

The Myth of more Social Inclusion through Activation Reforms: The Case of Germany

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Abstract

The paper examines certain interrelated effects of recent reforms in labour market- and social policies on social inequalities, especially with regard to gender, and prominently in the case of Germany. With the previous European Employment Strategy in the 2000's, the 'activation paradigm' was introduced in many EU Member States. However, despite the considerable diversity of activation reforms in detail, and contrary to the promises of enhancing social cohesion, these reforms often tend to have increased social inequalities. More specifically, existing gender inequalities on the labour markets and in social security provision were often not diminished but rather enhanced. In the case of Germany, first, activation and job placement practices of the Public Employment Services tend to follow gender-stereotypical patterns, deepening labour market segmentation. Second, and this is the particular focus of the paper, the strictly means-tested unemployment benefit scheme introduced with the reforms clearly widens the gender gap in the access to social security as it is based on the old male breadwinner model. Hence, in the aftermath of the reforms, in a developed welfare state like Germany a considerable number of registered unemployed (more women than men) are factually excluded from social security and have to rely on their family. Making up for about a quarter of a million persons or 25% of those unemployed registered under the Social Code III, they are not entitled to any social benefits and are not even socially insured against sickness or old-age. What is even more surprising, recent empirical findings reveal that they are urged by the Public Employment Services to unregister as unemployed, instead of being promoted in their efforts to find a job. These negative effects of 'activation' reforms can be explained, first, by a lack of seriously implemented equal opportunity policies within labour market policy (which is d'accord with Germany's conservative welfare state model), and second, by the effects of New Public Management principles that prioritize a short-sighted cost-efficiency logic instead of social policy goals. Moreover, the role of trade unions in these reform politics was ambiguous, their protest against certain elements being focused on core worker groups rather on the overall impact on social inequalities or gender effects. The paper is based both on secondary analyses of official statistics and own empirical panel data (GSOEP) and some qualitative findings, derived from several projects funded by different sources.

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1. Introduction

With the European Employment Strategy of the European Commission in the 2000’s, policies following the ‘activation paradigm’ were introduced in many EU Member States in order to increase the workforce, reduce ‘welfare dependency’ and thus promote economic growth and social cohesion. Labour market participation is seen as the one and only pathway for social integration. However, grosso modo, this supply-sided political program first and foremost implied a *re-commodification of labour* – which often did not contribute to better social integration. Labour markets were deregulated by promoting ‘atypical’ employment forms, the conditionality of unemployment benefits was tightened, entailing shifts from wage-replacing insurance schemes to means-tested minimum income schemes, and ‘activating’ employment promotion programs were introduced to increase the labour market participation of all adults capable to work. Despite the considerable diversity of such reforms in detail (cf. e.g. Barbier/Ludwig-Mayerhofer 2004; Serrano Pascual/Magnusson 2007; Van Berkel et al. 2011; Clasen/Clegg 2011), we can resume as an outcome that these reforms often resulted in a widening of old and new social divides and an encroachment upon social rights of citizens (cf. Bothfeld/Betzelt 2013). So, in some countries, labour market segmentation was deepened (‘dualization’, cf. Emmenegger et al. 2012), or, especially in Bismarckian welfare states, core worker standards were eroded (cf. Betzelt/Bothfeld 2011a; Béraud/Eydoux 2011; Pérez/Laparra 2011), and often social security for the unemployed and the poor was levelled.

More specifically, existing *gender inequalities* on the labour markets and regarding the access conditions to social security provision were in many cases not diminished by activation strategies but persisted or even increased (cf. Letablier et al. 2011; Betzelt/Bothfeld 2011b). Especially for ‘conservative’ welfare states like Germany, characterised by a strong gendered labour division, activation strategies pose particular challenges and result in highly ambiguous outcomes regarding gender (Betzelt/Bothfeld 2011b). While this has been described and explained elsewhere in detail (ibid.), the paper presents new findings on a specific ‘gendered’ problem and a certain group of unemployed which has been widely neglected so far in public and academic discourse although it is both quantitatively significant and reveals systematic failures of activation strategies: In contrast with claims of greater social inclusion, it can be seen that currently nearly a quarter of a million people in Germany are registered as unemployed without any entitlement to unemployment benefits or any individual social protection like health care. These ‘*Nichtleistungsbeziehenden*’ (NLB), or ‘unemployed without benefits’, currently account for a quarter of those registered as unemployed within the statutes of Social Code III (SGB III). They are subject to the same obligations to co-operate (proving active job search, reporting etc.) as all other unemployed and so have at least an entitlement to counselling and job placement services from the Federal Agency of Labour (*Bundesagentur für Arbeit, BA*), and can even be supported by schemes of further training. This paper examines first, on the basis of current findings, how the activation regime impacts NLBs and poses the question as to how far the promise of improved employability is honoured through integration and activation measures? How are the ‘modern’ labour market services introduced with the Hartz-Reforms perceived by NLBs? And last but not least, what are their employment prospects? The core finding is that in the German activation regime this group, in spite of current need, enjoys only marginal support from the BA, and its members are even systematically forced officially to de-register as unemployed. This can be explained by the hypothesis put forward here, namely that the primarily fiscal arrangements within labour market management which aim for short-term cost-savings and quick interventions, work to the detriment of social, labour market and political equality targets. The results support earlier relevant presumptions about the practice of activation in relation to the NLB group (Betzelt/Schmidt 2010) and are enumerated in other critical analyses of “Workfare” policies (cf. Peck 2001; Mohr 2009; Lessenich 2003). This type of activation strategy, which brings exclusion instead of inclusion, is problematic also because it has to be seen in the context of the more precarious employment structures and egalitarian gender norms of an individualised society. Because family subsidiarity has been enforced in the means-tested benefit scheme, it means that access to social security for citizens (esp. women) now depends primarily on the (volatile) employment status of the person’s partner. The empirical basis for this paper takes account of official labour market statistics of the Federal Agency (BA), data analysis based on GSOEP (German Socio-Economic Panel), an unpublished survey of the NLB group carried out on behalf of the BA (Infas 2007) as well as the author’s own evaluations taken from internet forums used by the unemployed and other additional sources. The paper initially delivers an institutional analysis (section 2) and an empirical analysis (section 3) of the phenomenon of unemployment without benefits in the

period 2004 to 2011. The fourth section carries the main emphasis in which the activation of the NLB group is examined with reference to the BA's current target management system. The report closes with a critical conclusion (section 5.).

