

In this workshop...

- ✓ You'll learn the basics of social security for artists living in Germany
 - Health insurance
 - The Künstlersozialkasse (KSK)
 - Going abroad for work
 - Pension insurance
 - Unemployment insurance
 - Other insurances

→ Do artists have a special 'status' in Germany?

No – they're self-employed (freelancers) or employed (salaried workers on payroll), or both at the same time ("hybrid" workers)

Self-employed artists, writers, and art teachers can have special subsidized (discounted) public health and pension insurance through the
→ "Künstlersozialkasse" (KSK)

Health insurance

- If you live and work in Germany, you must have health insurance in Germany
- There isn't one health insurance institution or system, but multiple health insurance providers (Krankenkassen), such as TK, AOK, Barmer...
- There is a difference between public health insurance (gesetzliche Krankenversicherung, GKV) and private health insurance (private Krankenversicherung, PKV)

Public Health Insurance

No advance payments to doctors/hospitals

Regulated basic coverage

Contributions are income-based:

14.6% + surcharge

(Zusatzbeitrag)

+ 3.3% long-term care insurance

(Pflegeversicherung)

Private Health Insurance

Advance payments and reimbursement system

Pick-and-choose principle

Contributions are based on individual factors (such as preconditions) and increase with age

Switching to public health insurance is only possible in situations in which public health insurance is mandatory, switching after 55 years of age is virtually impossible

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Health insurance

Depending on your work status, you are → pflichtversichert
→ automatic access to public health insurance

- Employees: Minimum monthly salary above 520 € / Maximum monthly salary 5,550 €, 50% of the contributions are paid by the employer
- Exception: employed students who are 30 years of age or younger and work a maximum of 20 hours per week (student insurance)
- Freelancers/self-employed people insured through the Künstlersozialkasse (KSK)
- Non- or low-earning family members of someone insured by public health insurance (own salary or profit less than 520/470 € per month): free "family insurance" scheme (Familienversicherung)
- Recipients of unemployment benefit I (Agentur für Arbeit) or unemployment benefit II = Bürgergeld (Jobcenter)

Health insurance for freelancers/self-employed people

1) Public insurance ("freiwillig versichert")

- Only possible if you already had public insurance before
- Minimum monthly contribution: around 210 €

2) Private insurance

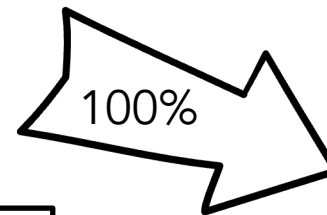
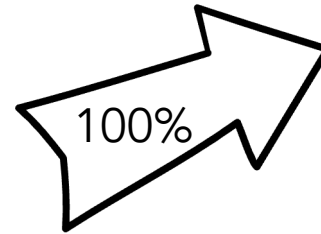
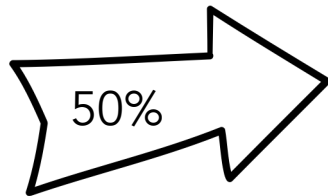
- No switch to public insurance possible as a freelancer (unless you become "pflichtversichert")
- Get a free consultation from an insurance broker

3) Künstlersozialkasse (KSK) ("pflichtversichert")

- Special insurance scheme for artists, writers, art teachers
- Not an insurance provider, but a government institution

The Künstlersozialkasse (KSK)

- Coordinates contributions to a public health insurance provider and to the national pension insurance
- Subsidizes the contributions by 50%



Freelance/self-employed artists pay a monthly contribution directly to the KSK, based on their estimated income (Arbeitseinkommen)

The KSK tops up the contributions and forwards 100% to the public health insurance provider chosen by the artist and to the national pension insurance

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National Pension Insurance,
18.6% of the estimated income



Public health and long-term care insurance provider, 14.6% + 3.3% + surcharge of the estimated income

The Künstlersozialkasse (KSK)

Monthly contributions are based on the "Arbeitseinkommen" (only profit from freelance/self-employed artistic work, after deducting expenses, before income tax). Examples (health and pension insurance contributions combined):

10,000 €/year	→	161 € /month
25,000 €/year	→	402 € /month

- The estimate must be done once a year for the following year
- At the end of the year, the KSK doesn't want to know how much was actually earned, but around 5% of all people insured through the KSK are randomly audited per year (problem: systematic underestimating)
- It's possible to adjust/update the profit estimate, but the effect will only be for future contributions (no back payments, no refunds)

The Künstlersozialkasse (KSK)

Who can be insured through the KSK?

Conditions:

1. Make money as a freelance/self-employed artist, writer, and/or art teacher registered with a tax number in Germany
2. No fake self-employment ("Scheinselbständigkeit")
3. A substantial amount of activity in Germany
4. The activities must happen in an artistic context and/or have a degree of creativity/originality

The Künstlersozialkasse (KSK)

1. Make Money

- At least 3,900 Euros profit from artistic self-employment per year
- Proof: contracts, invoices, proof of payment
- Exceptions for people who just started their activity (first 3 years)
- It's possible to have a lower profit for a maximum of 2 years in every 6-year-period (the years 2020, 2021, and 2022 are not taken into account for this)

The Künstlersozialkasse (KSK)

