



30/06/2014

RAP/Cha/DEU/31(2014)Add

EUROPEAN SOCIAL CHARTER

Addendum to the
31st National Report on the implementation
of the European Social Charter
submitted by

THE GOVERNMENT OF GERMANY

(Article 4§1
for the period
01/01/2009 – 31/12/2012)

Report registered by the Secretariat on
30 June 2014

CYCLE 2014

Germany

RE: Question on the implementation of Article 4§1 of the European Social Charter-
Conclusions XX-3 (2014);
Here: Reply to the additional question related to Article 4 paragraph 1 "Right to fair
remuneration"

"According to the social state principle enshrined in our Basic Law support is provided to persons and households who, for whatever reason, find themselves in a situation of financial distress which they cannot overcome with their own means (working power) and resources (income and assets).

With the introduction of basic income support for jobseekers in accordance with Book Two of the Social Code (SGB II) the state fulfils its duty to create the minimum prerequisites for a decent existence (subsistence level).

Generally, persons who are at least 15 years old, employable and in need, and who have their ordinary residence in the Federal Republic of Germany are entitled to benefits according to Book Two of the Social Code.

All benefits of SGB II, i.e. primarily benefits to end or reduce the need for help, in particular by integration into employment as well as the benefits to secure the entitled person's livelihood are available to the entitled individual regardless of gender and are only subject to the criterion of need.

According to the definition individuals are in need of help if they cannot or not sufficiently secure their livelihood on the basis of their income or assets to be taken into account and if the necessary help cannot be obtained from others, in particular family members or other social benefit providers. The system of basic income support follows a budget-oriented approach. This means that not only the employable person entitled to benefits but also his/her family members living in the same household are entitled to top-up benefits securing their subsistence in the form of unemployment benefit II or social allowance (Sozialgeld), too. The benefits have to be applied for at the locally responsible fund for basic income support (jobcentre).

Unemployment benefit II / Social allowance includes the basic needs assistance and in addition the costs reasonably incurred for accommodation and heating. Moreover, additional needs are recognised for special situations in life, such as pregnancy, single parenthood or disability. Children and youth are entitled to additional education and [socio-cultural] participation benefits and services. Insofar the amount of the benefits spent to secure the person's subsistence level is determined on the basis of the individual entitlements of the members of the community of need (joint household). This totality of needs is compared with the earned income available while taking tax allowances into account. Due to the legal provisions on the taking into account of income tax allowances granted in connection with gainful employment, gainfully active persons are better off financially and reach a household income above the socio-cultural subsistence level.

The basic needs assistance for a single person is for instance 391 EUR per month (as of 1 January 2014) and additionally the reasonably incurred costs for accommodation and heating are paid, on average 296 EUR. This adds up to a - statistical - basic income support in the amount of 687 EUR which secures the individual's subsistence (socio-cultural subsistence level). 160 EUR from a gross income of 400 EUR remain disregarded so that a single person would receive a supplementary unemployment benefit II in the amount of 447 EUR and would

thus reach a household income of 847 EUR (400 EUR plus 447 EUR supplementary unemployment benefit II) which is 160 EUR above the socio-cultural subsistence level.”