

University Twente
Studentyear 2006/2007
Bachelor Thesis
Public Administration
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**Do/How do countries learn from each other?
A closer look to Germany and Sweden and the fourth
pillar of the European Employment Strategy**

*Equal Opportunities and the parental leave system in
Germany and Sweden*

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“To learn a lesson, policymakers must travel further than the nearest coffee machine in search of ideas.”
(Rose 2005: 26)

1. Introduction

What are countries doing if a programme does not work anymore? They have to look for a solution to improve the programme or to find and to establish a new programme. But where to find a solution or a new programme? Sometimes it can be good and helpful to look at other countries and their way to solve similar problems. But just looking does not solve the problems in the country. But if one finds a good solution in another country, is it possible to transfer this into the country? And how to do it? These are questions I want to answer in this paper. Another question I want to have a closer look at is, if countries prefer this “learning from others” like the Open Method of Co – ordination (OMC) wants it or if they do not like it and are more likely to present the new programme as their own idea.

This paper is focused on Germany and Sweden and their parental leave systems because in the beginning of this year 2007 Germany introduced a new parental leave system which is very similar to the Swedish concept. In this paper I want to have a closer look at the way Germany is introducing this new system and if it can work in Germany or not – and if not, why is it working in Sweden but not in Germany? Could it be that there are mistakes done in transferring the Swedish concept or is everything perfect? And in general, can we speak about “learning from best practise” like the OMC wants it?

It would have been nice to do interviews with policy – makers to ask them personally why they copied the Swedish model because in nearly no official paper one can find a clear statement that the new German way is very close to the Swedish way. It would be interesting to know why they decided to go this way and to get more information about the learning process itself. But this would go too far for this paper so I was looking at secondary information and literature and to see how far I found a learning process in it. To see this I worked very close with the book of Rose (2005). He defined ten steps in lesson – drawing to learn from other countries and to adopt programmes from them. Besides I was using some books whose authors did interviews which were also very helpful for me.

I will put this topic into the context of the OMC because the OMC has developed new forms of governance in the EU. It includes institutional mixes with peer groups review bodies and involves actors at supranational, national and sub – national levels; procedural mixes with collective self co – ordination instead of regulatory or redistributive policies; new administrative committees and new policy outcomes like guidelines, benchmarks and monitoring. So the OMC is an instrument which involves different actors at all levels. Both Germany and Sweden have well developed networks and we will see if they use these networks in a proper way for the OMC or not. Besides the OMC was meant to lead the countries to learn from “best practice” so we will see if they really do so. This is done by focusing on the fourth pillar of the European Employment Strategy (EES), the pillar of equal opportunities because this is the pillar to which the parental leave system belongs to.

I already did some work on the topic of OMC in another paper so I took the explanation about what the OMC, the EES and the fourth pillar of equal opportunities (Chapter 5) from my former work.

My hypothesis is that Germany will fail because it does not draw the complete lesson it should have taken from Sweden. Besides one should not underestimate the different cultures of both countries. In the eastern part of Germany childcare provision also for the youngest children was normal but not in the western part of the country. The majority of the people in Germany is still thinking in a more traditional way. This way of thinking is changing but it is still an early process of behaviour change so this could be a handicap for the successful implementation of the Swedish concept.

In fact this hypothesis cannot really be falsified or verified because at this moment one cannot say if the implementation is successful or not. Nevertheless I will try to give a tendency and to explain why I think that my hypothesis is right.

The paper is structured as followed. First of all different methods will be introduced. Comparative politics is needed if one wants to compare two or more countries. Learning a lesson is the concept which is this paper about. For this reason there is also an extra chapter which goes more into detail into the topic of learning a lesson. Another concept which is also interesting is path dependence because it includes more the cultural problematic.

Next part is the already mentioned part in which the OMC, the EES and the pillar of equal opportunities, will be explained to have the background which is important to understand why the concept of lesson learning is more current than ever.

The next chapters will explain how the OMC in Germany and Sweden works and how the situation for women in both countries is.

Afterwards in chapter 8 I will explain what, why and who Germany was copying.

Chapter 9 includes a critical view on the learning process and at the end there will be a conclusion and some documents in the annex.

2. Method

As already said in the introduction it would have been good to make interviews to get first hand informations and to get more detailed informations about the lesson drawing process. But this would go to far for this paper so I am mainly focusing on secondary literature and statistics. Nevertheless some of the authors I will quote in this paper did interviews which are very helpful for me (for example Zeitlin/Pochet/Magnusson 2005).

For dealing with a topic that has to do with Welfare States one has to have in mind the different kind of Welfare States that exist according to Esping – Andersen (social – democratic, conservative and liberal Welfare State) which I will not explain in this paper in detail but I will very shortly introduce the different Welfare States of Germany and Sweden in chapter 6.

The main method used for this paper are comparative politics and lesson learning. I will introduce the main theories about it shortly in the following chapters. Lesson learning will be explained more detailed in chapter 3. Another theory which one cannot ignore by dealing the concept of lesson learning is path dependence, which will be explained in chapter 4.

As said before this paper is mainly based on secondary literature with a own conclusion made out of the collect information.

2.1 Comparative politics

Comparative politics is a very complex topic. In this chapter I will only shortly mention some of the most important points about it to introduce this method.

First of all there are different reasons why somebody wants to make a comparative study. One reason can be to find out the systematic differences between at least two countries or also to find similarities between two or more countries. Another reason could be to look for transferability of experiences, which is exactly what is important for the topic of this paper. Therefore it is important to know how the systems works and to understand why it works the way it works. This is the only way to be able to make a statement about the connection of cause and effect and to find out about dependent and independent methods.

A comparison makes it possible to make a systematic proof about the hypothetical implicated connection.

So general one can say that comparison has four different goals:

1. To describe observations and to find differences and similarities, also to understand the connection
2. to make classifications
3. To develop hypothesis and to proof these
4. To make prognoses which one can proof on the model

(Lauth/Wagner 2002: 17)

During the years there were many changes in the comparative politics, which started as *comparative government*. The focus changed from the more institutional dimension of politics to the politics dimension, the input of different actors in the politics. Starting point is that all political systems have the same functions but fulfil these in different ways. Later on also the output dimension (policy) came into the focus of comparative politics. The policy dimension has to work closely together with other scientific areas because there are strong connections. So comparative politics became more and more complex (Lauth/Wagner 2002: 20/21).

According to Hague/Harrop it is also important to look for the right variable. For example a study just of countries which have democratized successfully can tell us nothing about the conditions of successful democratization. Those conditions can only be identified through a comparison with failed democratizations (Hague/Harrop 1998: 282).

But Hague/Harrop also say that “*comparison in political science can never become a full equivalent of the experiments conducted in the natural scientist’s laboratory*” (Hague/Harrop 1998: 275). Besides comparison is more a system of questioning, not of answering (Nohlen 2004: 1044). Main object of comparative politics is the political system as a whole and in parts as well as the horizontal and vertical structured public units and the quasi political areas and parties etc. It is also including the socio – economic and social cultural environmental. To sum it up comparative politics is about the political system as a subsystem of the society, the main direction of its political activities, and the main points of interdependence with other institutional spheres (Nohlen 2004: 1053). But the use of comparison as a scientific method is up to today not standardised and non - uniform.

Esping – Andersen (1990) defined three different kind of Welfare States, which are important, respectively good to use by comparing different countries. These three kinds of Welfare States are the liberal, the conservative and the social –democratic Welfare State. In a liberal

Welfare State, benefits cater mainly to a clientele of low – income and are modest. The decommodification effects are very low. Among others Great Britain, USA and Australia have a liberal Welfare State. A conservative Welfare State System have for example Germany, France and Italy. Very important for this kind of Welfare State are the church and a traditional family hood. The principle of subsidiarity says, that the state will only interfere when the family's capacity to service its members is exhausted.

The third kind of Welfare State defined by Esping – Andersen is the social – democratic system like Sweden, Denmark and Norway have it. It promotes an equality of the highest standards and not an equality of minimal needs like the other systems. Therefore the decommodification effects are very high.

By knowing this three different kinds of Welfare States it is easier to compare different Welfare Systems.

2.2. Learning a lesson

The concept of learning a lesson will be explained later on more detailed so here I just want to make a very short summary of it and refer to the following chapter for more detailed information.

Learning a lesson by adapting a new program is always necessary if an existing programm does no longer work. It makes sense to look not only back in the own history but also to other countries how they deal with similar problems because sometimes there is a clear need for new ways and methods because the old one does not work and cannot be improved anymore. Especially in the time of globalisation new challenges exist and also new ways of learning from each other.

Rose (2005) defined 10 Steps for learning a lesson and adopting a new program successful. These ten steps will be explained later.

