



ESPN Thematic Report on Retirement Regimes for Workers in Arduous or Hazardous Jobs

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European Social Policy Network (ESPN)

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Hazardous Jobs**

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Summary/Highlights

In Germany there are—with two negligible exceptions—**no** regulations or provisions either in the social protection system in general or in the pensions and retirement regime in particular that refer to arduous or hazardous jobs (AHJ) or to particular categories of workers. Workers in AHJ are treated as other workers in the general pensions scheme. As a consequence, no legal definition or list of special categories of AHJ can be found.

Nevertheless, there are widespread professional activities and jobs that are very strenuous and demanding and that can lead to health impairment and to restricted capacity to work. There is a high probability that affected workers withdraw from working life before they reach the regular statutory retirement age.

Policies in favour of workers in AHJ constitute part of the general labour and labour market policies, which include preventive as well as compensatory measures. These would include special measures for end-of-career workers and older employees. The common objectives are to improve well-being at work, to maintain workers' health and working capacity so as to enable them to work longer, and to prolong their working career.

Issues of AHJ are mainly dealt with in the policy areas of occupational health and safety; the benefits and services of the statutory occupational accident insurance (including occupational illnesses); the benefits of the statutory pension insurance for medical and professional/vocational rehabilitation; and the activation and vocational integration measures, including further vocational training organised by the Federal Labour Office and the local jobcentres for jobseekers at risk of unemployment and for unemployed people.

Collective agreements between trade unions and employer organisations are a feature of the configuration of labour relations and working conditions in Germany. There is a wide variety of contractual regulations which protect and favour older employees – with regard *inter alia* to the duration and form of working hours, to safeguarding employment and wages, to further training measures, dismissal provisions and early exit pathways. Of particular relevance are partial retirement agreements, which may be related not only to the age of employees, but also to whether they are engaged in shift or night work.

From 2012, the standard retirement age in Germany started gradually to be increased from 65 to 67 years. But there are still various possibilities for early retirement. Key to any entitlement to early retirement pension is the length of the social insurance contribution payment record –not state of health or working conditions, nor working and earning capacity.

Reduced earning capacity pensions can be claimed at any age. A condition for this is that a person is no longer able to work due to health reasons. The cause of the illness is not crucial for these pensions: 'arduous jobs' can, but do not need to, be the reason. Pensions because of reduced earning capacity are generally paid on a fixed-term basis. According to the fundamental principle of 'rehabilitation before pension', optimum medical care and vocational integration measures are provided in order to improve or to restore earning capacity.

In 2014, about 20% of all new pensions under statutory pension insurance (SPI) were reduced earning capacity pensions. The average age of people with such a reduced earning capacity pension was 51.7 years for men and 50.7 years for women. Nearly 45% of diagnosed illnesses fell within the category of psychological disorders.

The average amount of the reduced earning capacity pension is small – significantly lower than regular old-age pensions. The reasons for this are twofold: first, the recipients of reduced earning capacity pensions are mainly employees with precarious and disjointed records of gainful employment – thus, having collected fewer 'earning points', they have access only to a reduced pension; secondly, about 95% of reduced earning capacity pensions are hit by deductions.

1 Overall description of the policy mix targeted at workers in arduous or hazardous jobs

In Germany– with the exception of an insignificant (and dwindling) provision for seafarers and miners (see below) –there are **no** regulations or provisions either in the social protection system in general, or in the pensions and retirement regime in particular, that refer to arduous or hazardous jobs (AHJ) or to particular categories of workers.¹ Workers in arduous or hazardous jobs (WAHJ) are treated just like other workers in the general pensions scheme. As a consequence, there is no legal definition or list of special categories of AHJ. There are different views in the literature and the political debate on which jobs should be regarded as AHJ and which quantitative dimensions these jobs should have (Brussig et al. 2011; Bäcker et al. 2010). No reliable data on the current state of, and the development trends in, AHJ are available. Finally, it should be noted that there are no political debates on the question of introducing separate pension rules for AHJ. Current debates focus on reform of the reduced earning capacity pensions and on more flexible pathways into retirement (partial pensions) (Bäcker et al. 2011; Rische and Kreikebohm 2012; Welti and Großkreuz 2013).

It is nevertheless undisputed that – especially in the modern working world –professional activities and jobs that are very strenuous and demanding are widespread and can lead to health impairment and to a restricted ability to work. There is a high risk that the workers affected withdraw from working life before they reach the regular statutory retirement age. They become unemployed more frequently and stay unemployed for longer; and finally they have to claim an early retirement pension or a reduced earnings capacity pension (Peter and Hasselhorn 2013). The pensions they can expect are low and are reduced by deductions (Bäcker 2012). Empirical findings show that low-skilled workers and employees in precarious and low-paid jobs in particular suffer from unfavourable working conditions (Seiler and Acemyan 2015; Becker and Engel 2015).

These problems are being exacerbated by the ongoing increase in the statutory retirement age. Although the effective retirement age has risen significantly in recent years, there is still a wide gap for many employees between their exit from the labour force and the standard retirement age (Brussig and Ribbat 2014).

Numerous studies indicate (for an overview, see Trischler 2014; Bäcker et al. 2009; Böhle 2010) that it is mainly the following factors that are responsible for health impairments and reduced working and earning capacity:

- Physical strain, physically demanding work, one-sided physical activities,
- Psycho-social workload, mental stress,
- Physical and chemical influences from the production process and the working environment,
- Duration, form and distribution of working hours, including shiftwork and nightwork
- Work organisation and work intensity.

A decisive factor in this context is how long employees have to suffer such arduous or hazardous working conditions: just for a short/temporary period or for a long stretch of their working life? Are these jobs performed at the beginning, in the middle or at the end of their working life? Which jobs and working conditions are not appropriate for older workers? (See Mümken 2014; Rauch et al. 2015; Argaw et al. 2013.) A distinction should be drawn between objective and subjective burdens: the same arduous working conditions can affect individuals in different ways (Wurm et al. 2009). The empirical findings available are based on information provided by surveyed employees and refer to a point in time, rather than to a period of time (BIBB/BAuA 2012; DGB 2015). Finally, it should be noted

¹As requested, specific groups of civil servants (firefighters, police force, army, etc.) and of employees carrying out a service of public interest (pilots, air traffic controllers) are not considered in this scenario.

that a person's general physical and psychological constitution and the risks and hazards in private life can also affect the state of health and earning capacity (Hien and Bödeker 2008). A causal relationship between working conditions and health is, therefore, difficult to prove.

In Germany, these (and other) considerations have led to a situation where there are no separate pension rules for specific jobs or categories of workers. Policies that affect workers in AHJ are just part of general and preventive (and compensatory) labour and labour market policies, which also include special measures for end-of-career workers and older employees. The common objectives are to improve well-being at work, to maintain workers' health and working ability so as to enable them to work longer, and to prolong their working career.

The main policy areas and legal regulations should briefly be mentioned:

- The traditional occupational health and safety acts (particularly the Health and Safety at Work Act, including hazardous substance regulations and workplace regulations, the Working Hours Act, the Safety at Work Act, and the Protection of Working Mothers Act).
- The benefits and services of the statutory occupational accident insurance: these include coverage of the risk of occupational disease. Occupational diseases are exclusively illnesses that are caused explicitly by a specific work activity. The importance of this point in Germany is very low: in 2015, 77 occupational illnesses were officially recognised, and about close to 17,000 employees were receiving benefits (Figure 1 in the annex). The benefits also cover integration assistance, including retraining and transitional allowances. Accident pensions are paid if an accident at work or an occupational disease reduces earning capacity by at least 20% for 26 weeks.
- The benefits from statutory pension insurance (SPI) for medical and professional/vocational rehabilitation.² In 2014, about 142,000 employees received benefits for professional rehabilitation (so-called participation in working life) (Deutsche Rentenversicherung Bund 2015a). If rehabilitation measures are not possible or are ineffective, the insured employees can claim a reduced earning capacity pension from the SPI (see below).
- The Federal Employment Agency and the local jobcentres finance activation and vocational integration measures and promote further vocational training – for jobseekers at risk of unemployment and unemployed people (using activation and vocational retraining vouchers). However, the benefits for further vocational training have been sharply reduced in recent years (Figure 2 in the annex); older workers and recipients of the means-tested unemployment benefit II are clearly under-represented among participants.
- Social protection for the unemployed comprises an insurance-funded scheme (unemployment benefit I) and a tax-funded scheme (unemployment benefit II). Unemployment benefit I, on the legal basis of Social Code Book III, is provided for formerly insured employees and is managed and implemented by the Federal Employment Agency. Unemployment benefit II is the basic income support for jobseekers under Social Code Book II. The vast majority of the registered unemployed are people without social insurance, who have to claim for this means-tested income support, which is an element of the last-resort safety net in the social minimum income schemes.
- Entitlement to unemployment benefit I and II does not depend on a person's former working conditions or state of health. Access to unemployment benefit II requires

² Medical services can be provided 'to secure the ability to work for insured persons who do work that is particularly dangerous to health' (§31 (1), Nr. 2, Social Code Book VI).

an 'earning capability' which is defined as the ability to work at least three hours a day under the normal conditions prevailing on the general labour market. Unemployment benefit I is linked to availability for work and to readiness to actively look for a job. This last point includes an obligation to participate in activation measures offered by the employment agency. Older workers (over 50) can receive unemployment benefit I for longer than 12 months (up to 24 months).