2. Unemployment without benefits: The legal situation and its implications

How does this NLB status come about, how does it relate to other types of unemployment status and what are its implications? The questions are central to the following section with an overview in Table 1.

The paradigm shift to an activating labour market policy through the Hartz Reforms resulted in only 22% (in 2011) of all registered unemployed having any claim to earnings-related payments from the *SGB III insurance system*. Responsible for this small proportion is the shortening, from three years to two, of the Hartz-III time-frame in which entitlement to benefits has to be built up. This change is disadvantageous to people with a discontinuous employment history, especially women. With the abolition of Unemployment Assistance by 01.01.2005 during the course of Hartz IV, those unemployed previously entitled to benefits lost their entitlement to individual, earnings-related and status-securing benefit claims and, with it, their independent social insurance¹ status. Women living with a partner were far more impacted by this than men living in a comparable position (Becker/Hauser 2006; Bruckmeier/Schnitzlein 2007).

All those adults deemed fit for work under the previous system of welfare were transferred to the new basic assistance scheme for job-seekers under "*Grundsicherung für Arbeit-suchende*" in line with SGB II, something which opened up access to labour market policy-related integration services. However, the pre-conditions for claiming within the new system were more closely tied to the subsidiarity principle than before, meaning that recourse to income and property within a household or community of needs was clearly extended in comparison to earlier Unemployment Assistance (*Arbeitslosenhilfe - ALHi*) or social assistance (Rust 2010, 146pp). Because deviating from the statutory maintenance laws, and also different from the earlier ALHi, or social assistance scheme, the partner's income is calculated *minus any excess*, in line with SGB II. Beyond this, initial duties now cover not only the spouse or long-term partner as before, but also unmarried children of the either partner ('step-children') up to the age of 25. In civil law, however, there is no rule regarding mutual maintenance obligations between unmarried adult partners. Even when someone is deemed not to be in need on the basis of the partner's income, this person has no enforceable entitlement to claim maintenance from the unmarried partner.

¹ The earlier unemployment benefit referred to above as ALHi was an *individual*, earnings-related payment to the level of 53% of the previous salary, 57% for parents and paid for an unlimited period. The need of the claimant was certainly also examined, but with a relatively extensive excess from the partner or spouse to the level of that person's own imaginary unemployment entitlement. Further household members were not taken into account in the examination of income.

Table 1: The status of unemployment with and without benefits according to SGB III und SGB II: Access to 'passive' and 'active' benefits and their organisation in both statutes.		
Type and scope of services and access for:	Status of 'unemployed' Definition according to § 16 as well as § 138 SGB III: <ul style="list-style-type: none"> temporarily not in an occupation of over 15 hours per week registered with the employment agency as unemployed making efforts to end the unemployment available for interventions from the BA,² 	
Unemployed benefit claimants	SGB III	SGB II
a) Income maintenance	Unemployment insurance	Basic assistance for job-seekers
b) Active integration services	<ul style="list-style-type: none"> Unemployment benefit I Individual, earnings-related entitlement to benefits on the basis of contributions already made during employment carrying social security payment obligations Carried out within the two years prior to the period of unemployment No test of need Level = 60% of the most recent net remuneration (67% for parents) Duration: 12 months (for those up to the age of 50; up to 24 months for older people) Entitlement to advice and intervention from the employment agency Access to active integration services according to SGB III as a discretionary benefit Contributions to statutory insurances for sickness, healthcare and pension borne by the BA 	<ul style="list-style-type: none"> Unemployment benefit II Entitlement to benefit on the basis of the level of need required in the 'community of needs' in question, that is to say the combined income and property of <i>all members</i> of the household does not provide for all Level: Standard flat-rate €382³, plus reasonable accommodation and heating costs In principle for unlimited duration Entitlement to advice and intervention from the Jobcenter Access to active integration services according to SGB II and SGB III as a discretionary benefit (except for start-up supplement) Contributions to statutory insurances for sickness and healthcare borne by the Jobcenter
c) Social protection		
Unemployed without benefits		
a) Income maintenance	<ul style="list-style-type: none"> No entitlement to funds according to SGB III in the absence of contributions within the prescribed period Entitlement to advice and intervention from the employment agency Access to active integration services according to SGB III as a discretionary benefit (except for start-up supplement) No social protection 	<ul style="list-style-type: none"> No entitlement to SGB II in the absence of need in the 'community of needs', and with this no entitlement to money or integration services in accordance with SGB II or social protection
b) Active integration services		
c) Social protection		

Source: Author's account.

NLBs are subject to de-registration, or signing-off, as required under SBG III statutes. Due to existing gender wage gaps, women are affected more often than men but so are young adults under the age of 25. The status of unemployment without benefits means there is *no individual social protection against sickness, for healthcare or old age*.⁴ With this is the threat of losing medical insurance if, for example, unmarried NLBs are not covered by any family insurance. However, since the 01.01.2009 statutory sickness insurance requirements, people with no sickness insurance render themselves liable to prosecution and must expect a high level of fine and retrospective payments. In spite of this, 137,000 people were uninsured in

² Those excluded from unemployed status are those responsible for the care of children under the age of 3, or relatives in need of care (§ 10 SGB II), for those taking part in activation schemes (§ 16, 2, SGB III), as well as the long-term unemployed over the age of 59 and in receipt of ALG-II (§ 53a, 2, SGB II).

³ Standard for single people, single parents and those with partners below the age of majority (01.01.2013).

⁴ Those periods of being registered unemployed with the BA are reported to the organisation with responsibility for pension insurance but this does not increase the pension. However, these periods are relevant in calculations for the receipt of reduction in earning capacity help or rehabilitation services.