Lesson drawing is about learning ways to make programmes better and to learn how to avoid the failure of a programm. It is a “two – way” (Rose 2005: 112) process. It is involving an exchange of knowledge between two countries and programme experts who may or may not share a common set of cultural beliefs. But there is also much room for misunderstandings and failure so one has to make this process very careful and figure out in a good way. Because a lesson is future – oriented it cannot be evaluated empirically but of course it is possible to evaluate empirically programmes in other countries that have served as its template (Rose 2005: 24).

The OMC wants to use tools like learning from best practices, peer group reviewing and benchmarking, which will also be explained later on. But this is the reason why the OMC is a perfect instrument for lesson learning.

Of course and as already said, learning from other countries has also some risks one have to consider. But on the other hand, by successful “lesson learning” and by considering all the risks, danger and challenges, it can be one of the best ways to improve their own system.

So lesson learning is about looking at other countries and how they deal with special problems and challenges and to prove if this methods would also fit in the own country.

3. Path Dependence

Path Dependence has become a key concept in social – scientific debates about institutional evolution over the past decade (Crouch/Farrell 2002: 5). It cannot simply be used to address actors coping with changes to their environment because it does not explicitly model that possibility (Crouch/Farrell 2002: 5). But Path Dependence needs this adoption. Since major change does occur, the theory is in danger of becoming excessively deterministic and incapable of coping with major innovation except as behaviour derived from imitation or completely exogenous learning. It cannot be used to explain why somebody failed to follow the path (Crouch/Farrell 2002: 10).

A common interpretation of Path Dependence is that current and future states, actions or decisions depend on the path of previous states, actions or decisions (Page 2006:88). It requires a build – up of behavioural routines, social connections or cognitive structures, especially around institutions. It is becoming a process if the outcome in any period depends on history and can depend on their order (Page 2006: 89).

Another interpretation of Path Dependence comes from Hague and Harrop. They say that:

“Path dependence describes a process which can lead to several stable outcomes, depending on options selected early in the process. For example, the success of democratization may depend critically on the details of the constitution established during the transition from the old regime. However, if underlying factors (for example strong elite support for democracy) mean that the new democracy will consolidate come what may, the process is path – independent. Case studies often exaggerate path – dependence but statistical studies generally ignore it altogether.”

(Hague/Harrop 1998: 276)

Path Dependence can also be seen as a sign of stability (Moment der Stabilität). The case of the German reunification is a good example about how important it is to consider Path Dependence. Very important regulations from the west were transferred to the east without considering the different socio - economic conditions in the east – the consequences are known and exist up to today (Schmid 2002: 95).

According to Page (2006: 88) studies about Path Dependence run the gamut – theoretical, historical and empirical. They are covering topics ranging from the selection of institutions, to the formation of government policies, to the choice of technologies, to the location of cities up to the formation of languages and law. He is also saying that Path Dependence may help to explain why some countries succeed and others do not.

Almost all social scientists agree that culture matters. But the question is how to include it in analyses? In most of these cases the theory of Path Dependence is used.

Two examples for cases of Path Dependence:

By introducing for example a new institution to two countries, the reaction to it may differ due to the different cultures. If reaction differs one can guess that performance may also differ.

Another example: If two countries have a choice over a way to structure a new problem area, the choice of one country may differ from the second because it has evolved a culture, due to its existing ensemble composition that performs better under one institution than the other.

(Bednar/Page 2005: 3)

So according to this theory the behaviour and action of states depend on former actions and experiences. Especially concerning institutional performance Bednar and Scott (2005: 30) say that culture influences institutional performance and institutions influence culture – so existing institutions influence the performance of a new institution.

To sum up this short overview, Path Dependence says that every action of a state depends on the path and the culture of the country and therefore everything is very close connected to the path and radical changes are not very likely to happen.

4. Drawing a lesson

A programme needs to be changed if it does not work properly anymore. But sooner or later a programme which was once a solution for a problem, can become a problem itself because it does not fit any longer to the changing environment. In this case one has to look for a new programme or review an existing programme.

Especially the ongoing process of the globalisation and internationalisation lead to more transnational communication- and information processes and therefore build a good basic for the transfer of policies and political learning processes. This is also true for the European integration process.

According to Borchert (in: Schmid 1999: 7) there are endogenous and exogenous causes why countries learn from each other. On the level of the actors, there is as an exogenous cause international diffusions and collective learning, and as an endogenous cause the rational choice and the approach of power resources. On structural level an exogenous cause is the modernisation- and globalisation theories and as an endogenous cause, the neo – institutionalism and the historical path - dependence (Schmid 1999: 7). Also according to Crouch and Farrell (2002: 28) change is likely to occur only when whole systems changes under the weight of exogenous pressure.

But according to Rose (2005: 105) the path – dependence limits the scope for choice of the countries and therefore limiting the learning process.

Lesson drawing is about learning ways to make programmes better and to learn how to avoid measures resulting in failure. It is a “two – way” (Rose 2005: 112) process. It is involving an exchange of knowledge between two countries and programme experts who may or may not share a common set of cultural beliefs. But “*the devil is in the detail*” (Rose 2005: 113) because lesson drawing across national boundaries creates a potential for misunderstandings. The analytic question therefore is under what circumstances and to what extent can a programme that works there provide a lesson that can be applied here?

The OMC uses as tools learning from best practices, peer group reviewing and benchmarking. It fits into the exogenous causes defined by Borchert on structural and actors level because it leads to collective learning on the level of actors and on the structural level there is the challenges of the modernisation and globalisation. It is also often characterised as a “voluntary co – ordination” process (de la Porte/Pochet 2003: 27).

The OMC should create conditions for mutual learning that should induce some degree of policy convergence and to build multi – sectoral partnerships. It also should be a tool to promote problem solving and cross – national learning across the EU.

There are five different channels identified through which the OMC could lead to learning. These channels are setting common objectives, local experimentations, pooling and comparison of experience, deliberating and critiquing good practice which should theoretically include broad participation by the relevant actors. So with a consistent application of the OMC might lead to a convergence of the EU Member States which would be exactly the aim of the OMC. Nevertheless there are also opinions that the peer pressure and the learning of best practise are overemphasised (Jacobsson 2005: 108).

The best – practices analysis shows what a government ought to do. It identifies a single programme as the best and the government has to take the different steps, defined by Rose (2005). One has to take care that one is not focusing on only one point of the programme but at the whole. Best – practices recommends lessons for the future.

Peer group review brings policymakers together whose programmes have been benchmarked at the same standard so they can better learn from each other (Rose 2005: 52).

The benchmarking process itself divides national programmes into those with more or less successful programmes. The learning can take place through the exchange of informations within and between different categories. (Rose 2005: 54).

“Learning by Seeing” has the advantage that it has less conditions to the informations- and decision capacity of a political system than central planned strategies (Schmid 1999: 6). Also Rose points out that one do not have to start with a “blank sheet of paper” (Rose 2005: 79). But he is also saying that it is more difficult to learn lessons from successful programmes because it must specify in detail how it is based and how it can be applied (Rose 2005: 80).

Anyway, a lesson can also be a warning about what not to do. The value of avoiding mistakes is as great as the potential gains from positive lessons (Rose 2005: 24).

Learning from other countries is not as easy as it seems. There are different things to consider. First of all, many of the “best practices” of other countries are reflecting there own Welfare State system and institutional structures so they cannot simply be copied into another system (Schmid 1999: 8). Another point is that also in the countries which have a good functioning Welfare State not everything is good and there is no silver bullet. It is also important to note that most of the countries with a good functioning Welfare State often are small countries. Most of the time they have good networks which makes it easier to create social capital (Schmid 1999: 9). Also this small countries often can work with a kind of niche strategy and can often reach much with a small pack of measures. All this lead us to the fact that as more similar the Welfare State systems of the countries are as easier as is it to learn from each other.

There are many things to consider if one want to learn from another country. Among other things one has to specify the laws and regulations which are setting out what public agencies must or can do while establishing a programme and what they cannot do. The best thing is to go into the country one want to learn from and to talk to people who are responsible for it and know all about the programme.

The object is to understand how a programme of a foreign country works there in order to get the knowledge that can serve as a prototype for developing the programme in their own country. The extent to which policymakers stay close to the original programme is of course a

matter of constitutional frameworks and political power. In unitary states the discretion of local and regional actors is much more limited than in a federal system like Germany.

Even within Germany the different Länder learn and copy from each other, especially in social and employment policy. But it is more difficult to copy across national boundaries because by doing so one has to consider differences in language, legal procedures, institutions, resources and different political cultures (Rose 2005: 82).

