

Federal Ministry
of Labour and Social Affairs

Ms Azize Tank
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Jörg Asmussen

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**Written question in October 2015
No. 136**

Dear Ms Tank,

Please find enclosed the answer to the question indicated above.

Yours sincerely,

Sgd. Jörg Asmussen

Written question in October 2015
No. 136

Question no. 136:

What steps is the Federal Government taking to produce a bill to amend the current provisions on the calculation of ghetto substitute periods under Section 250 of the Sixth Book of the Social Code, in order to adjust them to reflect the real conditions of ghetto employment and fulfil the legislature's stated aim of ensuring that periods of employment in a ghetto are considered in terms of German pension insurance via the Ghetto Pensions Act (ZRBG), given that the current application of Section 250 of the Sixth Book of the Social Code – according to information provided to me by a representative of the Union of Jewish Religious Communities in Poland and the association of the Roma in Poland – leads in many cases to discriminatory outcomes regarding the payment or denial of ghetto pensions, especially in the case of mothers whose child-raising periods are not recognised as substitute periods because raising several children has meant that they have not fulfilled the qualifying period, or in cases where payment of a ghetto pension is denied due to non-recognition of persecution-related substitute periods under Section 250 of the Sixth Book of the Social Code which took place before the person reached the age of 14, even though ghetto contribution periods have already been recognised by the pension insurance system and German labour offices routinely placed minors in employment in a ghetto before they reached this age?

Answer:

In the law governing statutory pension insurance, periods in which insured people have been prevented from paying contributions due to exceptional circumstances are nonetheless considered as "substitute periods" (Section 250 of the Sixth Book of the Social Code) if certain narrowly defined requirements are met. Substitute periods are considered as though the person had been in employment requiring insurance contributions and thus contribution payments had been made. Substitute periods can only be recognised from the age of 14, since before this age, in normal circumstances, it can generally be assumed that no contribution payments are made to the statutory pension insurance. This remains the case even if contributions to the statutory pension insurance have in fact been made before the age of 14 in individual cases. Changes to the legal provisions on substitute periods are not planned.