- The Federal Ministry of Labour and Social Affairs has specifically funded model projects relating to occupational health and safety. Of particular importance is the New Quality of Work Initiative, in which stakeholders from government, business, research and civil society have joined forces to address questions of how working conditions can be made both more attractive, motivating and healthy for employees, and more viable for employers. The New Quality of Work Initiative cuts across what are normally conflicting interests, by providing an independent, non-party-political platform with broad employer and union support for constructive, practice-focused exchanges (BMAS 2016).
- Collective agreements between trade unions and employer organisations – and also company agreements – are a characteristic and key feature of the configuration of labour relations and working conditions in Germany. There is a great variety of contractual regulations which protect and favour older employees: these include rules on the duration and form of working hours (reduced weekly or daily working hours, exemption from shift work and night work), on safeguarding employment and wages (in periods of restructuring and change to the job description), on further training measures, on dismissal provisions and on early exit pathways. Of particular relevance are partial retirement agreements, which may be related not only to the age of employees, but also to whether they do shift or night work (Bispinck 2012; Fröhler et al. 2013). A good example is the collective agreement in the metal and electrical industries in Baden-Württemberg of 2015 (IG Metall 2015). Employees who have worked night shifts for at least six years within the past eight years, or alternate shifts for at least nine years within the past twelve years, are entitled to a period of partial retirement of up to five years from the age of 58. At the age of 63, an early retirement pension can be requested (see below). The reduction in income because of the reduced working hours is partially compensated by supplementary employer payments. Usually, 'partial' retirement is taken in two phases (i.e. as a block-model): two and a half years' exemption from full-time work, followed by two and a half years' total exemption from work. Usually the "partial" retirement is taken in two phases: two and a half years' full time work, followed by two and a half years' total exemption from work.

2 Pension rules for workers in arduous or hazardous jobs

As already mentioned, there are no special retirement conditions for people who do arduous or hazardous work. This applies equally to pensions under the first pillar (statutory pensions), under the second pillar (occupational pensions) and under the third pillar (private pensions).³ The standard retirement age under the second pillar complies with the provisions under the first pillar. And as a rule, it is possible to receive an early retirement occupational pension in parallel with an early retirement statutory pension. But there are hardly any reduced earning pensions under the second pillar.

The exception which proves the rule is the old-age statutory pension for long-term employed miners (Pott 2011) and for seafarers.

Miners can receive special types of benefits if they have worked continuously for more than 25 years underground:

³A detailed description of the funding procedures of the three pillars can be found in the German Country Profile.

- Invalidity pension for miners aged 50, if they no longer have employment that is financially comparable to their previous mining employment,
- Compensatory payment for miners from the age of 55, if their employment in mining ends involuntarily,
- Old-age pension (without deductions), with pensionable age rising gradually from 60 (born before 1952) to 62 for those born in 1964.

Since coal mining will be completely discontinued by 2018, there will be fewer and fewer new miners' pensions in future. Even now, the number of new pensions is very low (Deutsche Rentenversicherung Bund 2015b):⁴

- Old-age pensions: 74,
- Invalidity pensions for miners aged 50: 1,503,
- Compensatory payment for miners: 482.

Seafarers have the option of early retirement by virtue of an allowance that bridges the period between retirement from the sea and the start of standard old-age pension payments. They can claim this benefit from the age of 56 until they reach 65. The amount corresponds to the standard old-age pension. No data are available on how many seafarers receive this bridging allowance, but the number must be extremely small: in 2015, only 354 ships operated under the German flag, with 6,700 seafarers working on board them.⁵

It should be noted that the standard retirement age in Germany is being raised gradually from 65 to 67 years between 2012 and 2029. In 2016, the standard old age pension (without deductions) is paid at the age of 65 years 5 months. There remain, however, various possibilities for early retirement. Key to the entitlement to an early retirement pension is the length of the insurance contribution record:

- Persons with an 'exceptionally long insurance record' can claim a pension on reaching the age of 65 years without deductions, if they have paid contributions for a minimum of 45 years. From July 2014, the retirement age for persons with an 'exceptionally long' insurance period was lowered to 63. This pension at 63 can only be claimed by persons born before 1953. For persons born after 31 December 1952, the minimum age will rise by two months for each yearly cohort. Persons born in 1964 will be able to claim the pension when they reach 65.
- Persons with a 'long insurance period' can claim an early retirement pension – but at a reduced amount for the rest of their retirement – if they are aged 63 and have a 35-year qualifying period: the pension is reduced by 0.3% for every month short of the standard retirement age.
- People with severe disabilities can claim an early retirement pension without deductions. The age for this is being raised gradually from 63 to 65 years between 2012 and 2029. They can also claim a retirement pension with deductions; here the age is being raised from 60 to 62 years.

In 2014, 28.7% (men) and 38.0% (women) of the new SPI pensions were standard old-age pensions; 51.3% (men) and 42.0% (women) were early retirement pensions; and about 20% were reduced earning capacity pensions (Figures 3 and 4 in the annex).

Reduced earning capacity pensions can be claimed at any age. One condition is that the person can no longer work due to health reasons. The cause of the illness is not decisive: 'arduous jobs' may be (but do not need to be) the reason. The pension requires an examination by the socio-medical service of the SPI, and nearly half of all applications for a

⁴ In 2014, nearly 1,100,000 new statutory pensions in total were counted.

⁵ <https://newsroom.hermesworld.com/content/der-deutsche-seemann-stirbt-aus>

reduced earning capacity pension are rejected (the approval rate is about 55%) (Deutsche Rentenversicherung Bund 2015a).

To claim a reduced earning capacity pension, it is also necessary for the person to have paid compulsory contributions for at least three of the five years preceding the loss of earning capacity, and to have completed the general five-year qualifying period. The full reduced earning capacity pension is paid if an insured person can work for a maximum of three hours a day. The amount of a full reduced earning capacity pension is the same as a severe disability pension that is claimed early. A partial reduced earning capacity pension is paid if the person can work for at least three, but not more than six hours a day under conditions prevailing in the general labour market. The partial reduced earning capacity pension is paid at half the rate of a full reduced earning capacity pension. The full reduced earning capacity pension is paid if an insured person can work only a maximum of three hours a day. The share of partial reduced earning capacity pensions is about 20%.

Pensions on account of reduced earning capacity are generally paid on a fixed-term basis. According to the fundamental principle of 'rehabilitation before pension', optimum medical care and vocational integration measures are provided in order to improve or restore earning capacity. The pension is paid on an indefinite basis, however, if the reduction in earning capacity is unlikely to be reversed; this is assumed to be the case after a total period of nine years of fixed-term pension payments (Mittag et al. 2013).

The average age of reduced earning capacity pensions in 2014 was 51.7 years for men and 50.7 years for women (Figure 6 in the annex). Nearly 45% of diagnosed illnesses fall within the category of psychological disorders – this share has doubled since 1995 (Figure 7 in the annex).

The average amount of reduced earning capacity pension is significantly lower than regular old-age pension: in 2014 it was EUR 659 for men and EUR 594 for women in Western Germany, and EUR 603 for men and EUR 662 for women in Eastern Germany (Figure 8 in the annex). The reasons for the relatively low figures are twofold (Bäcker 2012):

- The recipients of reduced earning capacity pensions include mainly employees with precarious and disjointed records of gainful employment; this results in fewer 'earning points', which has a decisive impact on the amount of the pension.
- In addition, about 95% of reduced earning capacity pensions are hit by deductions. As with the early retirement pension for people with severe disabilities, the reduced earning capacity pension is reduced by 0.3% for every month it is claimed before the age limit. This age limit is being raised from 60 to 62 years between 2012 and 2029. The deductions are limited to 10.8%.

3 Retirement patterns and retirement income of workers in arduous or hazardous jobs

Even though there are no special retirement conditions for people who do arduous or hazardous work in Germany, this does not mean that there are no serious problems for many employees at the end of their working life. It is undisputed that, especially in the modern working world, professional activities and jobs that are very strenuous and demanding are widespread and can lead to health impairment and to a restricted ability to work. Empirical findings show that low-skilled workers and employees in precarious and low-paid jobs in particular suffer from unfavourable working conditions (Seiler and Acemyan 2015; Becker and Engel 2015). There is a high risk that these workers withdraw from working life before they reach the regular statutory retirement age. They become unemployed more frequently and stay unemployed for longer. Despite the positive employment development in Germany, the number of unemployed elderly has remained unchanged since 2010: about 20% of all unemployed are over 55 (Figure 9 in the annex). And about 50% of the unemployed elderly remain unemployed for longer than a year. A majority of these disadvantaged employees finally have to resort to an early retirement pension or a reduced earnings

capacity pension (Peter and Hasselhorn 2013). The pensions they can expect are low and are further reduced by deductions (Bäcker 2012).