But even if a programme of another country appears desirable it does not guarantee that it can be applied at home. Different conditions have to be fulfilled like enough resources, space to introduce the new programme into an already crowded set of government commitments and no cross – cultural misunderstandings. Only if these conditions are fulfilled there is a chance that the programme can be successfully adopted (Rose 2005: 103).

Rose defines ten different steps in lesson learning. Some of these steps are already mentioned in this chapter, others are explaining itself. These steps are:

- (1) Learn the key concepts: what a programme is and what a lesson is
- (2) Catch the attention of policymakers
- (3) Scan alternatives and decide where to look for lessons
- (4) Learn by going abroad
- (5) Abstract from what you observe a generalized model of how a foreign programme works
- (6) Turn the model into a lesson fitting your own national context
- (7) Decide whether the lesson should be adopted
- (8) Decide whether the lesson can be applied
- (9) Simplify the means and ends of a lesson to increase its chances of success
- (10) Evaluate a lesson's outcome prospectively and, if it is adopted, as it evolves over time

(Rose 2005:8)

A lesson is also more likely to be adopted if there is a clear defined objective, only one single goal and the programme has a simply design. It is also good if it is flexible in relating to the elements of a programme and the political leaders are committed (Rose 2005: 118).

But mimicking other is no guarantee of success because in general grafting new knowledge on old institution is difficult. Even a carefully designed process of best practices can result in inappropriate strategies. There are mainly three common failures: (1) the borrowing country misses crucial informations about the operation of the policy in the country from which it is taken; (2) crucial elements of the policy or its institutional setting are left out in the transfer; (3) insufficient attention is paid to the institutional or cultural conditions in which the imported policy or policy instrument is going to operate (Visser 2005: 173). All this are dangerous mistakes that can (and often do) lead to a failure of the project.

Additional reasons for the failure of a programme could be insufficient resources, political opposition, administrative difficulties, unwillingness of citizens or similar things.

Sweden and Germany has different Welfare State systems. Sweden is a small country which, according to Schmid, one has to consider if one want to learn from it. Sweden has high living standards and generous social benefits, which makes it attractive to learn from. If it is possible for Germany to copy programs or concept of Sweden in a successful way and if they consider all the difficulties of the learning process is the topic of this paper.

5. The European Context – the Open Method of Co - ordination

After explaining the different theories as a background for the paper, I also want to put the paper into a European context, to give also an European background which belongs to the topic. I want to explain the Open Method of Co – ordination. (OMC). The OMC is an instrument to support the Member States in moving towards on agreed EU objectives and to exchange best practice in the areas of employment, social protection and social inclusion. It gives a coordination framework but the ways to achieved the agreed objectives is left to the Member States, respecting their competences in these areas. It is based on five key principles, subsidiarity, convergence, management by objectives, country surveillance and an integrated approach¹. In the long run it should lead to policy convergence.

In the areas mentioned above Member States have to meet reform challenges that are similar throughout Europe. These challenges have been driven by the economic integration with the internal market, the effects of a fast changing global economic, technological innovation and the demographic changes.

In theory, OMC should involve all relevant stakeholders like the Union, Member States, local and regional collectivities, social partners and civil society. But in practice this is not overall the case as we also can for example see in the practice of Germany and Sweden. At European level the economic and financial players in the Economic and Financial Affairs Council were dominant compared to the Labour and Social Affairs Council. To solve this imbalance there is one Council session per year on economic and social questions (De la Porte 2002: 44). So the Council can be found on the top of the decision making pyramid, setting the overall objectives. For the practical implementation of the OMC to different policy areas the Commission has the coordinating role. It structures the framework in which different players are to interact (De la Porte 2002: 44). The European Parliament has a weak role and is only advisory.

OMC is a core instrument of the Lisbon Strategy for growth and jobs. The EU set itself the goal to become the most competitive and dynamic knowledge based economy in the world in 2010 (Klein 2006: 22). It also wants to raise the overall EU employment rate to 70% and the employment rate for women to 60% by 2010 (De la Porte/Pochet 2003: 10). An additional target is to increase the employment rate for older workers to 50% in 2010. Besides the Lisbon Strategy wants to increase the pension age on five more years and to establish more childcare institutions that can take care about 90% of the children between three and six years and about 33% of the children under the age of three (Klein 2006: 147).

It is based on the setting of common objectives, indicators and benchmarking, exchange of best practices and monitoring at EU level. Member States are free to choose ways to achieve the common objectives. Therefore they have to made a National Action Plan (NAP) where they commit there plans and reform programmes. This NAPs are used as a basis for evaluating their efforts and adds transparency. The comparison of national situations allows the identification of strengths and weaknesses and helps to set priorities. It also allows to learn from the “best practices” from other countries. So one could say that the OMC works as a “catalyst”² for policy developments at EU, national and local level. Besides it should stimulates a partnership approach to governance within the Member States, including the way

1 http://ec.europa.eu/employment_social/employment_strategy/index_en.htm#ees (27.04.2007)

2 http://ec.europa.eu/employment_social/social_model/13_en.html (27.04.2007)

in which they involve different stakeholders like social partners, local and regional authorities in their policy. According to Jacobsson (2001: 8) the most important element of the OMC is the exchange of informations and communication between relevant parties, also including the institutional set – up of facilitation. OMC is based on soft policies instead of hard policies because Member States were afraid of more hard policies from the EU (De la Porte 2002: 41). This means that there are no sanctions if one Member State does not fulfil the guidelines.

The concrete structures of the OMC are different for the various policy fields. Relevant for this paper is the European Employment Strategy (EES) which is explained in chapter 5.1. but there is also the Social Inclusion which is in some ways different from the EES but not topic of this paper.

OMC should not be only involved in policy – making process in a “bureaucratic exercise” (Büchs/Friedrich 2005: 250) but should involve public visibility, political commitment by policy – makers, active commitments of public actors at all levels and participation of civil society actors. If this is done, OMC can work effectively in domestic politics.

5.1 European Employment Strategy

The European Employment Strategy (EES) was the first OMC. It is the only OMC which is Treaty based (De la Porte/Pochet 2003: 10). It is the main tool to give direction and to ensure co – ordination of the employment policy priorities to which Member States should subscribe at EU level. Main objective of the EES is to increase the employment rate. The EES is build on four pillars: employability, the development of entrepreneurship, adaptability and equal opportunities. Each pillar has its own guidelines which were made in a top – down manner. Each pillar should have the same weight but the pillar of employability has the focus of attention. In fact, the pillar of equal opportunities, were the focus of this paper is about, is the one where the Member States seems to have the less awareness of the need to integrate women employment objectives within the overall employment policy. At the same time it is the pillar which has the greatest success so far. This could be because even if Member States did improvements there just because they have to, this changes have a great effect because nothing or less was done before. Nevertheless it is an important topic with a clear need to continue.

The European Council agrees on employment guidelines which coordinate the Member States within the EES. On this basis the Member States has to draw up a NAP, as it is explained in the chapter before. This NAPs are examined from the Commission and the Council and they can give country specific recommendations on the proposal. In general, there are less inclusion of social partners in the production of the NAPs in most of the Member States. They complained and the European Commission took it very seriously and called for a reinforcement of the role of social partners (De la Porte/Pochet 2003: 11/12).

Because Member States have different situations and concepts for and on the labour market the EES has different challenges for them. Especially the corporatist and southern countries have difficulties to face all the challenges of the EES but also the other have to change if they want to fulfil the EES.

5.2 Equal Opportunities

As said before, one of the pillars of the EES is the pillar of equal opportunities. The pillar of equal opportunities has three sub – guidelines. The first is the gender mainstreaming approach, which calls for integrating gender issues transversally into the EEG. Next point is to tackle gender gaps in unemployment rates and to ensure a balanced representation of men and women in all sectors. Besides measures have to be taken to achieve gender pay equality in both, the public and the private sector. The third guideline is to reconciling work and family life through the design and the implementation of family – friendly policies, including affordable, and high – quality care services for children and other dependants, as well as parental and other leave schemes. Therefore it is the most important guideline for this paper.

It is important to mention that these guidelines do not only address Member States but also aim to involve social partners to reduce the gender gaps.

With the Treaty based EES and Art.13 EC against discrimination, equal opportunities gets their legal basis. Also the concept of Gender Mainstreaming has found its legal basis in the treaty. The Treaty of Amsterdam was therefore very important.

The goal of the OMC to become the most competitive and dynamic knowledge based economy in the world in 2010 still seems far away but in the area of equal opportunities the highest improvement can be seen (Klein 2006: 22). But unfortunately it must be said that some of this success is because of rhetorical changes and changing of statistics and not because of changing systems and/or behaviour.