2011, unemployed⁵ and self-employed were identified as four times the level in this group as in the overall population (StBA 2012, *Tab. 1.1*). Around 19,000 unemployed are affected. In addition, there are 58,000 unemployed without insurance amongst which NLB members are probably to be found. This data indicates that the absence of sickness insurance protection amongst this group is definitely of practical relevance.

What does NLB status mean with regard to *active integration services*? This is where there are problems at the interface of these two separate statutory areas of social security, namely SGB II und SGB III. On the basis of the unrecognised need in line with SGB II, NLBs have no access to SGB II integration services e.g. debt advice or work opportunities. This raises special problems if the need for help ceases during a period of participation because the partner has found a job. As a rule, SGB II measures must then cease (Jaehrling 2012, 182). Assignment to whichever statutory area will vary according to the material situation of the household, especially the employment status of the partner. With regard to part-time or short-term work, repeated changes with all the legal consequences are not infrequent and, because of the nature of the labour market, affect women more often than men.

On the other hand, NLBs can be supported with all the integration tools of SGB III. However, Hartz-IV brought in some sensitive changes, and employment promotion and training measures are still valued only as discretionary services. Expenditure on this has been declining for a number of years, most particularly to the detriment of occupational training (Oschmiansky/Ebach 2012; Bosch 2012). This context of reduced resource means unfavourable conditions for the support of the NLB group.

By contrast, the '*challenging*' in the activation regime has increased systematically for that group. Since 2007, the BA has carried out 'an intensive programme of care for the unemployed as well as a systematic examination of the status of unemployment' (Statistik der BA 2008, 39). Since 2008, the NLB group has been subject to the same obligatory conditions as all other unemployed people, e.g. regular reporting in person, evidence of individual job-search efforts being made, unlimited availability in terms of both time and place, and, where necessary, agreement to integration plans. With the 01.01.2009 reforms, a three-month 'intervention block' has additionally been placed on this group as a sanction. This means that they lose their final, remaining claim to BA services. In view of the increased level of 'Challenge' for the NLB group, the question arises as to how their numbers have developed. What effect has the post-2007 system change to SGB II had on this group, together with increasingly restrictive practices?

⁵The definition of unemployment for the statistical authorities includes, among others, actively seeking work in the reference week but excludes all other legal definitions of employment.

3. Empirical analysis of those unemployed without benefits

3.1 Quantitative development of the NLB group by region und gender

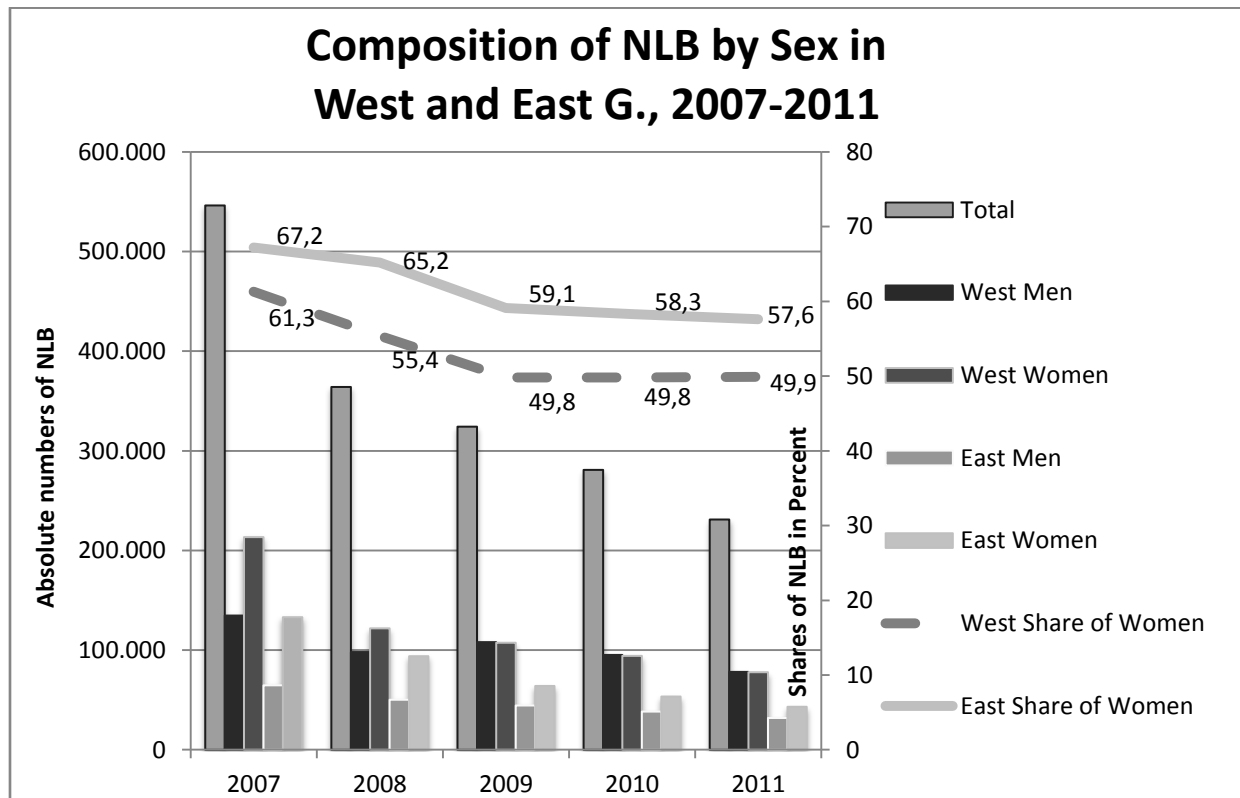
Within the period covered by this research (2004 - 2011), the number of NLBs has fallen dramatically, especially amongst women in western Germany.⁶ However, immediately after the system change to basic job-seeker assistance, numbers dropped only a little. In 2004, before SGB II, the annual average was almost 1 million (903,800) NLBs registered with the BA (Statistik der BA 2005, 61), with more than half of them women (56%), and in 2005 there were only *around 6% fewer* (Statistik der BA 2006, 35). This drop applied almost exclusively to men (males: -14%; females: -0.4%) so that the proportion of NLB women rose to 59.4%. This development can be explained by two simultaneous changes. On the one hand, those in the NLB group who had been previously unemployed and receiving social assistance in 2005 had acquired benefits under ALG II and so ceased to be part of the group. Relatively speaking, this affected far more men than women. On the other hand, due to the more rigorous calculation of partner income in line with SGB II, previous female recipients of ALHi lost their entitlements roughly twice as often as males (15% zu 8%; Bruckmeier/Schnitzlein 2007, 17). Consideration will now be given to more recent quantitative developments between 2007 and 2011 (Fig. 1).