These problems are being exacerbated by the ongoing rise in the statutory retirement age. Although the effective retirement age has increased significantly in recent years, there is still a wide gap for many employees between their exit from the labour force and the standard retirement age (Brussig and Ribbat 2014).

However, the dispute over the rise in the standard retirement age – a dispute that characterised the public and academic debate between 2007 and 2014 (in particular the trade unions opposed it vigorously) – has not led to political demands for the introduction of separate pension rules for WAHJ. The introduction of special early retirement rules without deductions for persons with an ‘exceptionally long insurance period’ (see above) can be seen as an attempt to solve the health and employment problems of WAHJ. But there is no empirical evidence that the length of period of employment is a reliable indicator of physical and mental health. These early retirement pensions without deductions can rather be viewed as a privilege for those employees who have paid contributions for many years. Therefore, it is the recipients of higher pensions who make use of it. It is very difficult, especially for women, to achieve 45 years of contributions.

Also the option to claim a reduced earning capacity pension only partially solves the above-mentioned problems. According to the SPI statistics, nearly half of all applications for a reduced earning capacity pension are rejected (Deutsche Rentenversicherung Bund 2015a) because the insurance-law preconditions are not met or because the socio-medical service of the SPI decides that the insured person can work for more than six hours a day. Furthermore – as already described – the reduced earning capacity pensions are very low. This has barely changed, even though, since 2014, new recipients of a reduced earning capacity pension receive a higher pension because their entitlements are assessed better. These pensioners are treated as if they had worked until the age of 60. This age limit has now been raised to 62 years.

It is true that collective agreements between trade unions and employer organisations (and also company agreements) play an important role in the configuration of labour relations and working conditions in Germany. But these agreements are limited in their impact with regard to early or partial retirement possibilities of WAHJ, since – as a general rule – they relate to the age of employees, rather than to their state of health or the arduous or hazardous working conditions. A further, important consideration is that collective agreements apply only to a dwindling number of employees (~~IAB 2016~~): the share of companies and employees covered by collective agreements was 29% (companies) or 57% (employees) in 2015 (Figure 10 in the annex). Hence the trade unions demand better legal provisions for early retirement options – a partial pension from the age of 60 (with compensation for the deductions) – and a fundamental reform of the reduced earning capacity pension (abolition of deductions). Instead, the federal government intends to improve the conditions for more flexible pathways to retirement, with the aim of extending people’s working lives (Bäcker et al. 2011; Rische and Kreikebohm 2012; Welti and Großkreuz 2013).

In the current political debate, the view is widely held that the medical and professional/vocational rehabilitation measures of the SPI should be strengthened and that the active labour market policy is of major importance for activation and vocational integration measures for older employees. But the reality looks somewhat different: the benefits for further vocational training have been reduced sharply in recent years (Figure 2 in the annex); and older workers and recipients of the means-tested unemployment benefit II are clearly under-represented among participants (Adamy 2016).

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Annex

Figure 1

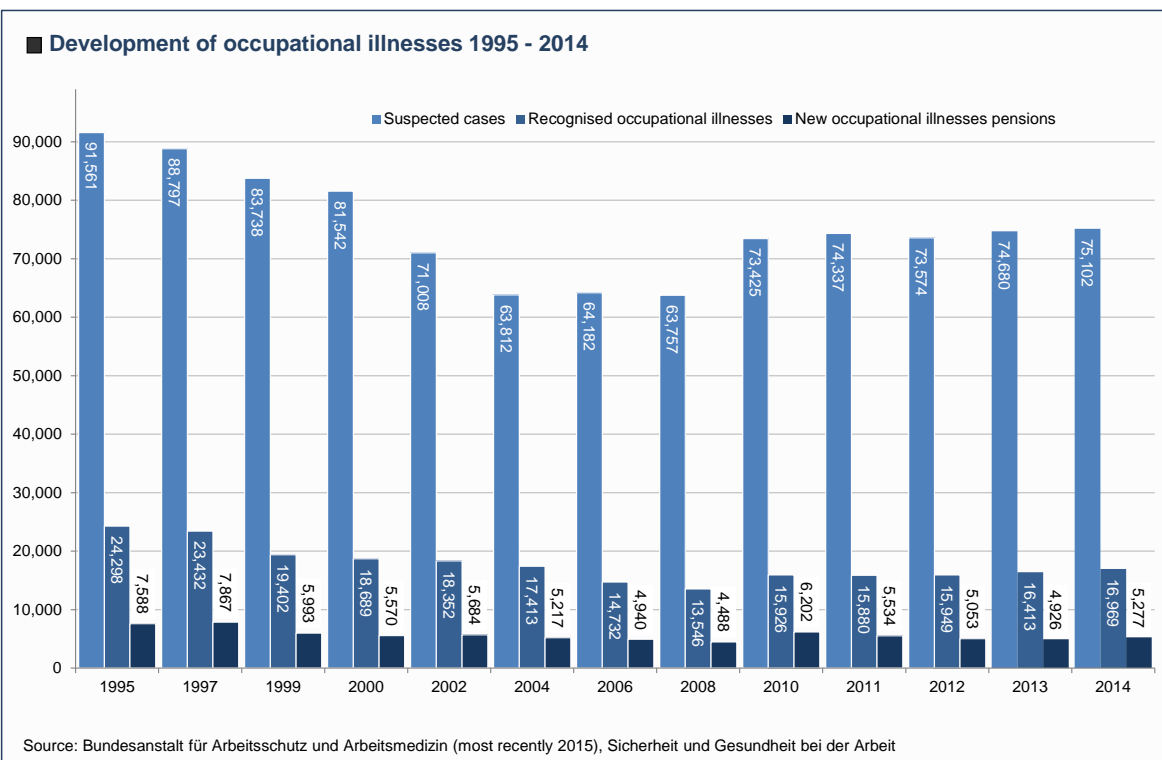
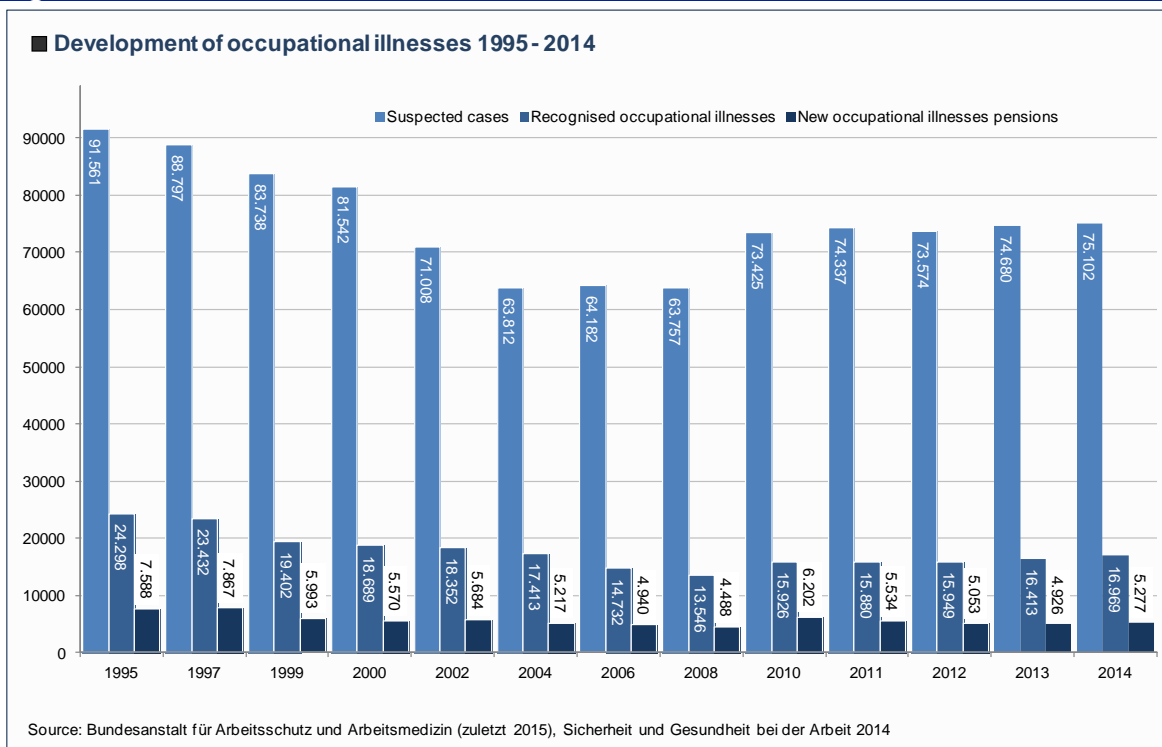