A good example are statistics about employment which includes everybody who is working, no matter if the person is working for one hour a day or in a full – time job. So it cannot be seen how many women have a full - time job and therefore equal to men. According to Engelbrech (2002: 35) there are no official statistics who divide between women and men. This has to be done with random sampling and therefore one cannot compare statistics in a good way. So far only eight Member States already reached the target number for women employment rate, one of them is Sweden (Klein 2006: 148).

Unemployment rate of women is higher than men although women often have a higher education. Nevertheless most of the women only work in part – time jobs and there are only a few women working on a higher position. If the income is higher, less women are working there. Most of the women working in part – time are marriage and have children (Engelbrech 2002: 51). So it is obvious that there is a need for improvement of childcare and combining family and work.

There are also no improvements in the gender pay gap which is especially in Germany very high (Klein 2006: 27). This is a topic which is relatively new on the agenda because for a long time it was not recognised, even if it is very obvious if a full – time working women earns less than a part – time working men (Engelbrech 2002: 93/96).

One reason for the different payment is the segregation at the labour market. In the year 2000 nearly 50% of the women worked in only four areas: Health and Social sector, education, administration and in the retail (Klein 2006: 27). Sweden also has problems with a high gender segregation at the labour market. Another reason is the shift from manufacturing to the service sector, where most of the women work but the payment is not as good as it is in manufacturing sector (Engelbrech 2002: 73).

The core problem in Germany is the traditional family model which is still the basis for new policies but is no longer actual and also discriminating for women. The Scandinavian Welfare States are less unequal and discriminative because they are more egalitarian oriented.

One important point here is the child care facilities. The Lisbon Strategy wants child care facilities that can take care of about 90% of the children between three and six years and about 33% of the children under the age of three (Klein 2006: 147).

In general one can say that the bigger the company the better or the more equal opportunity plans, which does of course not mean that there are much more women in high position but at least better payment and maybe a women quota for the whole company.

6. The Situation in Germany and Sweden

This chapter wants to describe the situation for women at the labour market, especially the situation for women with children in Germany and Sweden. Besides it will be shortly explained how the OMC respectively the EES works in both countries and in how far it is political accepted.

6.1 Situation in Germany

6.1.1 The OMC in Germany

According to Esping – Andersen (1990) there are three different kind of Welfare States – the liberal, the social – democratic and the conservative Welfare State. Germany is – according to Esping – Andersen - a conservative Welfare State. Typical for conservative Welfare States are a strong influence of the church, the principle of subsidiarity, no real redistribution and differentiated social benefits, depending on status.

In Germany, the OMC faces a real complicated environment because of the federal structure. There are three levels of political responsibility to consider: federal, the Länder and the local level. Competences are divided among these levels but many issues must be dealt under the competing competencies where in principle the Länder and/or the local levels are in charge but the federal level has to secure similar life conditions across the country and is also entitled to take legislative actions. Additional, a tradition of coalition governments and a proportional election system strengthen the need for a consensual policy approach. So there are always multiple actors at all levels, seeking to participate in the policy – making process. But each level of governance knows that it cannot succeed without the co – operation of the other actors. The dominant principle is the principle of subsidiarity.

The responsibility for the NAP changed several times because of changes of government. After the reshaping of federal ministries in 2002 now the new Federal Ministry of Economics and Labour (Bundesministerium für Wirtschaft und Arbeit, BMWA) is responsible (Büchs/Friedrich 2005: 252). The other participation federal ministries are request to draft sections of the NAP that fall under their policy responsibilities.

The Länder labour ministries have to submit statistical materials on their labour market situation and their activities. Social partners are involved by several federal ministries. NGOs are not involved in the NAP, because it is already a quite complicated process. Besides there is not enough time to involve them in the process of NAP.

Time in general is a problem. Most of the actors involved in the NAP complain that they do not have enough time to fulfil the request before the deadline and the material demanded is too far too encompassing. They also questioned the importance of NAPs because they say they already have additional responsibilities for submitting reports to the EU in other contexts so in the opinion of the actors there is an overload and the NAP is just taking time that they could use in a better way for more important issues (Büchs/Friedrich 2005: 258).

In Germany as in Sweden the NAP is seen as a presentation of own policy strategies and not as a document in which pros and cons of policy approaches are discussed (Büchs/Friedrich 2005: 258).

Within the scope of the OMC Germany established working groups with some countries to learn from each others "best practice" (Schmid 1999: 5). So for example bilateral contacts with Italy about the entrepreneurship pillar has taken place as well as contacts with Denmark about job rotation (Büchs/Friedrich 2005: 254).

Interesting but not surprising is that the Länder in Germany do not have a homogeneous position towards the EES. This is because different Länder face very different labour market situations (for example the eastern Länder have a very high unemployment rate) and therefore the EES creates different challenges for them. In general one can say that conservative Länder tend to be more critical towards the EES. They say the EES would undermine the principle of subsidiarity and enable the EU to gain influence in areas belonging to their responsibility. On the other hand, social – democratic Länder tend to be more positive towards the EES (Büchs/Friedrich 2005: 259).

To sum up, the NAP process in Germany does not have a very important status within the overall policy process in Germany. It is more seen as a bureaucratic process, obliging the actors involved to deliver information and reports to the government and EU. But one can also not hide that at least it does have sometimes a little influence on domestic policy. Nevertheless it does not have an important status which can also be seen on the fact that it is not discussed in the Bundestag and only very shortly in the Bundesrat (Büchs/Friedrich 2005: 261).

It also has not created new working relationships between domestic actors because the information needed for the NAP were transmitted through already existing channels so the NAP sometimes is just an additional step within contacts that are taking place anyway. But this is also a good sign for Germany that all these channels already exist and were used in a good way.

Another development in Germany because of the OMC is the development of new statistics. For the production of the NAP new statistics are needed which therefore is of course an influence on domestic policy because collection of data itself changes processes and communication between the collection. The EES also puts a greater influence on monitoring and evaluating which has been relatively underdeveloped in Germany (Büchs, Milena/Friedrich, Dawid 2005: 262). So in this area the EES indeed has influence on domestic policies.

To sum up one can say that the EES does not have an important status in Germany but has in some ways influence on the domestic politics as we will see later in this paper.

6.1.2 Situation for Women in Germany

Situation for women in Germany differs between the eastern and the western part of the country because of Germany's history. But in each of the Länder exist equal rights offices which are also involved in the NAP preparation process by the Federal Ministry for Family Affairs, Senior Citizen, Women and Youth (Büchs/Friedrich 2005: 255).

There are still many regulations in Germany which discriminate women, for example the tax system. Especially the concept of "Ehegattensplittung" discriminate women because unfortunately most of the time the woman is still the one who earns less than the man (Führmann 2005: 78).

For the improvement of the situation for women in Germany most of the time the EU was and is the pushing energy.

In the 1990s, the employment rate for men decreased while the employment rate for women increased. But at the same time more and more women were looking for work so at the end the unemployment rate for women increased (Engelbrech 2002: 3).

2003 then the employment rate for women was 58.8% (Klein 2006: 143) which is close to the goal of the Lisbon Strategy of 60%. But like in many countries, most of the women only work in part – time. Reasons for this are different in the east and the western part of the country. In the western part, most of the women working in part – time do this because of personal or family obligations, in the east they do it simply because of the situation at the labour market – they did not get a full-time job. But most of the women in the eastern part of Germany want to have a full-time job (Engelbrech 2002: 7). As said before this is a result of Germany's history. In the eastern part of Germany women used to have a full-time job, while the children were at a childcare institution. In the west it was more the typical family where the German welfare state is still building on: The man is working while the woman stays at home with the children. After the German reunification, the welfare state model of the west were simply transferred to the east. Therefore women unemployment rate increased because while more and more women in the west wanted to work, the women of the east were also entering the labour market.

Women and children

There are also differences in the employment rate between women with and without children. In the eastern part of Germany, 72% of the women with children works while in the western part of the country only 61% of the women with children works in 2000 (Engelbrech 2002: 263). Here ones again one can see the differences between women in the east and in the west.

In Germany one has the right of a place in the kindergarten but nevertheless in 2000 only 78% of the children got a kindergarten place (Engelbrech 2002: 269). If the children become older, more and more women start to work again but especially during the first years it is really hard for women to work and to know the child is in good hands at the same time. Surveys say that many women would also pay more money if they were able to work and find a childcare place (Engelbrech 2002: 272). One of the problems here is, that the Länder and the municipalities are responsible for childcare facilities. Often they simply do not have enough money to have facilities for all children. 2005 more than 255000 children under the age of three whose mothers were working were waiting for a place in a childcare facility. Additional one have to look at the children under the age of three which were also waiting for a place in a childcare facility, for other reasons than a working mother (Gaserow 2005). As one can see there is a clear need for more childcare facilities, especially for children under the age of three.

