribution had to be raised again. If that increase would just balance the previous lowering or exceed it, is not easy to analyse. The overall effect depends on how the group of new insured will compare with the group of traditionally insured regarding a number of parameters including age structure, average income, number of children, life expectancy, disability and early retirement risk.
- Since these parameters are not known *ex-ante*, estimates of the long term financial effects are conditional on the assumptions made regarding the parameters.
- Another complicated issue are distributional issues within and across generations regarding the implicit tax inherent in a PAYGO scheme. .

⁶ Cf. Grabka (2007), Frommert and Loose (2008), Prognos AG (2009), Jess and Ujheliova (2009), Kohlmeier (2009).

VII. OTHER POLICY OPTIONS

- The proposal to extend mandatory coverage in the statutory pension insurance to all self-employed uncovered so far would offer additional economic advantages.
- Since a number of business activities could be carried out in the form of dependent or self employment, mandatory insurance in the statutory pension insurance would create a level playing field and thus increase flexibility and allocative efficiency in the labour market. Mandatory insurance in the statutory pension insurance would allow moving easily between dependent and self employment without costly re-arrangements of pension savings.
- The major alternative to the employment insurance approach is to impose a mandate on uncovered self employed to take out insurance coverage of disability and longevity risk (old age pension) from private insurance companies. The option has been introduced by the German Council of Economic Advisers (SVR 200_).
- Such an approach had the advantage that pension arrangements could be chosen in line with individual preferences, for instance regarding rate of return profiles and risk exposures and in would not have to deal with the problem of an implicit tax. Compatibility between the mandate to provide for pensions with the individuals' incentives to do so would significantly lower compliance and enforcement cost.
- On the other side, however, there are significant concerns about the failures of private insurance markets, if they are supposed to deal with entire and fairly divers populations.

- One of the problems is that coverage of particular risks may be very expensive on an individual base. Persons with chronic diseases or other significant health problems or working in hazardous conditions may have difficulties to find insurance coverage at an affordable rate or find coverage at all.
- Other problems occur when the duration of self employment is only transitory and of short duration. In such a case the fixed cost related to private coverage may exceed what could be gained from participating in more profitable investment opportunities.
- A further proposal recommends allowing enrolment into the statutory pension insurance or a private pension plan according to the individuals choosing: Such an approach would pose additional problems beyond those mentioned above, as quite a number of equity considerations regarding current and newly entering insurants are concerned.
- Another problem relate to this proposal is that an opportunity for adverse selection is created, in so far as people who could benefit from the implicit transfer payments of the statutory pension insurance.
- Finally it has been suggested and proposed to include all first pillar employees into the statutory pension insurance. Such a proposal would face many legal obstacles and political opposition. The implementation would be very time consuming and the distributional implications are highly uncertain.

VIII. CONCLUSIONS

- The coverage gap in the German pension insurance cannot be ignored any longer. It could pose a significant threat to the long-term fiscal position of the federal and municipal budget.
- The achievements of the scientific and social policy discussions allow starting more detailed planning for implementation.
- Given the necessary lead time for building significant pension entitlements the time for pure debate is running out.

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