Figure 2

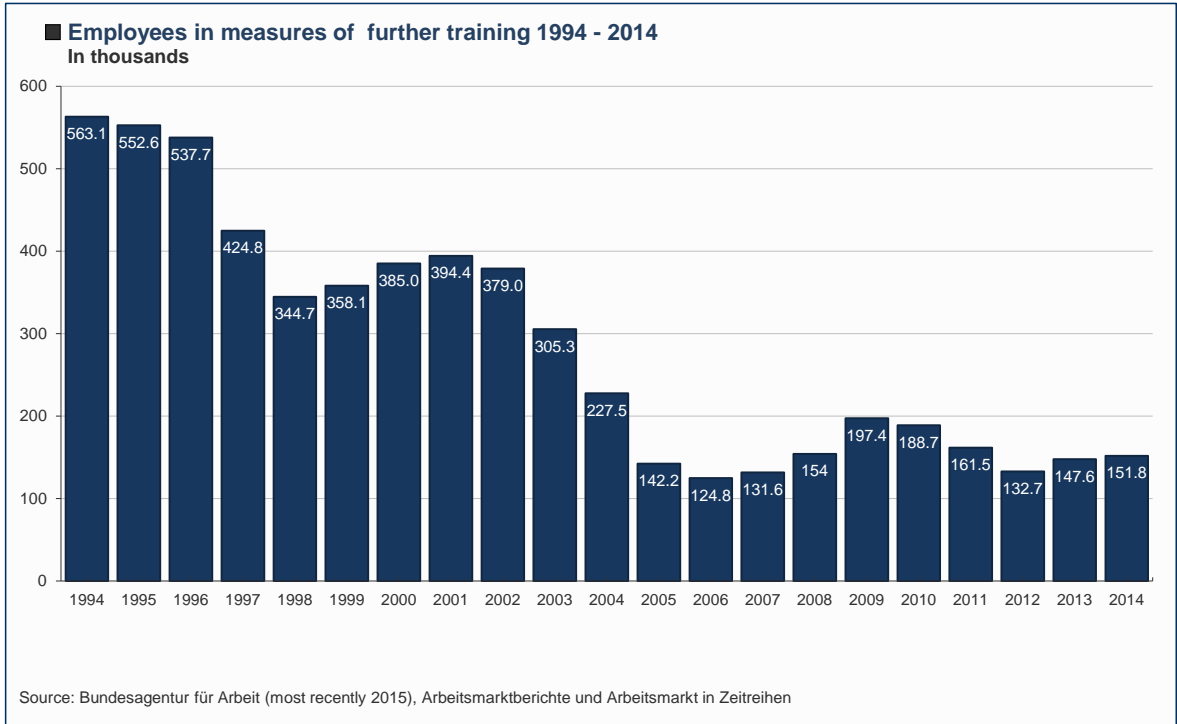
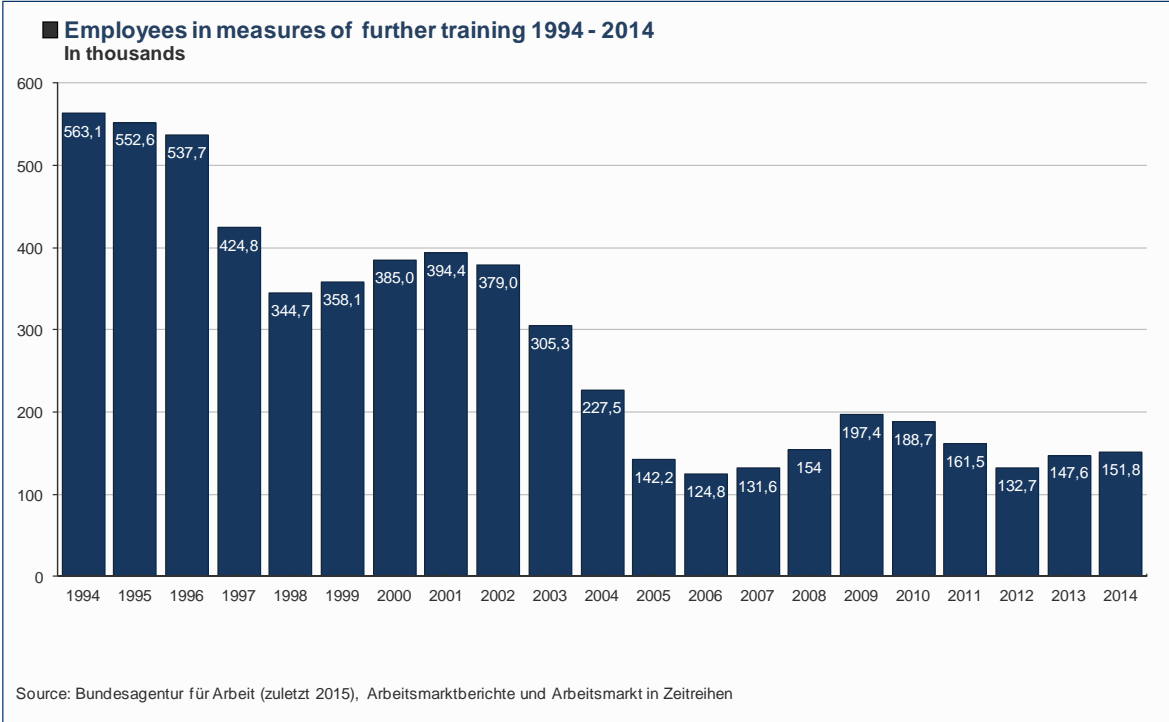


Figure 3

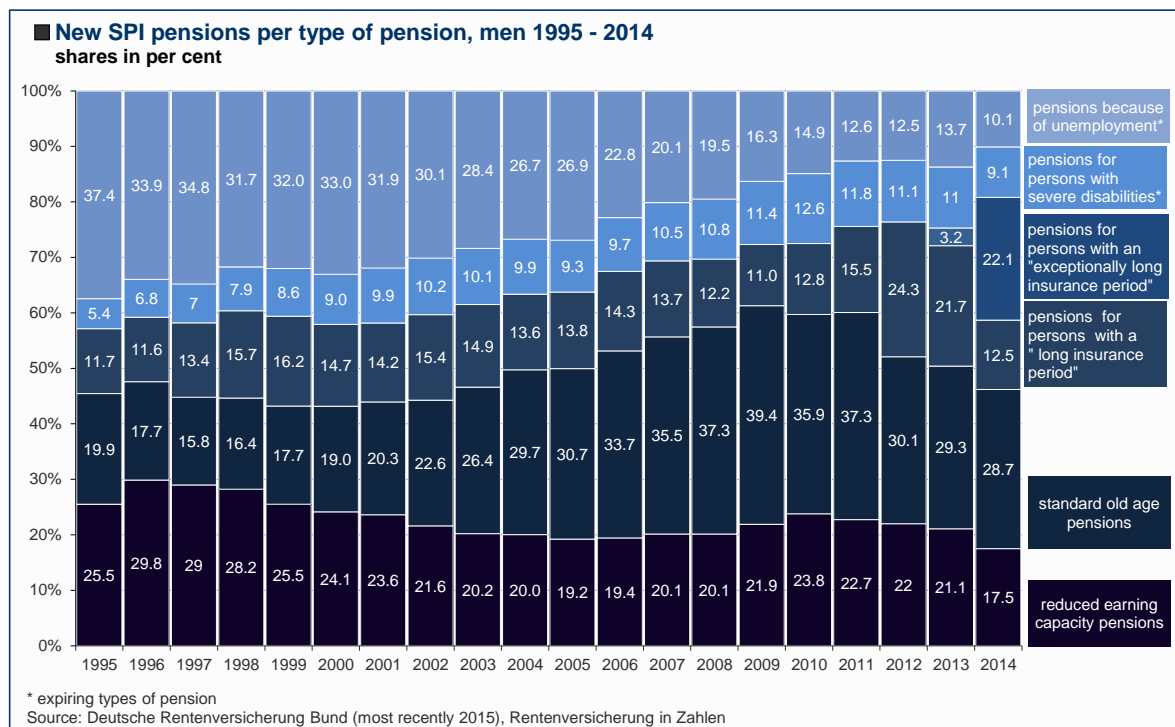
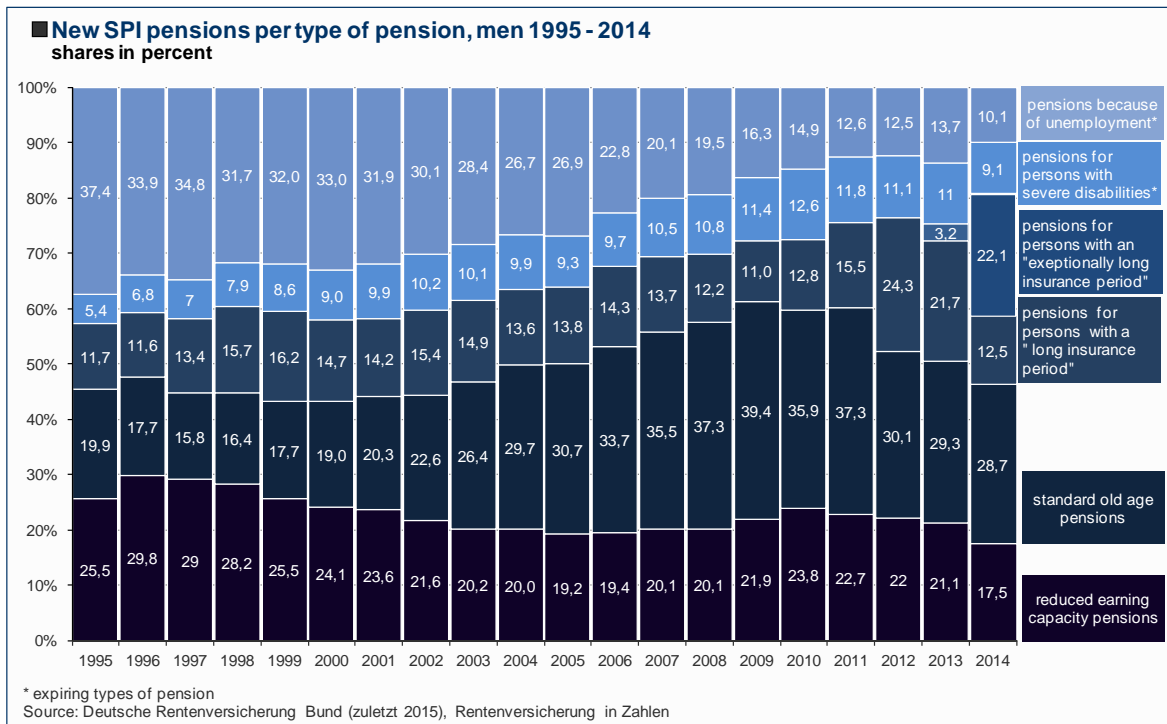