Only 5% of men in Germany take parental leave. This is three times more than 2001, but still very low (Gesterkamp 2006). Reasons for this are mainly fears for loss of income and the carrier which they want to follow. In general Germany has the longest break for women who are pregnant. Right now Germany has developed a new concept for parental leave. It has started on the 1st of January 2007. Parents now get money for 12 months. Additional there are two extra months if the partner who did not take the parental leave can take it. Single parents get money for 14 months if they had a job before. Parents get 67% of their income during the parental leave, a minimum of 300€ and a maximum of 1800€ if the working hours are reduced to maximal 30 hours per week. If parents have children which are 2007 under three years or if there are more than one under six years old, they will get extra money of 10% of the parental money, but a minimum of 75€ per month (Gaserow 2006). This concept is similar to the Swedish way as we will see in the following chapter.

The gender pay gap in Germany was 2001 around 21% (Klein 2006: 150) and was increasing the last years. In average, women in Germany earn only 58% of the income of a men (OECD 2005). It is also striking that in Germany only 16% of women are in a higher position in medium – size companies.

The Councils recommendations for 2004 for Germany says that even if the employment rate is above the EU average it is still below the Lisbon targets. Besides the employment rate for women is stagnating. It also claims the regional disparities between the eastern and western parts of the country, which were already mentioned. From the Councils view, Germany should give priority to the following points³:

- encourage social partners to take responsibility for steadily reflecting local, regional and sectoral differences in labour market conditions in wage setting and to aim at further progress in working time flexibility and the provision of training facilities
 - attracting more people to the labour market and making work a real option for all
 - review possible tax disincentives to female participation in the labour market
 - increasing childcare facilitates, especially in the Western Ländern and improve the correspondence between school schedules and working hours
 - encourage social partners to take their responsibility to considerably reduce the gender pay gap
 - Investing more in lifelong learning
- (Council Recommendation of 14. October 2004 on the implementation of Member States employment policies (2004/741/EC))

Besides the Council is complaining about the lack of childcare provision, the high gender gap payment and tax disincentives. Currently especially the childcare provision is in the political discussion in Germany.

But the Council is also commenting on some good policy examples. So Germany is reducing the “Gender Digital Divide” (EMCO/29/060602/EN_REV1: 28) in skills and employment by implementing a strategy called “Women in information Society and Technology”. This strategy is focusing not only on encouraging women into technical training and occupations, but also places great emphasis on involving employers, in changing attitudes to the traditional gender division of labour and to value the technical competencies of female workers (EMCO/29/060602/EN_REV1: 28).

³ I will mention only the points which are relevant for the topic of this paper – there are much more points were the Council wants the focus of attention on

So in general situation for women in Germany could be improved in many ways but there are already some good first signs for improvements/to improve the situation.

6.2 Situation in Sweden

6.2.1 The OMC in Sweden

According to Esping – Andersen (1990) Sweden belongs to the social democratic Welfare States. Typical for this kind of Welfare States are very active labour market politics, high employment rates and very extended social rights for everybody. The state plays a central part in social politics. Compared to the other kind of Welfare States defined by Esping – Andersen (the liberal and the conservative Welfare State) the social democratic Welfare State is the one with the highest grade of decommodification.

Sweden and Denmark played an instrumental role in the initiation of the EES (Jacobsson 2005: 107). At the same time, Sweden and Denmark belongs to the countries with the highest employment rate and a low poverty rate.

Sweden has a system of collective decision – making, which means that the government is collective responsible for all decisions that are made and the civil service is responsible to the government as a whole (Jacobsson 2005: 110). Therefore co – ordination between the ministries is necessary and well developed and formalised. The executive agencies are organisationally separated from the ministries. They retain a certain level of independence from the political ministries and are supposed to implement policies without ministerial interference. Ministries can only steer agencies by formal government approval documents (Jacobsson 2005: 110).

The responsibility of the municipalities for welfare policies has increased over the years.

For the NAP, the Ministry of Industry, Employment and Communications and the Ministry of Finance are responsible. Other ministries participate mostly by providing informations (Jacobsson 2005: 111).

As already said the co – ordination between ministries is well developed but in the EES there are only limited interactions between officials working with domestic labour market policy and those working on the NAP and participating in EU policy which means that the officials who really work on domestic labour market policy are not directly involved in the production of the NAPs. The production of the NAPs is a concern for a small number of persons and therefore centralised. Those who are active in the production of the NAP think it works very well while most other civil servants consider the EES relatively unknown outside this core group.

2002 the government started an information campaign about the EES which make the EES more known at all levels, municipalities and social partners (Jacobsson 2005: 112).

A study for the five – year – evaluation shows that most of the officials do not feel bound to follow the strategy as long as the government does not explicitly instruct them to do so. The government itself sees the NAP as its report to Brussels, but not as a steering document or a plan of action in Sweden, which is not only a problem in Sweden but in many countries (Jacobsson 2005: 112).

Because the NAP is not mainstreamed into the domestic procedure for making and

implementing labour market policy, it has turned out as a rather “insular” process (Jacobsson 2005: 112). The Parliament has no decision – making capacity and is merely informed in the relevant committees. There are only some, but not much parliamentary debate about the NAP.

Since the municipalities are responsible for the well – fare of their citizens, they have a strong incentive to engage in employment policy. In general they are engaged in many areas addressed by the EES but the government find it difficult to involve them in the production of NAP. Nevertheless since 2001 some municipalities started together with social partners a project to prepare Local Action Plans (LAPs) for employment, which was in line with the initiative of the Commission on “acting locally for employment” and was continued in the next years (Jacobsson 2005: 114). In contrast to the NAPs, the LAPs are intended to be tangible action plans, i.e. operational documents which should be followed up and the results evaluated.

The EES wants to improve the co – ordination between different actors and to break down traditional boundaries between organisational domains. The local initiatives named above are not strategically related to the NAP but are in relation to it. So one can say that the EES in Sweden has developed a superficial and centralised process in parallel to existing structures instead of linking up with locally and regional structures.

The European Employment Guidelines (EEG) are very much in line with the Swedish Social Democratic governments policy. In some areas Sweden has even more ambitious goals than the EU, for example they set themselves an employment rate of 80% of their population – the EES sets the goal of 70% employment rate (De la Porte 2002: 43). Nevertheless Sweden can do more as we will see later on.

The fact that the EES is very much in line with the Swedish government policy makes it difficult to say if it has an impact of domestic policy decisions or not. Most Swedish officials say it has not but it has contributed to new dynamics in social partner dialogue, improvement of policy integration, a more comprehensive perspective on employment policy and better co – ordination between policy areas within their own organisations (Jacobsson 2005: 122). So they say the EES has no direct influence but in a long – term perspective there will be some influence through the EES.

6.2.2 The Situation for women in Sweden

Sweden is doing a lot to improve situation for women. It was the first European country which introduced the concept of Gender Mainstreaming (GM). Nevertheless Sweden could do more and still has its way to go, situation for Sweden differs in a more positive way compared to other European countries.

Very special about Sweden is that they introduced the concept of GM as a whole packet which involves everything and every area of political and daily life so it was not a slow introduction like it is done in other countries, for example Germany. By introducing GM very fast and in every area, companies etc had to follow the concept because there were nearly no exceptions. As the Swedish say, this is one reason why GM work in Sweden. Nevertheless also in Sweden there are still some problems and areas in which GM is not working in a perfect way in every area.

The employment rate for women in Sweden was 2002 76.6% for women and 80.3% for men (SNAP/empl/Sweden 2003: 79). Therefore Sweden is one of the eight countries which has already reached the target of an employment rate of 60 %. Also the employment rate for older people is very high – above 68% (Hönekopp 2005: 97).

Why is the employment rate for women in Sweden so high? For a high women employment rate good access to affordable childcare and elderly care and well – developed parental leave – schemes for both parents are needed. This seems to be given in Sweden. In this chapter we will have a closer look at it.

Sweden changed their tax system from a family – based system (as in Germany) to a taxation system based on individual income and has a very close connection between benefits and earlier income. But taxes are very high in Sweden and the Commission regularly recommend Sweden to change this to improve the situation especially for low and medium wage earners.

There are three reforms of great influence for equal opportunities. First of all a ceiling of childcare fee was introduced in 2002. For many families the result of this is lower marginal effects in the event of a rise in income. It also means for some a decrease of the marginal effective tax rate. Secondly Sweden introduced a provision of three hours per day of free childcare for unemployed parents or mothers having a second/further baby. Besides every child is offered a place in public pre – school, which is free of charge from the autumn term of the year of their fourth birthday (Hönekopp 2005: 96/97).

But also in Sweden the gender employment gap was increasing the last years (Klein 2006: 150).