Between 2007 and 2011, the number of NLBs more than halved to 231,200 people. When this happened, the number of women in this NLB group dropped more markedly, by around two-thirds, than the number of men (only around two-fifths). To express it another way, *almost three-quarters of the total fall in NLBs (71.6%)* is due to the decrease in the number of *women* and in absolute terms most of them (-135,600) occur in western Germany. The marked fall of western German NLBs results overall in a fall to just 50% in the proportion of women, while in eastern Germany it still stands at 60%. The reason for this change could be labour market-related or equally be (with gender-specific differences) evidence of reaction to the increased 'Challenge' being posed by the BA.

An analysis of *long-term unemployed* with and without benefits under SGB III shows that, above all, the long-term NLBs (out of work for more than 12 months) who vanished from the statistics were *almost exclusively women and predominantly western German* (Statistik der BA 2007-2012a). The probability that precisely this group of long-term unemployed had withdrawn to the hidden reserve instead of entering the labour market is, given current knowledge of the hidden reserve, relatively high (cf. Holst 2000; Bothfeld 2006, 160).

⁶ 2006 BA statistics are based on a simplified subtraction method. In 2007 this was improved and based on integrated statistics of unemployed and unemployed benefit recipients.

Figure 1:



Source: BA statistics, 2007, 2009a, 2010, 2011, 2012a; improved method; presented by the author.

3.2. Labour market entry and social composition of the NLB group.

The results of the GSOEP analyses of the NLB group (2006-2008) have already been published (Betzelt/Schmidt 2010; Betzelt et al. 2010), and a small amount of relevant data from this should suffice.

Our *longitudinal analysis of the real labour market entry points* for NLBs on the basis of GSOEP supports the hypothesis that the drop in numbers can hardly be put down to improved work opportunities. The analysis looked at how many people in GSOEP 2007 belonged to the group and were still unemployed the following year in 2008, and how many had managed to find an entry point to the labour market. Only a minority managed to find a job, while over half (56%) of the NLBs from 2007 were also unemployed in 2008. Less than every fourth NLB (23%) of the previous year succeeded in finding either part-time or full-time work. A further 15% accepted a 'mini-job' (i.e. marginal part-time exempted from social insurance). These results raise questions as to the social composition of the NLB group and how close they are to the *labour market*.

NLBs, by comparison with unemployed benefit claimants, are well-educated and occupationally qualified, although on average older than benefit claimants (41% >50 years old compared with 27.9% claimants; Statistik der BA 2009).⁷ The proportion of women amongst the

⁷This is covered by our GSOEP analyses. In comparison with both data sources, the proportion of NLBs over the age of 50 is rather lower in the BA data than (38.8%) in the GSOEP data, as is the proportion of women (59.6%) (cf. Betzelt/Schmidt 2010).

NLB group in GSOEP (2008) is around two-thirds. NLBs have on average more than 10 years of employment experience, mostly full-time. Overall they have a cumulative total of more than 3 years of unemployment behind them.

The GSOEP analyses (2008) provide information about the household context. Just half of the NLB group is unmarried and co-habiting, just two-fifths are single. Only 30% of the NLB group has children under the age of 16, most are of school-age. As expected, the NLBs majority of NLB live in couple households, this applies above all to women.⁸

Income data for NLB households (Fig. 2) shows that, next to the lowest possible personal earned income, the NLB partner's income is on average 25% higher than all unemployed. Related to household income, the difference is 30%. Because of this, the income situation of NLB households is certainly rather better than of unemployed people in general, but on average is only moderately different. Non-qualifying unemployed people's partners are not predominantly the 'better off.'⁹

The group is highly *work oriented* and most of them (77%) would like to take up an occupation 'as soon as possible', indicating that they have a flexible attitude towards starting work. In spite of their high motivation level and relatively high human capital, they are pessimistic about their job opportunities, 93% describing their chances as 'difficult' or 'impossible'. In terms of health, most are in a strong position.

According to neo-classical assumptions in economic theory, the group could, because of its higher household income levels, expect a higher reservation wage than other unemployed people and this could represent a barrier to employment. However, a high level of orientation towards employment could also result from very low personal income. In addition, employment is widely recognised to be not simply an income generator but also at the core of social participation in industrial society.

The unpublished *Infas-Study* carried out on behalf of the BA to examine the 'activation potential' of the NLB group, especially their reasons for registering as unemployed and their job-search activities, also found a predominantly high level of orientation towards employment and significant subjective perceptions of social problems (Infas 2007, 6).¹⁰ The motivation to register as unemployed amongst those surveyed can be categorised as follows by means of factor analysis (Table 2).

⁸Whether these relationships represent a possible barrier to labour market mobility cannot be established with the data available. However, the orientation of this group towards work is strong. NLBs are subject to the same mobility challenges as all other registered unemployed.

⁹According to random data samples relating to income and consumption (Einkommens- und Verbrauchsstichprobe (EVS)), partner income amongst the NLB group lies below the German personal median net equivalent income (2008: 1.772 €) (www.destatis.de).