Figure 4

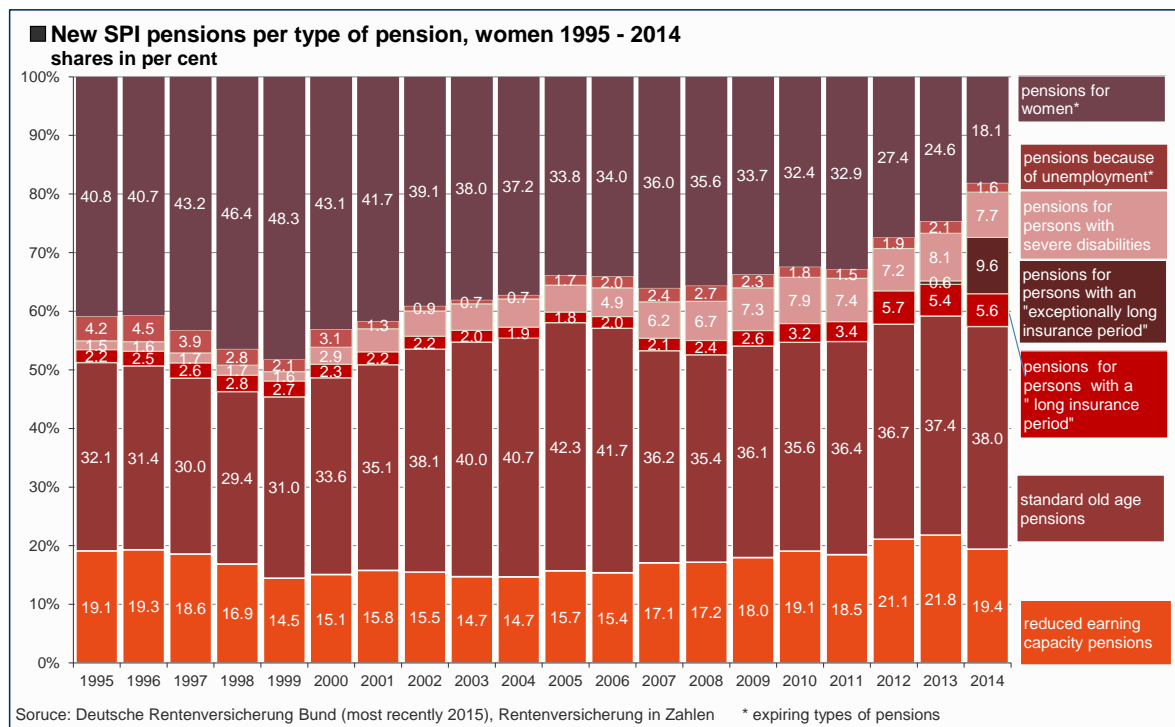
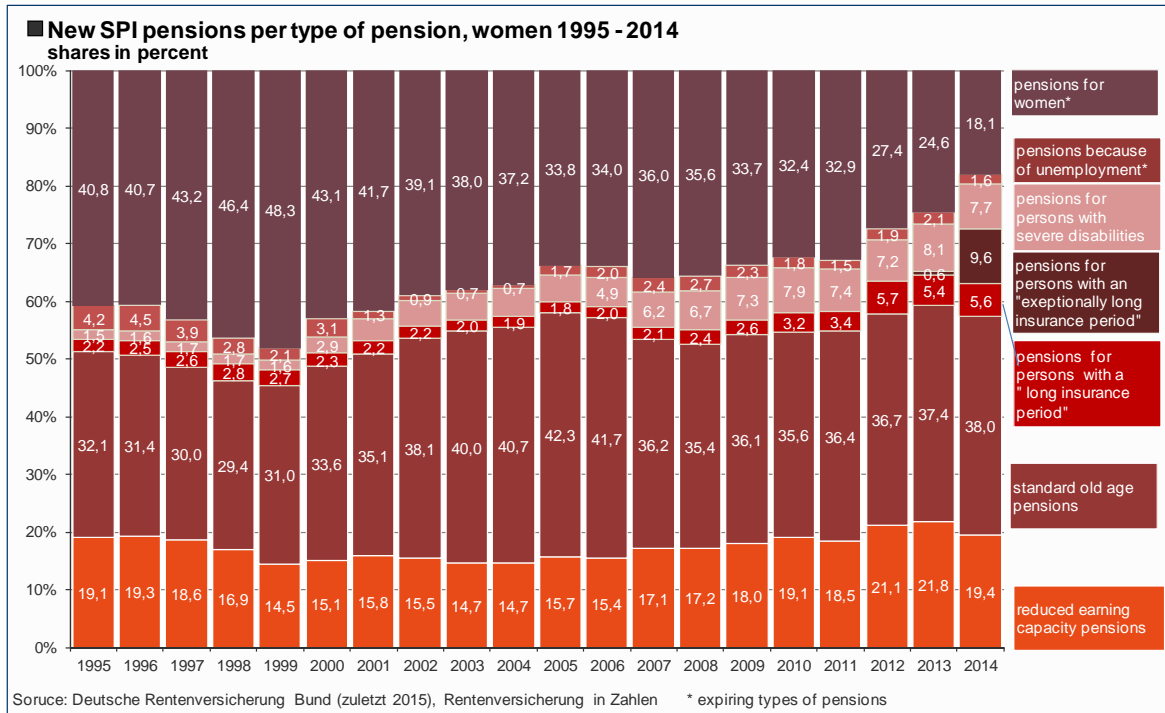