Even if Sweden is very good at the women employment rate it is also one of the countries with the highest segregation on the labour market, which was noticed by the Commission various times. Most of the people working in the public sector are women while most men work in the private industry where they get better payed (Klein 2006: 153). Nevertheless this is not very much discussed in Sweden because even if the wage of women is less than the wage of men it still secure existence for women. Sweden tries to break the gender segregation at the labour market on an early point, by changing the education in school and showing young girls alternatives to the typical women work. This kind of programs can be also found in Germany, for example the “Girls Day” when girls visit for one day a working place like a garage which is not a typical women working place.

Wage differences between women and men increase with age. Between 18 – 24 women wages are 92% of men wage, so nearly the same. Between the age group 55 – 64% their wage is only 78% of men wage (SNAP/empl 2000: 7). In average women wages are 82% of men wage, which is much better than in most of the other Member States but still not okay because there are no real reasons for this differences. This number did not change in the last years. The gender pay gap between private and public sector is not much different (SNAP/empl/Sweden 2003:90).

Sweden has an Equal Opportunities Ombudsman (JämO) who focus on problems dealing with equal opportunities with the aim to support and stimulate the development of methods for gender – neutral work evaluation and individual qualification assessment (SNAP/empl 2000: 24).

33% of the women aged 20 - 64 work in part – time which seems to be a low rate compared to

other European countries. But if one see that only 8% of the men work in part – time the number seems to be very high (SNAP/empl/Sweden 2003: 48).

One the other hand Sweden started in 1993, so already before the EES was introduced, a still successful programme with the aim of supporting women who want to start their own business by coaching them and providing them with information on course options and technical assistance (EMCO/29/060602/EN_REV1: 28).

In 1994 Sweden implemented the concept of Gender Mainstreaming (GM) as the first country in the EU. Up to today the government highlights the mainstreaming approach in work with the regional growth agreements. But an evaluation has shown that there is a need to improve the methods of introducing the gender perspective into the countries growth agreements. Nevertheless Sweden is one of the best European countries in using the GM approach⁴.

Women and children

The parents insurance was in Sweden already introduced in 1974. One of the results was an increasing number of women on the labour market (Persson 2005).

Parents who take parental leave gets 80% of their wage for one year. There are two additional months for the one who take no parental leave, in most of the cases the man. This months are not transferable. If the parents do not take this time they will get no extra money for this month (Klein 2006: 164). In Sweden, 34% of the men take parental leave, compared to 5% in Germany (Klein 2006: 165). Besides men have the right for 10 free days as long as the child is three months old (Klein 2006: 167). Additional there is a ceiling of childcare fee, free childcare for three hours a day for unemployed parents or mothers having a second/further baby and every child is offered a place in public pre – school which is free of charge from the autumn term of the year of their fourth birthday.

2006 the Swedish government wanted to increase the ceiling of the parents insurance up to 35000€(before 26000€) so more parents will really get 80% of their income (Persson 2005).

One very important thing about the parental leave system in Sweden is that it is very flexible and can be paid in different rates in combination with longer/shorter parental leave so parents can also be more flexible.

As mentioned before also the childcare facilities are good and there are also used by Swedish parents – 45,3% of children between 1 –2 years are enrolled in pre – schools activities, from 2 – 3 the figure is 84,6% (SNAP/empl/Sweden 2003: 49/50).

The Councils recommendations for 2004 for Sweden commend that Sweden exceeds all EU employment targets, also the employment targets for women and older workers. Nevertheless there are some recommendations the Council makes.

- eliminate remaining unemployment and inactivity traps
- closely monitor the results of actions to integrate immigrants into the labour force
- investing more in lifelong learning

4 A very good book which describes the success/or failure of GM in Sweden and Germany is Lang/Mönig – Raane/Petterson/Sommer (2004): Die kleine große Revolution – Gender Mainstreaming – Erfahrungen, Beispiele, Strategien aus Schweden und Deutschland. VSA – Verlag Hamburg 2004

- reduce early school - leaving⁵
(Council Recommendation of 14. October 2004 on the implementation of Member States employment policies (2004/741/EC))

Also they want Sweden to pay attention to the ageing population and problems that will arise with it.

So as one can also see, Sweden has to make improvements in some areas. Very big problems are the high unemployment rate in the north, labour market segregation and the integration of immigrants into the labour market. But a special recommendation concerning women does not exist, compared to the recommendations for Germany.

8. What is Germany copying from Sweden and why

Situation for women and especially for women with children differs in Germany and Sweden. In Sweden, it is easier for women to combine work and children, there are more childcare facilities and the concept of Gender Mainstreaming exist already for a long time, is accepted and works, so there is more gender equality than in Germany. Even if also in Sweden not everything is perfect, situation for women in many areas is much easier than in Germany, where the unemployment rate for women and the gender pay gap is very high. Also childcare facilities, especially for children under the age of three, are very rare. But Germany has introduced the concept of Gender Mainstreaming also and tries to improve the gender equality. One part of this is the new parental leave system, which is very similar to the Swedish concept. So one can say that Germany is copying the parental leave system - or at least part of it - from Sweden. This is done because the German government wants more men to take parental leave, to improve the financial situation for families and to improve the working situation for women, which is in Sweden very good

Sweden already introduced its parental leave system in 1974 (Persson 2005). Parents who take parental leave gets 80% of their wage for one year. Additional there are two months for the one who takes no parental leave, in most of the cases the man. This months are not transferable. If the parents do not take this time they will not get extra money for this month (Klein 2006: 164). In Sweden, 34% of the men took parental leave, compared to 5% in Germany (Klein 2006: 165). One the other hand men have the right for 10 free days as long as the child is three months old (Klein 2006: 167). Additional there is a ceiling of childcare fee, free childcare for three hours a day for unemployed parents or mothers having a second/further baby and every child is offered a place in public pre – school which is free of charge from the autumn term of the year of their fourth birthday.

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As also mentioned before also the childcare facilities are good and there are also used by Swedish parents – 45,3% of children between 1 –2 years are enrolled in pre – schools activities, from 2 – 3 the figure is 84,6% (SNAP/empl/Sweden 2003: 49/50).

⁵ There are more recommendations the Council makes, I have picked only some of them

The new German concept of parental leave started on the 1st of January 2007. Parents will get money for 12 months. Additionally there are two extra months for the partner who did not take the parental leave. Single parents will get money for 14 months if they had a job before. Parents will get 67% of their income during the parental leave, a minimum of 300€ and a maximum of 1800€ if the working hours are reduced to maximal 30 hours per week. If there are children who are 2007 under three years or if there are more than one under six years old, parents will get extra money of 10% of the parental money, but a minimum of 75€ per month (Gaserow 2006). Like in Sweden, the parental leave can be paid in different rates⁶.

In Germany, only 5% of men take parental leave. This is three times more than 2001, but still very low (Gesterkamp 2006). Reasons for this are mainly loss of income and the career which they want to follow.

Everybody has the legal right of a place in the kindergarten but 2000 only 78% of the children got a kindergarten place (Engelbrech 2002: 269). Especially for the children under the age of three there are hardly any childcare facilities as were mentioned before. The main problem here is, that the Länder and the municipalities are responsible for childcare facilities. Often they simply do not have enough money to have facilities for all children. Right now many municipalities raise the fee for their childcare facilities which makes it again harder for families with low income to get their children into such facilities.

As one can see the concept of both countries are very similar. But why is Germany changing their system and why is it orientating itself on the Swedish way?

One reason is that the German government realise that most of the families need both parents to work to finance themselves. Lack of money and fear for poverty are also reasons why many couples do not or very late get children. The birth rate in Germany is very low, 1.3%, according to 1.8% in Sweden, which is also not very high (von Lucius 2005). But especially in times where we have many problems because of the demographic shift children are very important. To stop the decline in population a birth rate of 2.1 is needed (von Lucius 2005).

The German government wants more men to take parental leave to give them also the possibility to have more time with their families and their children and to see their children grow up. But therefore they have to create more incentives for men. Therefore they orientated themselves on the Swedish way because in Sweden many men take parental leave. To reach this, money is very important because most of the time men earn more than women and the families are depended from the money. Besides it is important to guarantee that men do not have disadvantages in their job and know that they can come back to their old position. Of course therefore the companies have to do their part and are willing to support the concept. Here one can find one of the few direct reference to Sweden: The German government does not expect many difficulties here because by looking at Sweden one can see that this two month for fathers does not bring many problems for the companies there. Therefore it is important is that the company knows early enough about it so both sides can prepare themselves. It also seems to be helpful to stay in contact to the company during the “father months”. So the German government is doing an information campaign for companies to solve their fears and doubts (Bundesministerium für Familie, Senioren, Frauen und Jugend 2007: 21).