¹⁰ On the basis of random selection from the BA records (Feb. 2007), 1,100 telephone interviews were carried out with NLBs and 120 qualitative face-to-face interviews (Infas 2007, 7). On average, those interviewed were rather older than the NLBs in GSOEP and the proportion of women is distinctly higher, standing at 75% (Infas 2007, 8-9).

Table 2: NLB income and all unemployed in GSOEP (2008)

NLB income and all unemployed (GSOEP 2008), monthly net, in Euro Number of cases N = 246		
	Unemployed without benefits	All unemployed in GSOEP
<i>Personal earned income</i>		
Median	240	197
Arithmetic Average	292	--
Standard Deviation	213	--
<i>Partner's income</i>		
Median	1,605	1,194
Arithmetic Average	1,600	--
Standard Deviation	748	--
<i>Household income</i>		
Median	1,832	1,296
Arithmetic Average	2,014	--
Standard Deviation	1,039	--

*For all unemployed in GSOEP, only selected comparative data were analysed.

Table 3 brings together the basic characteristics of the groups:

Table 3: Categorisation of states of motivation amongst the NLB group (Infas 2007)

State of Motivation (Percentage Sampled)	Average age in years	Duration un- employ- ment in months (Duration NLB)	Regular employment in years	Household income <1.500€, in %	a) Chances of finding a job b) Sense of disadvantage
1. "Oriented towards advice and intervention": Hope of finding a job (26%)	47	56 (42)	18	35	a) bad b) a pressure <i>'I keep on hoping'</i>
2. "Pension-oriented": Bridge to retirement (34%)	51	60 (44)	24	31	a) bad, resigned b) not such a strong pressure <i>'I've come to terms with it'</i>
3. "Training-oriented": Hope of training/re-training (5%)	32	25 (22)	6	25	a) medium to high b) a pressure <i>'I hope to re-train'</i>
4. "Conditioned by social legislation": Maintenance claims achieved; assigned to job (10%)	47	60 (46)	19	45	a) bad b) (financial) pressure <i>"no prospects, got worries"</i>
5. "No clear orientation": Hope of a job; periods calculable for pension (25%)	47	51 (37)	19	33	a) bad b) partially pressurised <i>"unrewarding"</i> <i>"more time for others"</i>
<i>Overall average</i>	46	55 (41)	20	34	

Source: Infas 2007, the author's own work

Given the heterogeneity of these states of motivation and characteristics, it is clear that a majority (Types 1, 3, 4 and partly also Type 5) can be considered as strongly oriented towards employment, directed towards employment and, in view of long-term unemployment, has a long-standing need for advice and support from the BA. The results of the *job-search activities* of those questioned are also similar to the GSOEP results. Around 80% are currently looking for a new job (Infas 2007, 24). The 'level of activity', measured by the level of own initiative discovered while job-hunting is predominantly high. 34% are very active, 44% refer to a 'medium' level of activity and only 2% are not active.

On the one hand, the question is to what extent, and how, the need for NLB support can be picked up through activation or support measures, and, on the other, how the target group perceives and reacts to these services.

4. Activation strategy for NLBs: Exclusion instead of support

4.1 The commercialisation of BA and its consequences for the NLB group

The BA business policy's target management approach implemented with the Hartz-Reforms characterises the commercialisation of labour market policy. A basic component of the Hartz Reforms (Hartz-III) was the far-reaching shift from the earlier Bundesanstalt für Arbeit, or Federal Labour Office, to the BA and the introduction of a new management model which replaced the previous model of conditional management (cf. Schütz 2012). The aim was to exhaust the effectiveness and efficiency of the former authority in a targeted way, through the implementation of the principles of *New Public Management* (NPM) (cf. Bogumil et al. 2008). However, not only the German example shows that this activation of labour market policy with the implementation of new management approaches often has problematic consequences (cf. Van Berkel et al. 2011). There is basically a tension between, on the one hand, commercial evaluation of labour market measures towards cost-effectiveness and a defined effectiveness (e.g. rapid labour market integration) and, on the other hand an evaluation according to economic and social use, such as long-lasting higher taxation and other contributions on the basis of sustainable labour market reintegration as well as greater social participation and less inequality in the labour market. This tension need not inevitably lead to insoluble contradictions, as far as it is managed with political and administrative awareness. In the German model, however, it is the business management organisation which dominates and a concentration on labour market matching (cf. Hielscher/Ochs 2012). With the introduction of *'impact oriented target management'* from 2004, other labour market and political equality targets were subordinated (cf. Schütz 2012, 237pp; Kaltenborn/Rambøll 2010, 57pp; Hielscher/Ochs 2012).

In the Rahmenzielvereinbarung (RZV), or agreement on scope, first drawn up in February 2011 between the Federal Ministry of Labour (*Bundesministerium fuer Sozialordnung - BMAS*), and the BA, qualification-related targets of SGB III (such as the avoidance of low-value work) no longer appear (BMAS 2011). The statutory political equality targets are reduced to the quantitative increase in women's employment, while the counteracting of disadvantage on the labour market is missing. The NLB group was always specifically referred to up to 2010 as a *'strategic field of business'*, but no longer arises in the current RZV, the agreement on scope. As far back as 2010, the introduction of the BA board of management's communication to its other units ran as follows: *'In this way, for example, in 2010 priority is to be given to recipients of benefit over and above those who are non-recipients.'* (Kaltenborn/Rambøll 2010, 72; italics by S.B.). In return the BA's advisory group decided in 2008

that NLBs should achieve a 30% minimum support share of integration services in order to combat the threatening shortage of skilled people (BA 2008).¹¹

This 30% quota was very unambitious looked at in conjunction with the fact that the previous NLB proportion of all unemployed in SGB III was 47%. (BA statistics 2009) In the meantime the BA board of management had apparently given up these political management guidelines in favour of an even more consistent cost-effective logic to the disadvantage of NLBs.

A component of the new targeted management is the linking of one part of the integration budget with concrete outcomes such as the number of planned integrations (Input/Output Management). In this way the *costs* of achieving targets play a greater role than before, as do the expected integration quotas of the tools. In calculating costs certainly only gross figures apply, meaning that possible savings on the basis of participation were not included (cf. Mosley/Müller 2005, 58). For Output-Measurement a range of indicators and indexes were developed (cf. Kaltenborn/ Rambøll 2010; BA 2012a), which, however, induce systematic failures of management (see below).