Figure 5

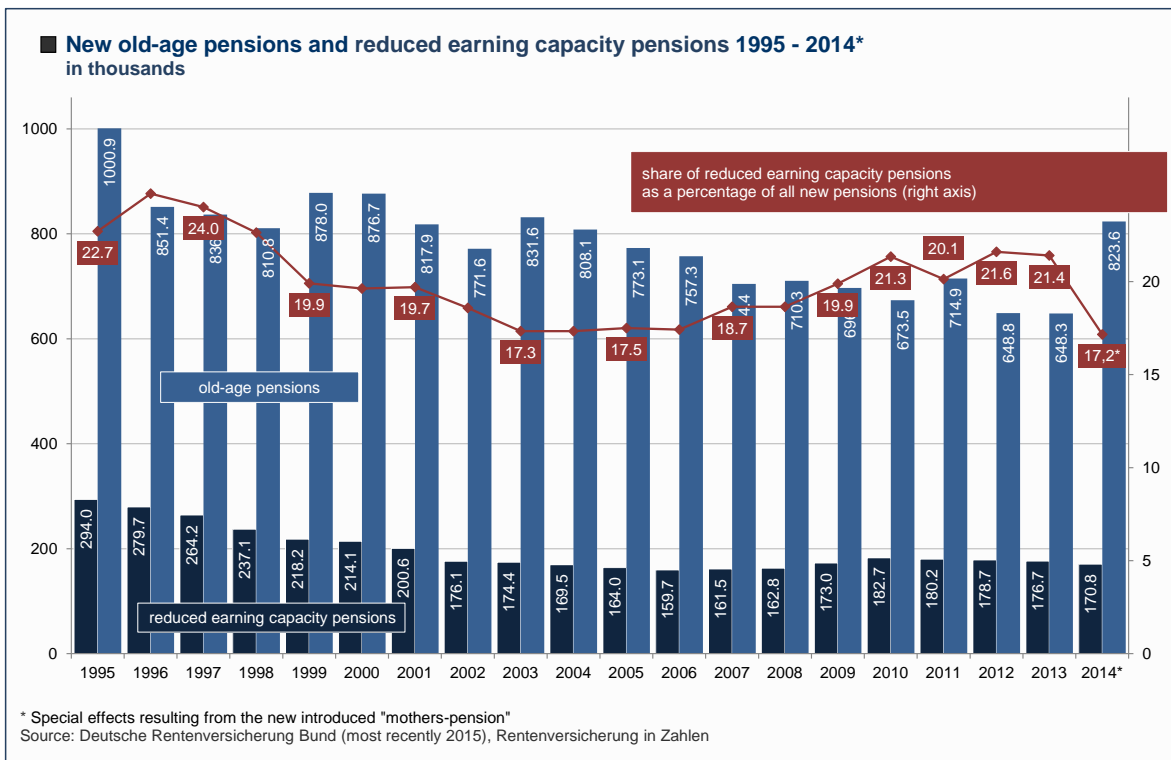
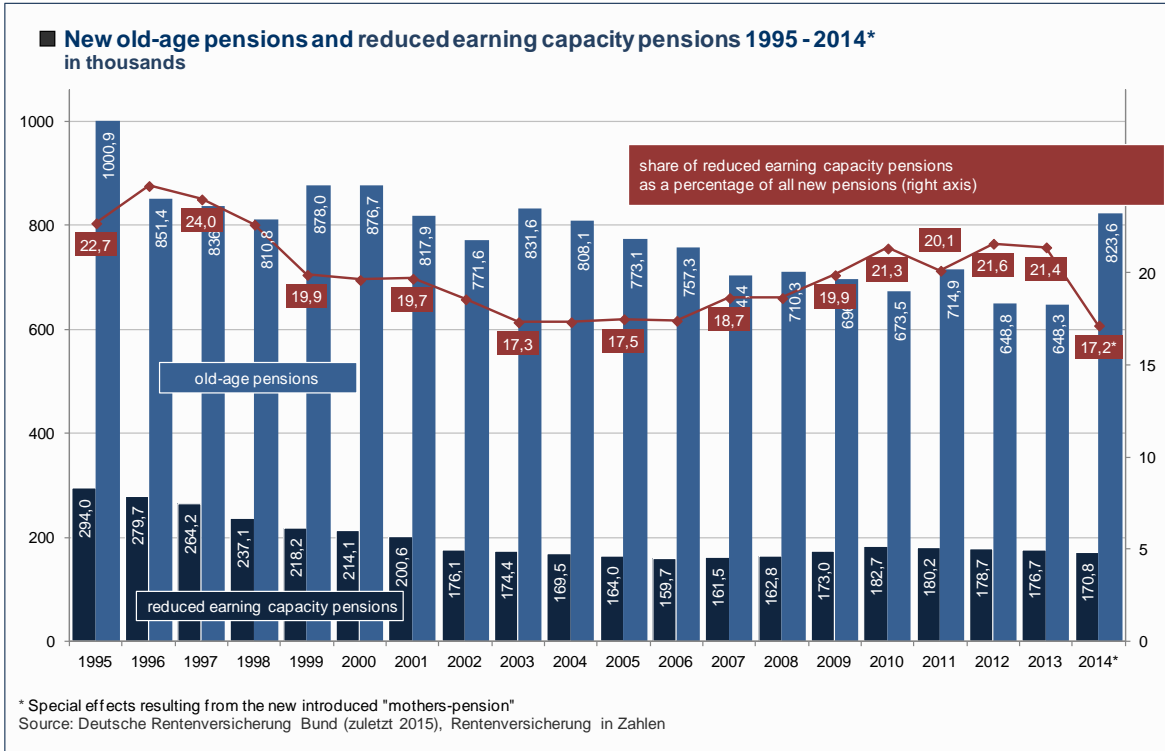


Figure 6

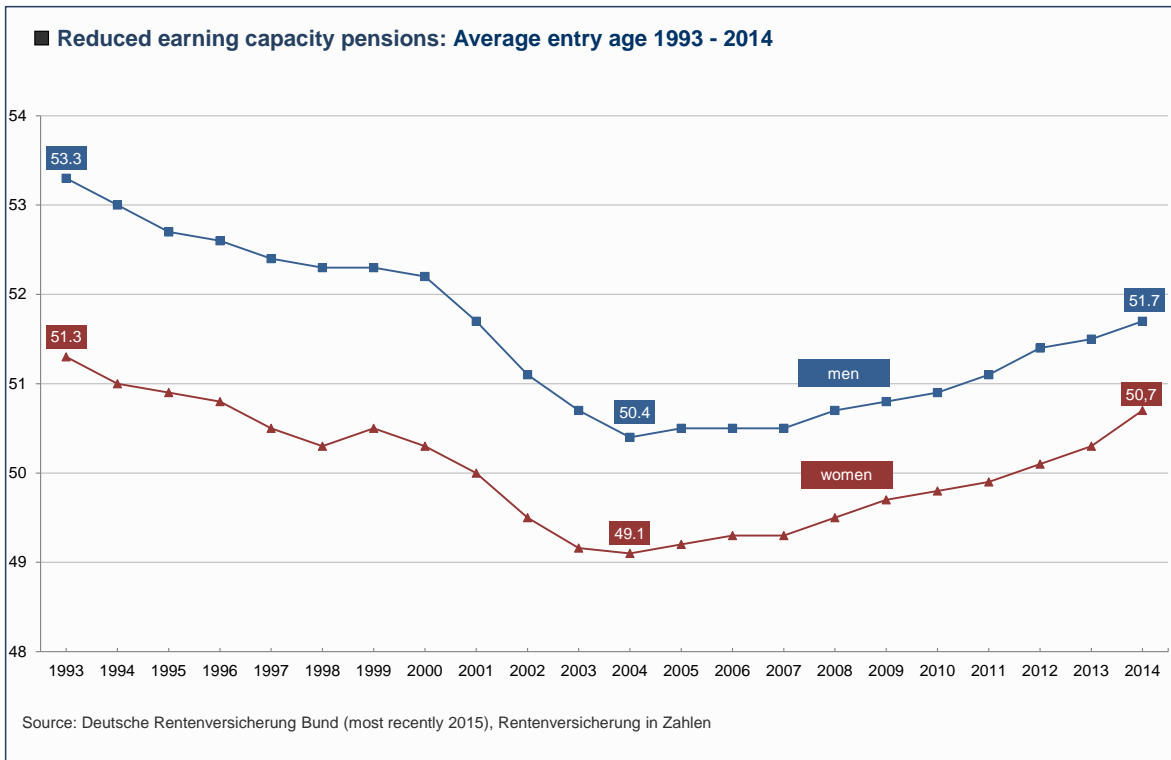
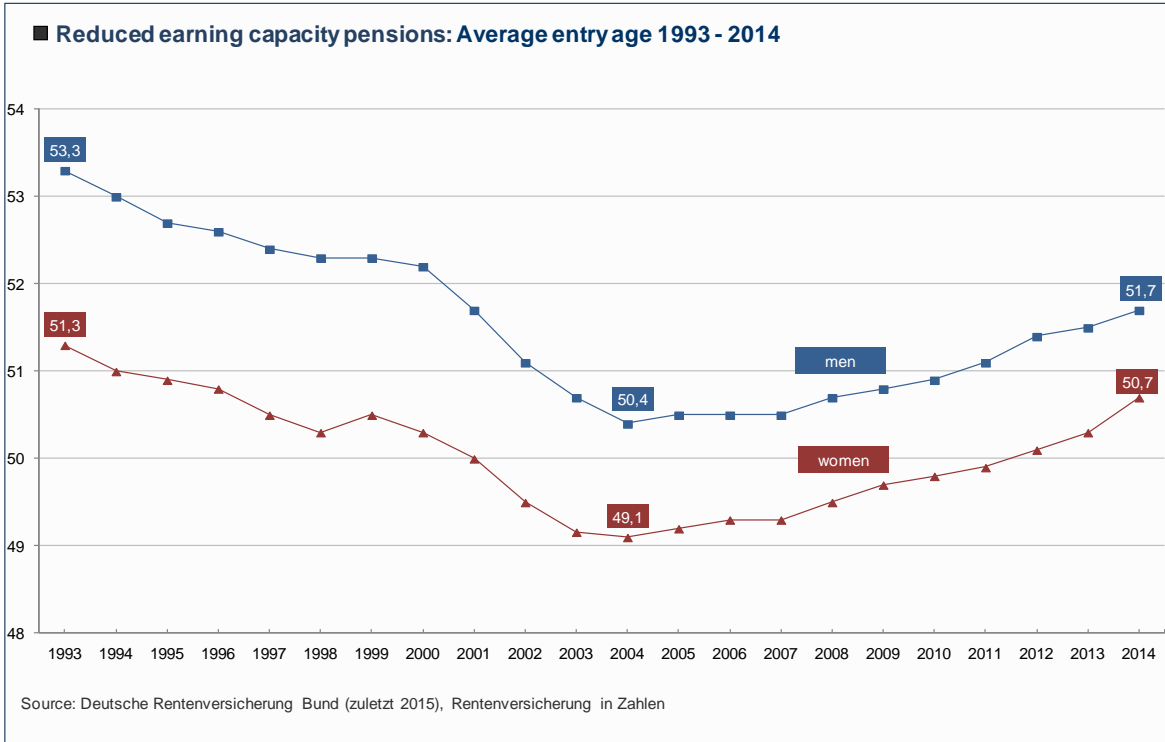