Other reasons for the new programme are:

- to reach an increase of birth rate

⁶ http://www.bundesregierung.de/nn_66124/Content/DE/Artikel/2006/09/2006-09-29-historische-entscheidung-fuer-eltern-und-kinder.html (27.04.2007)

- it shall support the continuity in working life and at the same time it should protect against poverty, especially women
- it shall help especially women to gain their pension
- besides it is economically reasonable because the shorter the break at work because of children the more taxes and incoming payment the welfare system has
- last but not least it can be an answer to the lack of qualified workers in Germany and helps companies to have saving of costs because of less fluctuations- , re – entry- , and costs of times absent

(Bundesministerium für Familie, Senioren, Frauen und Jugend 2007:7)

Besides the new system would improve the situation for women if there are more childcare facilities so more women could work.

The new German concept for the parental leave is very close to the Swedish concept. But unfortunately it is not connected with the extension of childcare facilities and reducing the fees for it. This would be important to have a sustainable effect for the employment rate of women. As one can see, the employment rate for women in Sweden was 2002 76.6% (SNAP/empl/Sweden 2003: 79) so Sweden has reached the EES goal of an employment rate for women of 60%. Sweden itself says that its concept of parental leave is unique and would not work without the simultaneous extension of childcare facilities. One result of this concept is the high employment rate for women because women can work again if there are enough childcare facilities. Germany also wants to establish more childcare facilities, especially for children aged under three⁷. But it will not be enough to fulfil the guidelines of the EES. Whereas in Sweden 45,3% of children between 1 –2 years are enrolled in pre – schools activities, from 2 – 3 the figure is 84.6% (SNAP/empl/Sweden 2003: 49/50), in Germany the number is only 8.6% (Bundesministerium für Familie, Senioren, Frauen und Kinder 2006: 342), and it will not increase if the fee for childcare facilities is increasing. At the same time employment rate for women in Germany was 2003 58.8% (Klein 2006: 143). If the new parental leave system has an influence on the employment rate for women in Germany it will be seen in the next years.

9. Critical view on the learning process

The concept of the parental leave system is copied from Sweden but it is interesting to see that one can hardly find any hints that this is the case. At the official websites and documents of the government and the Federal Ministry for Family Affairs, Senior Citizen, Women and Youth there is nowhere written directly that the new parental leave system is a lesson learned from Sweden. There are only some general statements like “*as one can see in other countries*” or “*in the Scandinavian countries*”. Only in interviews or newspaper articles I found clear statements that Germany is orientating itself on Sweden. I was even asking at the Federal Ministry for Family Affairs, Senior Citizen, Women and Youth for a direct statement

⁷ http://www.bundesregierung.de/nn_66124/Content/DE/StatischeSeiten/Breg/Reformprojekte/familienpolitik-2006-08-21-betreuung-fuer-kleinkinder-ausgebaut-2.html (27.04.2007)

but I did not get an answer. Reasons for this are in my point of view that the German government does not want to say directly that this “new idea” is not their own idea. They want to introduce the new parental leave system as their own idea and to present themselves in a good way. So here one can see that the learning from “best practise” like the OMC wants it happens, but if possible in such a way that the population do not really know about it.

But to come back to the learning process itself we want to remember shortly the ten steps of drawing a lesson of Rose:

- (1) Learn the key concepts: what a programme is and what a lesson is
- (2) Catch the attention of policymakers
- (3) Scan alternatives and decide where to look for lessons
- (4) Learn by going abroad
- (5) Abstract from what you observe a generalized model of how a foreign programme works
- (6) Turn the model into a lesson fitting your own national context
- (7) Decide whether the lesson should be adopted
- (8) Decide whether the lesson can be applied
- (9) Simplify the means and ends of a lesson to increase its chances of success
- (10) Evaluate a lesson’s outcome prospectively and, if it is adopted, as it evolves over time

(Rose 2005: 8)

Because of lack of informations one cannot follow every single step in the learning process but in general it seems like Germany was following these steps by going abroad and transferring the swedish concept into their own country by changing some things in a way that it fits in their own system.

When a foreign programme is associated with success the imitation of a few prominent features could be used to legitimate what national policymakers designed for their own purpose. The Swedish parental leave system is associated with success, nevertheless the German government does not like to admitt that they copied or rather learned from it.

Nevertheless they did it. Thereby they do not consider that it cannot be seen as a single part but is strongly connected with the childcare facilitates. The chance to fail with this programme for Germany seems to be high as also the opposition is criticising. As one can see in Sweden childcare facilities are good – 45.3% of children between 1 –2 years are enrolled in pre – schools activities, from 2 – 3 the figure is 84.6% (SNAP/empl/Sweden 2003: 49/50). In Germany 78% of the children got a kindergarten place (Engelbrech 2002: 269) and only 8.6% children under the age of three (Bundesministerium für Familie, Senioren, Frauen und Kinder 2006: 342) are in childcare facilities. At the same time, women employment rate in Sweden is much more better than in Germany. Sweden has a ceiling for the childcare fee, in Germany the fee is increasing.

So Germany forgot about an important point which makes the Swedens concept successful – the childcare facilities. For me there are different reasons why Germany did not take care about this point in the beginning. The first and maybe most important point is that the German politicians think that this point can wait – first of all the new parental leave system has to be established and accepted by the population before one could go to the next step. On the one hand this idea is not completely wrong because as said before there is also a need for a behaviour change which will not come over night. But on the other hand this behaviour

change will be difficult to reach without a complete concept to which belongs the childcare facilities. The framework have to be given so people have the choice to change their behaviour. Another point for not including the childcare facilities could be that the politicians thought they were not needed – fathers will take some time free but in the end it will still be the women who stays at home. But if one look at the survey, one can easily see that the German population is already on the way to a behaviour change and do want an improvement, especially at the childcare facilities situation. In more than 30% of families with children aged under 6 both parents want to work in full – time, but only around 18% really do it. In families where the man is working in full – time and the woman stays at home less than 10% really wants this situation – but in more than 50% of the families this is the case (Bundesministerium für Familie, Senioren, Frauen und Jugend 2004: 5). Besides more than 40% of the german population wants more childcare facilities for children under the age of three. Only 6% do not see the need for more childcare facilities. 55% also wants more flexible opening times of the childcare facilities (Bundesministerium für Familie, Senioren, Frauen und Jugend 2004: 11).

By looking at the discussion in the German newspapers and listening to the politicians in the TV it really seems for me like they did not expect this big discussion and resistance in the population. So they also started to think about a way to improve the numbers of childcare facilities. If they are coming soon to a solution it will not be to late for a successful finishing of the concept. But one can see that this ignoring of one point of the foreign concept can lead to problems and – as in this case – need to be done anyway. On the other hand, by listening to all this discussion it was maybe good that this as an extra discussion is following because it is moving forward a behaviour change in the population. But it is important that there will be a good solution in the end and not a bad compromise.

Cross – national policy learning which involves the broader public is more likely to stimulate political demands for “learning from best practices”. Therefore the EES has to be discussed more openly and under a broader public, which is not done neither in Germany nor in Sweden.

One can argue that the fact that the OMC is a “soft” instrument and therefore does not include any sanctions it does not lead the Member States to learn from each other. But on the other hand one can assume that soft law measures can also fulfil functions such as breaking taboos in national debates, changing domestic opportunity or altering expectations about the future. One can also assume that it put some social pressures in the employment policy cooperation. So even without sanctions the OMC lead to a learning process as one can see at this example. But as already said, the discussion under a broader public and the openness to say that the new concept is copied or learned from another country is very low.

If the concept either works or not cannot be seen now because it is to early. Also the Bundesministerium für Familie, Senioren, Frauen und Jugend (2007: 11) says that changes and improvements can be seen not from the beginning of the programme but later. But of course it is sure that there will be positive changes. Some of this positive changes can already be seen because more men wants to take parental leave but the number is still very low and one will see in how far this number really will increase in the long term run.

So one has to see how effective the learning process of Germany is and how it will develop in the next years but it seems that situation for women do not improve very much by picking out only parts of the Swedish model.

10. Conclusion

As one can see by comparing the parental leave politics in different EU countries there is a connection between social political regime and ethical orientation of the citizens, so social political measures are reflecting the different kinds of families. Cultural role models are strongly connected with the history of a country, which one can easily see for example on the differences between east and west Germany.

A strong connection seems to exist between other factors like the general barometer of opinion – if the population think positive about the future, and of course it is also depending on the supply of childcare facilities and the relation between work and children. So one can come to the conclusion that the birth rate depends on the compatibility of work and children for women. This can be seen by looking at Sweden or other countries with a good supply of childcare facilities, like France, where the birth rate is also higher than in Germany. But of course there are also other, private reasons, why women does not want to have children, either they are not able to get children or they simply do not want to be responsible for a child or think they are not able to take care for a child or whatever reason. Nevertheless birth rate seems to be increasing if it is easier to combine work and children, even if this combination is not the only reason for women to decide for or against children.

