

**Federal Republic of Germany**  
**– Responses to the GUIDING QUESTIONS FOR THE FOCUS AREAS OF THE 9TH SESSION**  
**OF THE OPEN-ENDED WORKING GROUP ON AGEING:**  
**Right to work and Access to the Labour market**

**National legal and policy frameworks**

**1. What are the legal provisions and policy frameworks in your country that recognise the right to work and access to the labour market by older persons?**

**Answer:**

Provided these older persons are in employment, they fall within the area of application of the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz – AGG*). Accordingly, discrimination is not permitted on the grounds of age, particularly with regard to the conditions, including selection criteria and recruitment conditions, for gaining access to gainful employment or self-employment, independent of the area of work and professional position, as well as for career progression (Sections 1 and 2 of the AGG). Employers are obliged to carry out measures (also preventively) to protect against discrimination on the grounds of age (Section 12 of the AGG). In case of violation against this prohibition of discrimination, those affected may, for instance, enforce compensation and damage claims judicially (Section 15 of the AGG). In this case, the claimant is afforded a reduced burden of presentation and proof.

**2. What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country?**

**Answer:** Here, as examples, we would like to refer to the answers to Questions 1 and 7.

**3. What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including working conditions and the economic value (of their work)?**

**Answer:**

Ageing, and/or transitions into retirement, activities in retirement and commitment in civil society, are examined, for instance, in studies carried out by the Federal Institute for Population Research (*Bundesinstitut für Bevölkerungsforschung*), the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth by way of a special evaluative study on the Fourth German Volunteer Survey as well as the final report on a practical research report by the Institute for Social Work and Social Education (*Institut für Sozialarbeit und Sozialpädagogik*), 1/2019, on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

Similarly, the German Institute for Economic Research (*Deutsches Institut für Wirtschaft/DIW*) emphasises the significance in Germany of informal care provided by gainfully employed persons, based on data by the socio-economic panel (SOEP).

**Availability, Accessibility, Acceptance and Quality**

**4. What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations?**

Answer: See the answer to Question 6

**5. What steps have been taken to ensure the availability of specialised services to assist and support older persons to identify and find employment?**

Answer:

The Federal Employment Agency has various forms of support at their disposal in order to better integrate a person into the labour market that can be provided to them independent of their age. When employing job-seekers whose recruitment is complicated on account of reasons specific to these individuals, employers are entitled to an integration grant (*Eingliederungszuschuss/EGZ*) if required for their integration at work. When employing older persons aged 50 years and over, then the support period, which is usually limited to 12 months, can be extended to a maximum of 36 months. The longer support period for older persons allows for the fact that, compared to younger job-seekers, this group of people often have more difficulties to find work following periods of unemployment.

**6. What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market?**

Answer:

Information helpline on further training: Designed as further training guidance, the information helpline on further training can be reached across the country under the freephone number 0800-2017909. The information helpline on further training provides an accessible, free, supplier-neutral access point for those seeking advice on all matters related to the individual's additional vocational learning and qualification. The information helpline on further training helps verify individual further training needs and then find suitable further training offers. It aims to motivate towards continued learning and integrate further education as a natural component in shaping the individual's employment biography.

**7. What protections are available to ensure older persons enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?**

Answer:

Many regulations have been put in place to give particular consideration to the feature of ageing (e.g. the old-age part-time work law, age ceilings, collectively agreed remuneration provisions and leave regulations, etc.). With regard to the AGG, please refer to the answer to Question 1.

**Equality and non-discrimination**

**8. In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including in older age?**

Answer:

Age is listed as one of the features within the AGG (see Section 1 of the AGG). The discrimination prohibition applies when a working relationship is established, maintained and terminated. This means, for instance, in the context of applications, hiring, promotions as well as income, working hours, holiday and termination.

**Remedies and Redress**

**9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market?**

Answer:

Wherever older people are employees, they are protected by the discrimination prohibition in the AGG (compare with answer to Question 1). If older persons are already employed, then Section 13 of the AGG gives them the express right to lodge a complaint with the competent body/department at their company, business or organisation should they feel discriminated against by the employer, their superiors, other employees or any third party on account of their age.