Figure 7

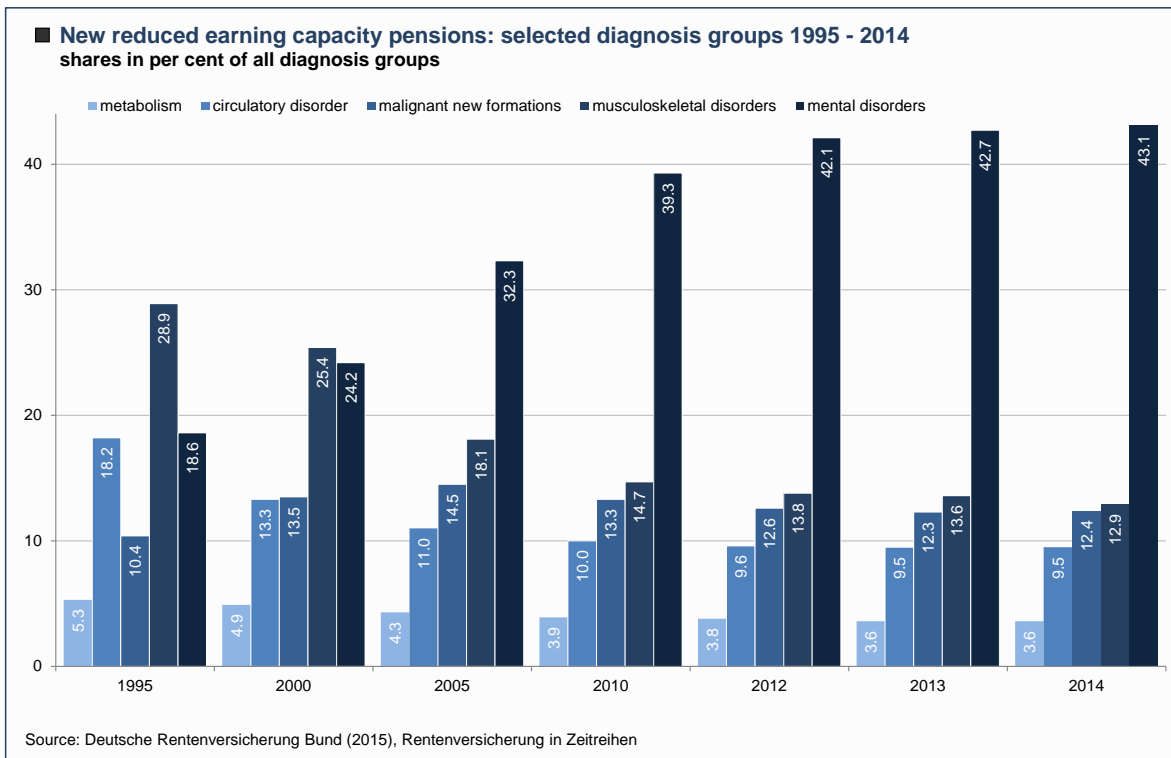
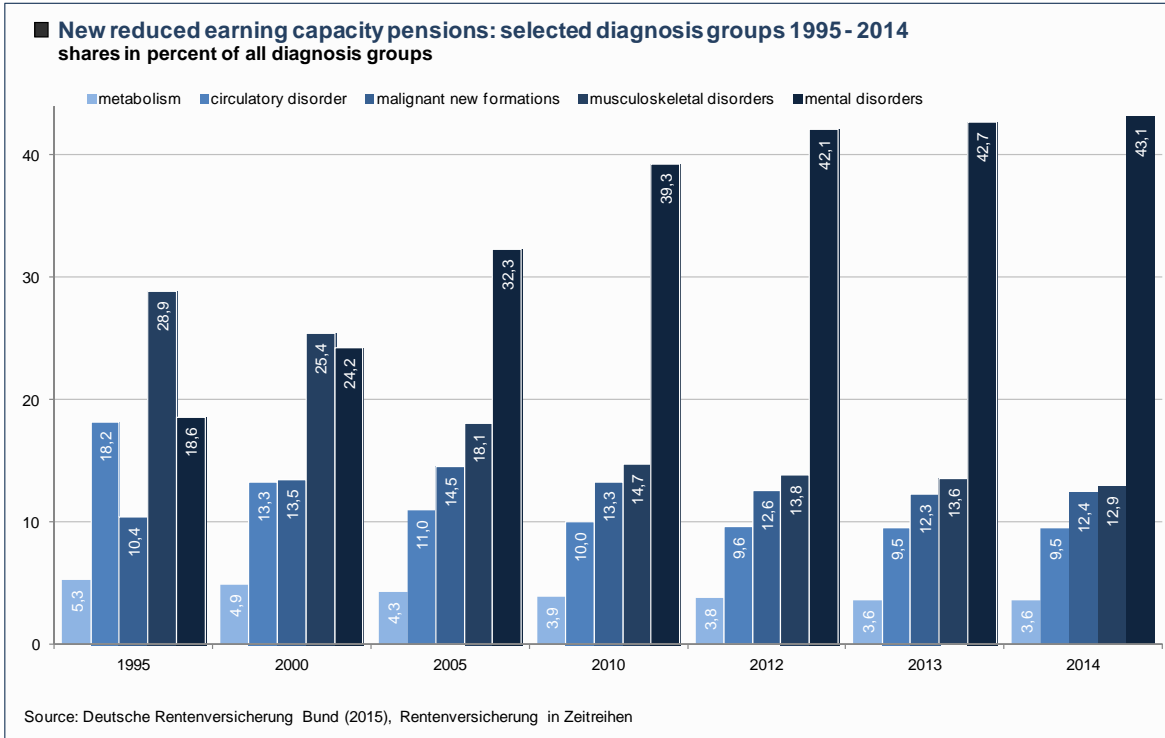