A basic component of the organisational reform of the BA was the reorganisation of labour offices into 'Customer Care Centres of the Future'. By 2009 the method and tools for this were implemented through a standardised "action programme" (now known as "Action Strategies"). The two most important maxims were the fastest possible integration into the labour market and cost-containment of benefits. With the introduction of what was known as the "4 Phase Model" of integration work these rigid classifications were relaxed and became something more akin to recommendations (Zentrale der BA 2009, 25). Nevertheless, the BA-frontline staff still have to orient themselves towards commercial goals and, with that in mind, to select the most cost-effective activation strategy for each client.

Evaluation research shows that this type of BA business policy, geared towards cost effectiveness and quick interventions, systematically leads to '*Creaming*', that is to the concentration of services on those who are most ready to enter the labour market, while those with the greatest obstacles to any intervention are only supported by labour market policy in exceptional cases (Schütz 2012; Hielscher/Ochs 2009; Kaltenborn/Rambøll 2010). Negative incentives can also set certain indicators such as how many integrate after a certain period of time of drawing benefits, something which can result in the paradox of premature departures from the programme (Kaltenborn/Rambøll 2010, 25). The indicator of those moving into long-term unemployment can have the effect that those unemployed shortly before reaching the status of 'long-term unemployed', analagous to 'activated', are forced out of official registration without ever actually reaching the stage of labour market integration.

There is also relevant information on the effectiveness of incentive structures of this type in the results of field work done in both eastern and western Germany in 2009 by the Institut fuer Arbeitsmarkt und Berufsforschung (IAB), the labour market research institute of the BA. (Krug/Stephan 2011). The work was carried out in the framework of the PINGUIN model. Within this there was an examination of how far private services of intensified employment

¹¹ In the annual report 2008 there is no reference to the minimum support quota not being met (BA 2009). In the recent BA reports (BA 2010, 2011, 2012b) is there no further reference to NLB.

interventions for the ‘hard to reach’ unemployed under SGB III (those in receipt of benefits and those not) can be carried out more effectively by the public sector employment service itself (Krug/Stephan 2011: 1). Contrary to the acceptance in theory of efficient, quasi-market driven offerings, results do in fact provide evidence that internal services were more successful with regard to a shorter duration of unemployment and higher rates of integration for the unemployed dealt with. However this success rests only partially on ‘qualitative’ advantages of the internal services and/or lower transaction costs compared with a private agency. Much more than this, the experiment shows that the specific activation practices used with the NLB contributed to its apparent success. The NLB group looked after internally more often ended their periods of unemployment without finding a new occupation (19 percentage points difference from those supported externally). Instead they more often stepped back from the labour market completely (13 percentage points different from the reference group (Krug/Stephan 2011: 20). The authors also come to the conclusion that these results can only be explained by the different incentive structures in existence in public, or internal, and private, or external, agencies (Krug/Stephan 2011: 13).¹² The success of the BA is measured according to the status and duration of the unemployed allocated to the agency, while private agencies retain a premium for each intervention regardless of whether the unemployed people are drawing benefits or not. When agents at the BA force the NLB group to sign off the unemployment register, this shows up in the statistics as a success, whether they withdraw into the hidden reserves or actually take up employment. This activation practice is confirmed by the evaluation of support statistics (4.2) as well as information from the NLB group (4.3).

4.2 Evaluation of BA support statistics

The most recent support statistics from the BA give evidence of absolute and relative numbers of unemployed drawing/not drawing benefits since 2009 by means of labour market policy tools (Statistik der BA 2012a). By contrast with the long-referred to BA special evaluations, there is in this statistic a possible connection to SGB-II-services not taken into account. The number of NLB as defined previously (i.e. not drawing ALG-1 or ALG-II) was somewhat ‘overincluded’ in previous statistics.

In 2011 *not even one tenth* (8.1%) of NLBs (18,661 people) was supported or activated by integration measures, while this group made up around a quarter of all unemployed. By contrast, around every third ALG-I recipient was participating in support services. Overall the number of participants has been falling since 2009 and even more so amongst the NLB group than those drawing benefits (2010-2011: NLB -35.6%, LB -21.4%). In a regional comparison the NLB participation rate in eastern Germany has fallen more sharply (-44%) than in western Germany (-30%). This could be related to the fact that eastern German NLBs are on average older and have correspondingly fewer opportunities for support.

Clear differences between those drawing benefits and the NLB group are also apparent with regard to the measures put in place. During 2011 more than half of participants with eligibil-

¹² The experiment took into account individual characteristics within the groups investigated.

ity for benefits were supported through a starting supplement, in the case of NLB participants this accounted for barely 2%. These people participated probably twice as often as ALG I recipients in short-term measures for ‘activation/integration’, measures which are also implemented through the testing of work-readiness. The fall in NLB participation is shown particularly clearly in occupational training measures. Between 2009 and 2010 the numbers reduced by almost three-quarters, while the number of participants amongst those drawing benefits continued to increase (+5.8%). In 2011 participation in further training by NLBs continued to fall (-6.3%). Fewer and fewer NLBs also participated in the highly successful commercial integration supplements (cf. Heyer et al. 2012). The gender differentiated development of support of NLB is shown in Table 4.