History and culture are also a reason why the OMC is accepted differently in different countries and is also different in the implementation. Culture is a factor which one should not underestimate. This is especially true for Germany where it is only slowly accepted that a mother is giving her little child in a whole day childcare facilitates or that a father takes a part of the parental leave. This process can be (and maybe have to be) supported by politics but cannot be a binding resolution.

Setting common standards as the OMC is doing it makes national governments to take notice of the programmes of other Member States. As Rose (2005: 95) says, a variety of organisations creates multiple opportunities for adopting a lesson and also ensures multiple critics. In the example shown in this paper Germany learns a lesson from Sweden. Besides one do not have to forget that equal treatment for men and women is included as well in the German constitution as in the EU Charta of Fundamental rights (Art.3 (2) GG/ Art. 23 EUV).

Sweden always had a more egalitarian oriented gender politics than Germany (Klein 2006: 195). This is important for the success of the actions concerning the equal opportunities measures. Another advantages for Sweden could be that in history it has a long time one single party in government, which makes it easier to stay with one political direction. Germany, however, had different governments and also collisions, which makes it harder to follow one direction.

Besides Sweden introduced the concept of GM very fast and in once, not in many little steps like it is done for example in Germany. Sweden says this was the best they could do and it is one of the reasons why it works the way it does because there were no exceptions and everybody and every company has to follow the new rules. Nevertheless there are still some problems at the labour market for women and in general. Also not every man and every company is happy about the concept of GM. But as Lundkvist, a Swedish feminist, says:

“Systeme sind generell sehr zäh. Man darf nie vergessen, trotz aller Erfolge, dass es um Veränderungen von lange bestehenden Strukturen geht. Deshalb gilt es immer wieder, neu das Terrain zu erobern, sich niemals einer Entwicklung sicher zu sein.“ (Petterson 2004: 42)

So one can see that also in Sweden it is and it was not easy to change long – term systems and institutions. It is always a fight against old established structures (path dependence). But anyway Sweden seems to be able to handle this path dependence and this kind of problems. Nevertheless, if Sweden says that it is hard to change the structure it is not surprising that it will be much more harder for Germany to change the structure of the system. Main reason for this is in my point of view that the introduction of GM in Germany was not radical enough and without an institutional change which would be needed for a real change. Besides because of many changes in the government it is hard for Germany to follow and reach a goal if government changed in between.

As said before by copying a programme one has to consider the different laws in different countries, translation problems, institutions, resources and also the different political cultures. In my opinion in the example of parental leave one of the main problems will be the different political culture. First of all the German tax system still build on the traditional family which rarely exist. Secondly it is still the German culture that a woman has to stay at home and take care of the children. This is changing but it is still a new and also a slow changing of minds of the people. But this changing process could be supported by the extension of childcare facilitates to give people – women – the choice whether they want to stay at home or not. Another point is the introducing of the whole GM concept which is not done in a good way in Germany. Of course especially since Angela Merkel is the first Bundeskanzlerin it is again a topic and she said in the beginning of her term of office that she wants to improve the situation for women and wants more women in the top of companies etc. But an institutional change is missing and if one compares Germany and Sweden or Germany and another country Germany is not doing very well. It seems to be caught in old structures. If one consider that Sweden works with the concept of GM already since 1994 and still is not perfect and then consider that Germany just starts with some single project one can nearly speak from a testimony of poverty for Germany. A general change in the situation for women would be very helpful, also for the concept of the new parental leave system. To sum up, Germany has to consider more than just the parental leave to improve situation for women and families because everything is connected and – in different ways – depend from each other.

Another point is that GM in Germany is not transparent enough. Nearly nobody really knows about it and it is introduced nearly in secret, which was completely different in Sweden. Here it was done in public, nobody has the chance to miss the introduction of GM. Besides there were clear rules and goals, so everybody knew where the government wants to go to, what they want to reach. This is not the case in Germany.

In general this process of changing is in line with the general changing in culture, so today it is normal that women want to work, which was some decades ago not typical. The model of a “männliche Versorgerehe” is not the standard anymore. Also the idea that more men should and can take parental leave many German like – 78% think it is a good idea (Bundesministerium für Familie, Senioren, Frauen und Jugend 2004: 10).

As said before it is interesting to see that one can hardly find any hints that Germany is learning from Sweden. At the official websites and documents of the government and the Federal Ministry for Family Affairs, Senior Citizen, Women and Youth there is nowhere written directly that the new parental leave system is a lesson learned from Sweden. There are only some general statements like “*as one can see in other countries*” or “*in the scandinavian countries*”. Only in interviews or newspaper articles I found clear statements

that Germany is orientating itself on Sweden. So as said in the introduction the governments wants to introduce the new concepts as their own ideas and do not want to say that they copied it from another country. So learning from “best practise” like the OMC wants it happens, but more likely in such a way that the population do not really know about it.

Whether a lesson is adopted or not it is the result of interaction between pressures at home and from abroad and the response of the government. In this example it was also both: pressures at home because the programme needed to change because it does not work any longer and from abroad through the OMC.

Even if one can argue that the learning process failed in some issues it is obviously that the OMC starts some learning process within the EU. By drawing a lesson there is always the danger of failure but if one do not try one cannot know. The shown example seems to consider the most important things one has to consider by learning a lesson. Needs to improve can only be seen in some years.

Coming back to my hypothesis from the beginning, as described in the paper and in this conclusion Germany did not consider every part of the learning process and still have some gaps in the concept of parental leave. Besides the cultural differences are still a problem. One can argue that the new concept of parental leave will support the process of behaviour change in a positive way. This of course can happen. One positive sign already exist: The Federal Statistical Office published in May 2007 that since the introduction of the new parental leave system more men applied for a job downtime – 7% instead of 5% (Müller/Bohsem 2007). But nevertheless I think the concept will fail simple because even if the behaviour change will speed up there will be no childcare facilitates so parents respectively women will still be in the same position as now. Therefore Germany is to strong caught in the old structures. One only have to look at the German newspapers and the discussion about family, childcare facilities and parental leave system. In my opinion the concept will fail but I also think and hope that after this first failure it will be renewed and complete so that it will work then. Sweden is a good example that it is possible to have an influence on the birth rate due to good family policy, and that a good institutional and political framework can lead to a behaviour change in the population. This would be also needed for Germany. But one have to have in mind that Sweden never wants at the first place to increase the birth rate but to reach more equality for men and women. This is another important different between Germany and Sweden. But one will see how the development in Germany will be and if my hypothesis that Germanys concept will first fail before it – after some improvements – will work.

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ANNEX

Annex 1

Overview Parental leave system in Germany and Sweden

	Sweden	Germany
Time	12 months + 2 months only for the father – cannot be transferred	12 months + 2 months only for the father – cannot be transferred (single parents get 14 months if they had a job before)
Money	80% of the income 2006 the Swedish government increased ceiling of the parents insurance up to 35000€(before 26000€) so more parents will really get 80% of their income	67% of the income, minimum of 300€, maximum of 1800€if the working hours are reduced to maximal 30 hours per week.
Flexibility	Money can be payed in different rates in combination with longer/shorter parental leave	Money can be payed in different rates in combination with longer/shorter parental leave
Children under the age of 3		for children that are 2007 under 3 or if there are more than one under six years old parents will get extra money of 10% of the parental money, but a minimum of 75€per month
Extras	<ul style="list-style-type: none"> - The man has the right for 10 free days as long as the child is three months old - ceiling of childcare fee - free childcare for three hours a day for unemployed parents or mothers having a second/further baby - every child is offered a place in public pre – school which is free of charge from the autumn term of the year of their fourth birthday. 	
Number of men taking parental leave	34%	5% (2006) Now with the new system: about 7% (June 2007)

Annex 2

Overview Germany - Sweden

	Sweden	Germany
Employment rate for women	76.6% (2002)	58.8% (2003)
Gender pay gap	Average 18% (2000)	21% (2001 increasing!)
Children enrolled in pre – school activities	45.3% of children between 1 – 2 years old 84.6% of children between 2 – 3 years old 88.8% of the children between 3 – 4 years 83.3% of the children aged 6 - 7	8.6% of the children under the age of three 78% of the children between 3 - 5
% women working with children		West: - full – time: 7% - part – time: 7% - one parent full – time, one part – time: 63% East: - full – time: 17% - part – time: 5% - one parent full – time, one part – time: 65% (1999)
Birth Rate	1.8% (2004)	1.3% (2004)