Figure 8

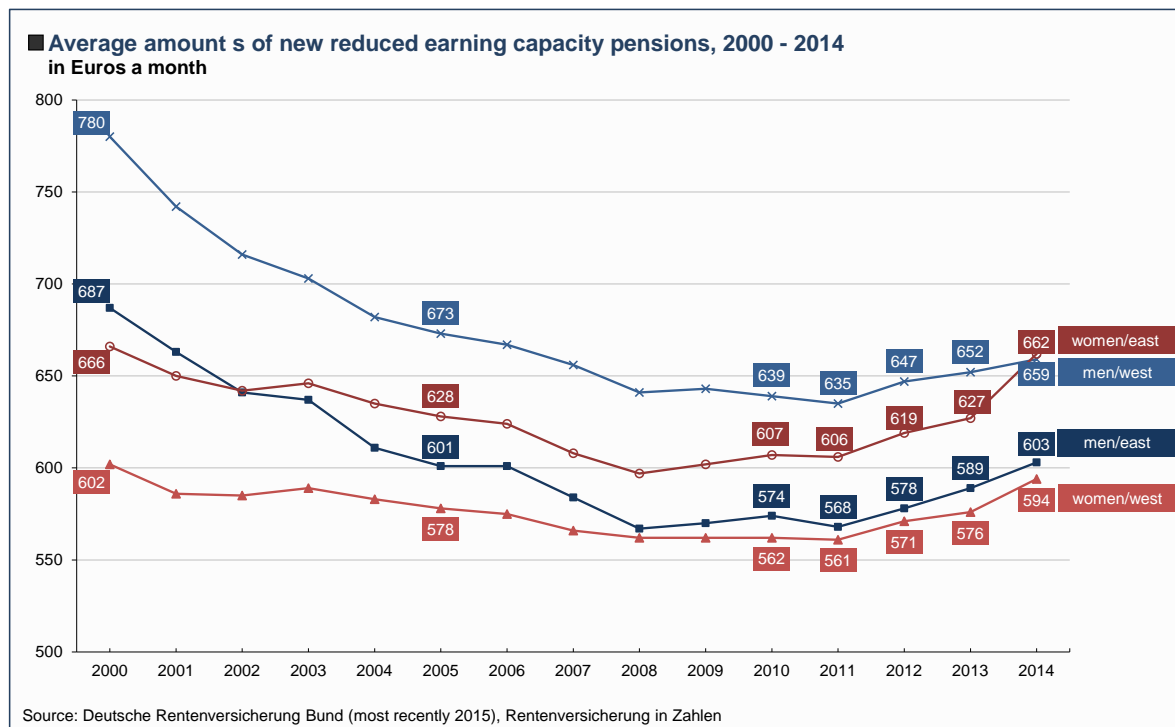
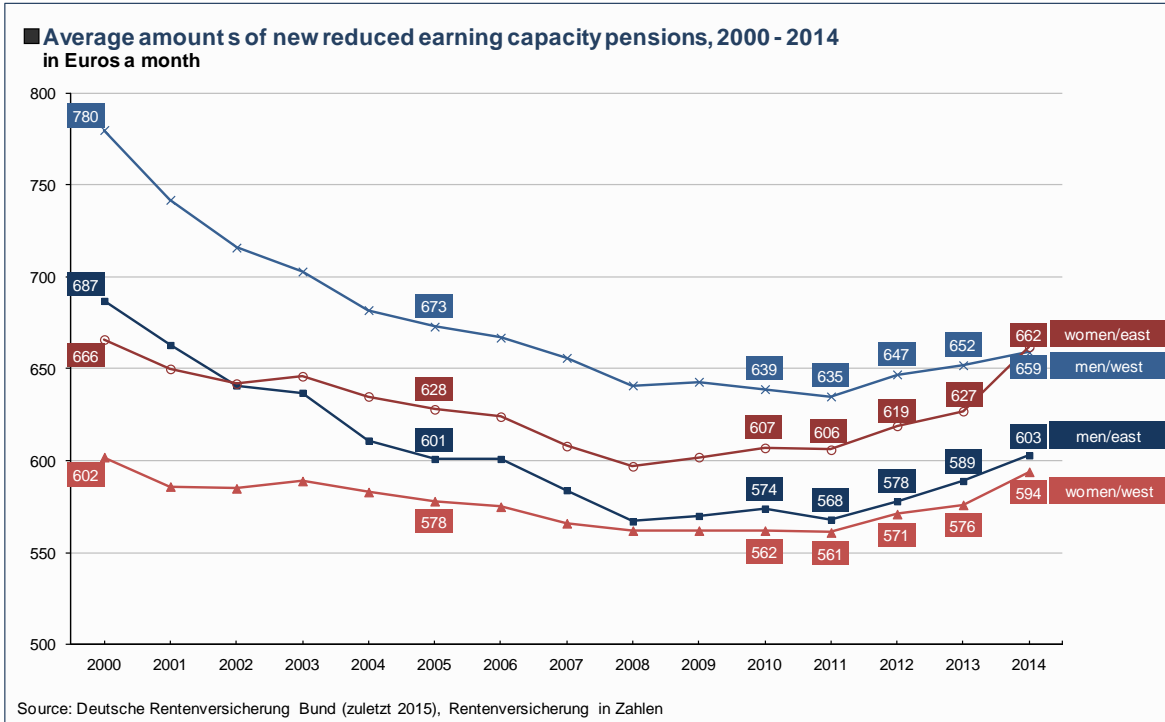


Figure 9

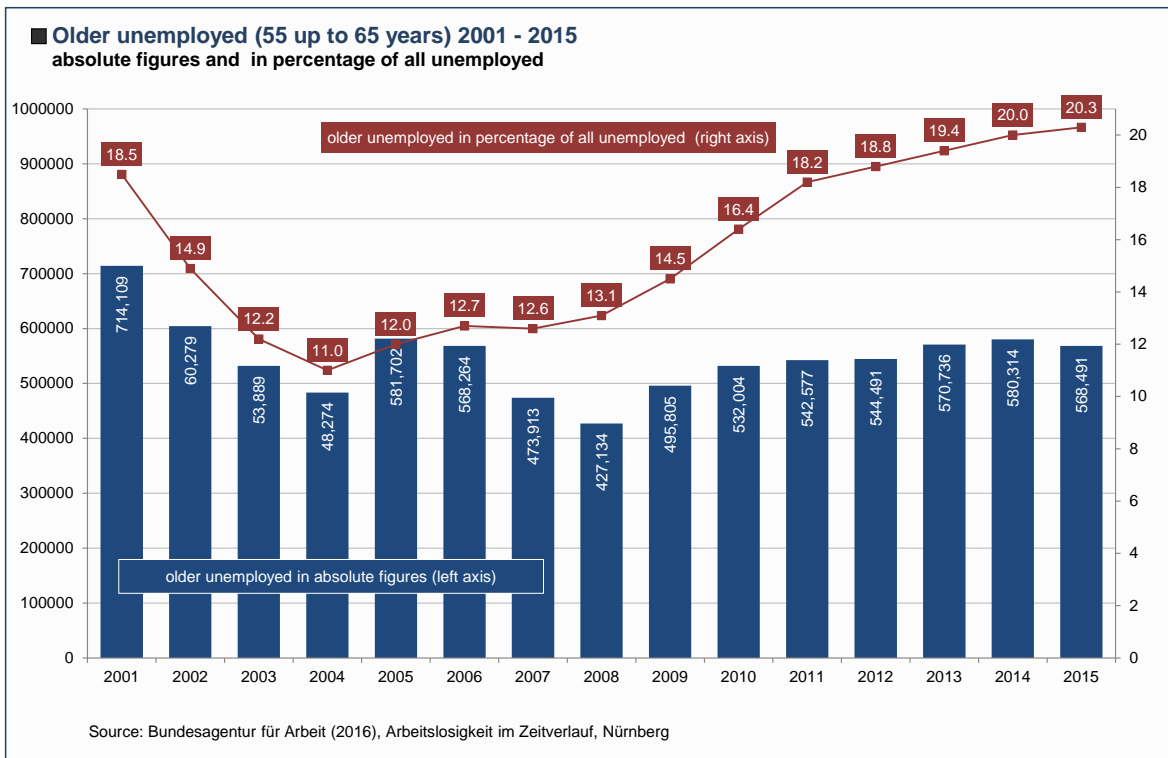
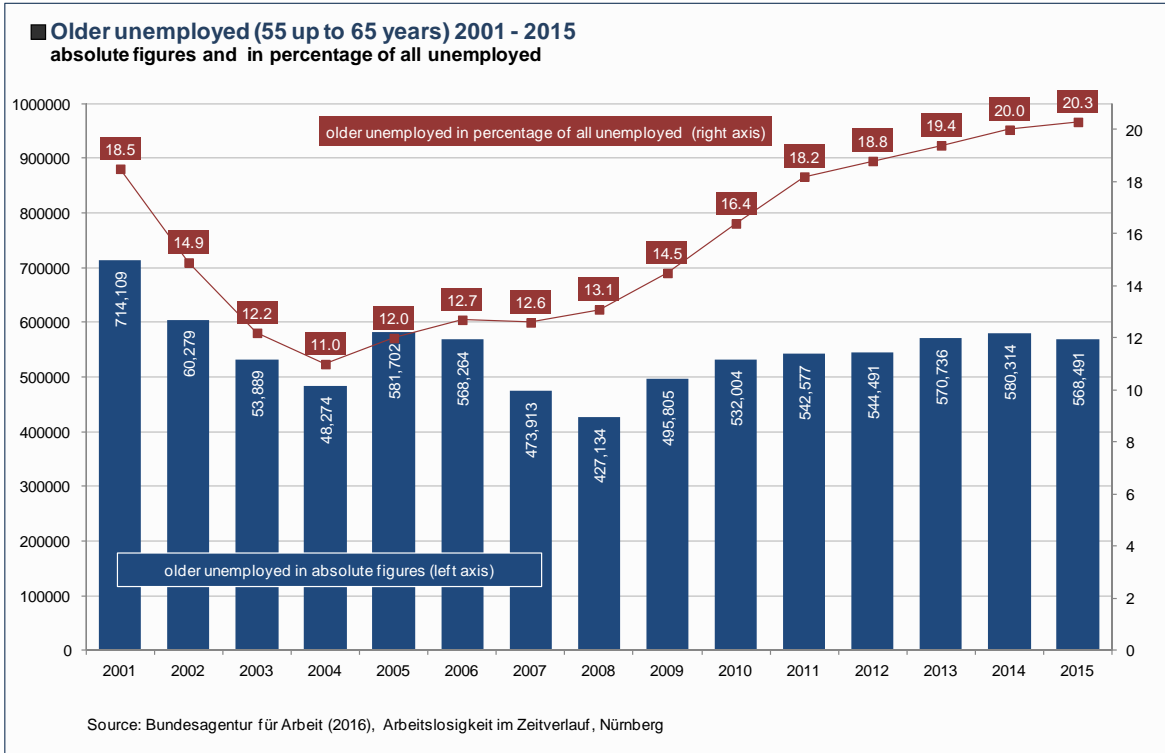


Figure 10