Table 4: Pre-entry proportion of unemployed participants in selected measures of active labour market policy (SGB III) - only those previously in receipt of ALG I

		Without benefits before entering measures				Proportion of women in measures
		Men	Comparison with previous year	Women	Comparison with previous year	
Activation and professional integration measures		2,051	-54.2	2,702	-61.7	56.8
	supplied by employer	439	-14.9	276	-21.3	38.6
Occupational training		1,756	-10.2	4,870	-4.8	73.5
Integration supplement		3,660	-21.5	3,251	-32.2	47
Starting supplement		271	7.0	100	-0.9	26.9
<i>Total (absolute; average)</i>		7,738		10,923		58.5
Portion of participants, among NLB as a percentage		7.0		9.0		

Source: BA Statistik 2012a; presented by the author

NLB women are slightly disproportionately supported/activated at 58.5%, when looked at by comparison with their proportion within NLB (52.4%), and within this western German women show a relatively higher proportion in the sample than those from the east. In comparison with types of measure, the tendency noted earlier is reflected, namely that women are under-represented in the more effective labour market measures compared with in other, less successful measures. (cf. Müller/Kurz 2002). There are no data for the NLB group regarding the impact of participation on chances of finding employment.

4.3. The practice of the activation of NLBs from the “client perspective”

4.3.1. “Those not getting benefits are second-class job-seekers” - Infas survey on ‘customer satisfaction’ amongst the NLB group

For the Infas-Study (2007) the NLB group were questioned about their experience of employment agencies and their satisfaction with the advisory services and interventions. With regard to frequency of contact the telephone survey sample revealed that a fifth of the NLB group have contact with the BA once a month (ibid., 28), but amongst the “training oriented” NLB it is as much as a third. The majority of around 70%, however, admit to having contact less than once a month. Three-quarters seek contact with an agency of their own volition.

The ‘customer satisfaction’ survey ratings are highly critical. In the quantitative survey the middle range of points on the school-grade principle stands at 4,2 where 1= very satisfied and 6= very dissatisfied. By comparison in 2009/2010 general customer surveys, levels of satisfaction with BA on the employee side stood at 2,3. Of those NLB interviewed almost half (47%) gave a 5 or a 6 (Infas 2007, 29). Only a minority of 13% gave the highest marks of 1 and 2. A score of 3 was given by 22%, with 17% choosing 4 (ibid.).

Those groups closer to the labour market (“intervention-oriented”, “conditional by social legislation”), whose expectations of the BA regarding support should be higher than among other groups, demonstrated particular dissatisfaction: more than half (53%) of them gave a 5 or a 6; the mean value lies between 4.3 and 4.5. The best mean value (4.0) was given by the “pension-oriented” NLB, who predominantly want to be left in peace and are waiting to retire.

Experiences of personal contact with the staff at the agency are mixed (Infas 2007, 29f). In part, their efforts and friendliness were praised (e.g. comments such as “*friendly approach, always ready to make an effort to help*”, “*In part good staff who do understand*”). However there were also negative experiences (e.g. comments such as “*demotivating basic attitude of staff: ‘you’ve got no chance there’*”, “*almost constant arrogant behaviour of staff*”). While the presentation and implementation of further training opportunities tended to be judged positively, judgements about advice and care services were scathing. According to Infas “there is predominantly a negative feeling, in part a feeling of resignation: ‘*You don’t feel like a customer*’ (...) ‘*completely dissatisfied, ‘cos there wasn’t really any counselling*’, to cite but two examples (Infas 2007, 30; italicised S.B.).

The Infas-Study confirms the subordination of services for those not in receipt of benefits, examples of comments being (ibid.): “*those not in receipt of benefits are second-class jobseekers*” - “*preference is given to the ones who cost money*”. This impression is backed up by quotations from agency staff: “*you don’t get anything, so we can’t do anything for you*”. Very similar comments are to be found in analyses on the internet forums.

The assessments made of service quality are overwhelmingly critical. In this respect it seems to be less the personal ‘customer-friendly’ orientation of the agents that is lacking, more a consequence of the target management logic of the BA, whereby those not receiving benefits have lower priority.

4.3.2 „If I’m not getting any money, then I don’t need to be accountable“ – NLBs on internet forums

In order to get a better insight into the subjective views, experiences and action strategies of NLBs during the course of their activation by the BA, entries on five relevant internet forums¹³ under the key-terms ‘NLB’, ‘unemployed without benefits’ and ‘non-recipient of benefits’ were searched and analysed for content. The experiences presented are of course as

¹³cf. List of references. The five forums were viewed at two points in time (Feb. 2012, Dec. 2009). The period of time of the entries was from February 2008 to February 2012. The material analysed comprises 25 pages of text and 41 entries. It is not always possible to identify where forum users live. A number of towns, large and small, in both eastern and western Germany are referred to.

difficult to verify as others based on methods using subjective data. A certain reliability results from the repetition of similar comments in different forums. The results make no claim to be representative. Those entries identified on the ‘unemployed without benefits’ tag can be divided into three content areas:

- a) *Problems and uncertainties related to status in social legislation* either of the individual or his/her relatives, e.g. with regard to pension claims and periods of calculation, the status of being unemployed or job-hunting and the associated legal consequences and civil responsibilities, lack of health insurance protection as a non-recipient of benefits, regulations in connection with mini-jobs;
- b) *Increased “challenge” on entry to non-claimant status and the threat of being de-registered by BA staff as unemployed*, dealing with these demands and the person’s own demands of BA, as well as scope and quality of participation in work;
- c) *Experiences with private employment agencies.*

This categorisation is primarily analytical in nature, while the topics referred to in individual entries are often mixed.

Topic category (a) Problems related to status is not gone into further here for reasons of space, although these do recur in all forums and the uncertainty and concerns of forum users make clear that they see themselves operating within the rules of an administrative “jungle” of social legislation and are aware of their rights.

Topic category (b) Stronger “challenge” on entry to non-claimant NLB status is dominant with regard to number and length of entries. Noteworthy is the frequently portrayed experience first undergone on entry to the NLB group or shortly before the end of ALG-I benefit, the unemployed person is ‘made an offer’ of an integration contract (*Eingliederungsvereinbarung - EGV*) or an activation measure. This is linked to giving notice of de-registering as unemployed in case the EGV is not signed off or the measure is not taken. In all cases it was about training measures which were either carried out by BA itself or by private employment agencies. Frequent attendance in person at the agency was often required (weekly, every 10 days). The *typical reaction* of forum users to these demands was to de-register themselves as unemployed, because they saw no point in the frequent appearances required and the repeated, standardised training measures. Experiences of the activation process are often seen as a way of being forced out of being registered as unemployed. Sample extracts on this type of experience are as follows:

- After entry to non-claimant status: *“I’m now supposed to turn up every week or 10 days or so and present what efforts I’ve been making. This is to do with some pilot project at DA (west German town). Even though the BA has not offered me a job in 2 years, there’s this type of pressure. As well as that I have to meet various conditions. Because according to the pension insurance, only the risk of being unfit for work is covered (...), I’ve given in to the pressure from the BA and signed off. That means their statistics look better, one unemployed person fewer on the books. That’s the aim, even my own frontline officer*

there told me that. I'm going off to look for work in my own way." (Forum 3, Masetrem, 07.04.2008)¹⁴

- *"Me too, I've given in to the pressure from the BA and signed off. I get no benefit and for 4 years I've heard nothing from the Labour Office. Other than the fact that I'm supposed to take job application training measures, one after the other. I took part in an application process measure and, in my view, this is enough. Then I got an appointment and had to prove that I'd made an effort, which I was able to do. The next conversation was a bit tricky until he found something to enable him to put the screws on. Up until then I'd been registered as looking for half-time work because I didn't actually want to work full-time. My previous frontline officer (...) agreed with me that that was OK because I don't get any benefits. But this one thought I had to make myself available for full-time work straight away and get on and make myself known to temp agency companies, and he said he was going to register me on a full-day application measure. After I asked about computer courses or other re-training I got cheeky answers back, like, 'Look, you're 40, after training you've got no prospect of work and computer courses are only for office staff.' My nerves were worn to a shred so I just signed off. I know from one of the staff that they are required to get the numbers of unemployed non-claimants down, because they've stayed at the same level for years."* (Forum 3, kikilein, 11.03.2009)
- One forum user describes her experience of an agency and talks of *"a tragedy for statistics"*, with only one quotation by the BA employee in question: *"Ms. F: It's a training measure! All NLBs are being sought out and have to do this"* (the BA customer stands his ground, and another the member of staff, Ms. T, is brought in) *Ms. T: We've sought out all NLBs and they have to do this."* (Forum 4, id., 17.02.2012)
- *"I did register recently with the BA (agency) as NLB and that just seemed so stupid. I signed off completely and my logic was this – if I'm not getting anything, then I don't have to be answerable to anyone and I don't have to go along with BA instructions."* (Forum 5, hiltihilti, 02.12.2009)

Clearly here without exception the standardised offer of training measures is quite independent of individual need. It is especially paradoxical that users have had the experience of being asked to give up a mini-job they have had for years in order to take part in application training (Forum 1, Trulla, 27.02.2008), or to attend in person a registration interview (Forum 2, brigitte1953, 21.06.2008). In these cases, too, these requests also result in the person de-registering as unemployed. All these experiences clearly point to the suppression brought about by the cost-effectiveness logic and the pressure to reduce the official unemployment statistics through the business of activation – and that a strategy of exclusion often comes into play.

In topic category (c) *Experiences with private employment agencies*, Forum 1 reports, above all, negatively evaluated experiences. Under criticism here, too, is the standard 6-month (!) application training which the unemployed were required to attend and perceived as low value. In addition, methods are reported which point to typically negative incentive structures and windfall effects through reimbursement premiums which go against the goal of cost-effectiveness.

¹⁷ As evidence of the source, the relevant forum is cited as well as the user's name and the date of the entry being made. Entries are quoted word for word but with spelling errors corrected.

5. Conclusion

In the case of the group referred to as NLB, or those unemployed without benefits, it has been shown that the promise of greater employability and labour market integration for the socially disadvantaged has not been honoured. Instead of achieving greater social inclusion and the removal of gender-specific inequalities, the one-sided commercialisation of labour market policy leads more to a systematic exclusion of the NLB group from the social security system and the tendency to move out of the labour market. However, this form of exclusion brought about by the system itself goes against social, labour market and equality goals.

Selective model programmes change few of these systematic shortcomings which often follow successful, needs-based attempts for better labour market integration of the target group. But because of the very nature of the programme, i.e. as a model, they are neither sustainable nor comprehensive and can only reach a small number of people.¹⁵

Moreover, the harsh reference to the subsidiarity of the family in SGB II presents an excessive structural challenge with regard to now precarious employment structures, a challenge which is also predominantly perceived by the population as too great. People are fully prepared to help one another in cases of severe need but still see the responsibility for protection against the general risks of life in society, such as unemployment, as something which rests with the developed welfare state (Allmendinger et al. 2012, 24). It is necessary for all collective actors such as political parties as well as trade unions to recognize these challenges. Unfortunately it has to be stated that the role of German trade unions in the activation reform politics was highly ambiguous, their protest against certain elements being focused on core worker groups rather on the overall impact on social inequalities or gender effects.

Social norms have tended to develop in the direction of more egalitarian gender models, something which on the side of the state is understood, sometimes pushed, in family, maintenance and dependency law. This paper concludes that a fundamental and normative re-orientation of both social and labour market policy needs to be carried out, appropriate to the changed employment and social structures. This re-orientation would be made possible by an alternative social citizenship model which rests on a comprehensive understanding, not of an economic nature, of the autonomy of the individual being supported by a welfare state vested with individual status rights, reliable social and occupational standards and robust individual, needs-oriented employment support (cf. Bothfeld/Betzelt 2013). Such a fundamental, new orientation would be considerably better suited to handling the current challenges of the welfare state, such as volatile labour markets, demographic change and increasing inequalities, than is the current activation regime.

¹⁵ A case in point is the model project PRIMUS carried out at the Saarbrücken Jobcentre 2010-11 for hard to reach unemployed in the SGB II group (Bartelheimer et al. 2012) or the ESF-Model Project initiated by the Federal Ministry of Family Affairs and the BA, in 2009 and known as „Perspektive Wiedereinstieg“ (www.perspektive-wiedereinstieg.de) or ‘Perspectives on returning to work’.

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