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2. No fake self-employment ("Scheinselbständigkeit")
 - Proof of your business activity (website, business card, advertisement material, business plan)
 - The KSK checks contracts for signs of a hierarchical relationship and/or integration into your client's business structure (especially in the performing arts, musical sector, orchestras, and film)

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3. A substantial amount of activity in Germany

- If you regularly work abroad, the KSK will check if Germany is responsible for your health insurance
- In Europe: only one country can be responsible for social security
- Status hierarchy: civil servants → employees → self-employed
- If you're a civil servant or employed in another country, Germany is not responsible (insurance via the KSK isn't possible)
- If you work as a self-employed person in Germany and in another country, Germany (and the KSK) is responsible if Germany is your country of residence and if you work at least 25% (substantially) in Germany
- The KSK can involve the "Deutsche Verbindungsstelle Krankenversicherung Ausland" (DVKA) to check

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4. Artistic context

- The KSK decides on a case-by-case basis
- Activities must take place in an artistic context: the artistic activity must be the focus of an event, the artistic work must have a certain creative element (non-artistic: "Handwerk")
- Proof: advertising material, reviews, membership in professional artists' associations
- For art teachers: the classes must be connected to the education or qualification of the participants' artistic professional activities (non-artistic: focus on sport, fitness, personal enjoyment)
- Non-artistic: distribution and trade (gallerists, managers, curators, technicians, agents...)

The Künstlersozialkasse (KSK)

4. Artistic context

Profession	Makes money with...	
<i>Dance teacher</i>	Teaching fitness, yoga, body work ✘	Teaching other (potential) professional dancers how to dance ✔
<i>Web designer</i>	Administering websites (webmaster) ✘	Designing websites ✔
<i>Photographer</i>	Private clients (wedding photography) ✘	Exhibiting photography at galleries, and museums ✔
<i>DJ</i>	Performing at private events ✘	Performing at clubs and music festivals ✔
<i>Fashion designer</i>	Selling clothes ✘	Designing clothes ✔
<i>Tattoo artist</i>	Tattooing people ✘	Designing tattoo art ✔

The Künstlersozialkasse (KSK)

Employment + KSK?

Yes, but health insurance is only paid through one status (higher income), and pension insurance through both.

→ You must let the KSK know when you start/end an employment contract!

Fellowships/stipends/grants?

Only counted as work income if they include an exchange of services (= subject to income tax)

Student insurance + KSK?

Yes, but you remain insured via student health insurance if you're a full-time student. At the same time, you only make pension insurance contributions to the KSK. When you're not a student anymore, you can switch to public health insurance through the KSK.

The Künstlersozialkasse (KSK)

- The process to check if you can be insured via the KSK can take several months. Before you apply, it can make sense to get an in-depth consultation from a KSK expert.
- During the assessment period, always stay in contact with the KSK and answer their letters as soon as possible.
- The insurance via the KSK is retroactive to the date when you submitted the documents to the KSK. You get a reimbursement if you were insured by public insurance during the waiting time. You also have to make retroactive contributions to the KSK for the same period.
- You must report any changes to your personal situation and work status to the KSK (start/end of employment contracts, ALG I, Bürgergeld, sickness benefit, maternity benefit, parental leave, studies, stay abroad, pension...).

Health insurance and going abroad

Coordination of social security in Europe:

- You can only be insured in one country
- You cannot choose the country yourself
- You must be insured where you work

Temporary work in another country:

No switch to a different social security country by (self) posting with → A1 certificate, but only if you work in the same status (employed at home, employed by the same employer abroad or self-employed at home, same self-employed activity abroad)

Self-employed/freelancer at home, employed abroad

→ responsible country for social security switches to the employment country
(Status hierarchy: civil servants → employees → self-employed)

Pension insurance

- If you're employed (Mini-Job: optional) or insured via the KSK, you automatically make contributions to the pension insurance
- Permanent residence (non-EU citizens): requirement
→ 60 contribution months
- If you leave Germany, and if you're not an EU citizen, you can get a → refund of some of the pension insurance contributions after 2 years

*Unemployment insurance
(Arbeitslosenversicherung)*

- If you were employed for a minimum of 12 months in the last 30 months → eligible for unemployment benefits (ALG I)
- Minimum 60% of your past salary, paid for half of the time you paid in: 12 months employed → 6 months benefits
- As a freelancer, you can sign up to make voluntary contributions to unemployment insurance, but only if received unemployment benefits before and started a new freelance/self-employed activity afterwards (switch from employment → unemployment benefits → new freelance activity)

Responsible → Agentur für Arbeit

*Bürgergeld
(Arbeitslosengeld/ALG II)*

- Not an insurance benefit, but a social benefit paid to people who don't have enough income to support themselves financially
- EU citizens are only eligible if they worked for at least one day in Germany
- Non-EU citizens are usually not eligible (check residence permit), except in some cases (for example, refugees from Ukraine with a residence permit for temporary protection)

Responsible → Jobcenter

Other insurances

- Accident insurance: recommended for performing artists (not included by the KSK)
 - Professional liability insurance
- Get a free consultation from a specialized insurance broker

For dancers/performing artists: “Bühnenversorgung”

→ Mandatory insurance for people employed by stages in Germany, voluntary option for freelance performing artists (extra earlier retirement benefits)

Resources and further advice

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Landesverbände für freie Darstellende Künste
(regional associations for the independent performing arts)
www.darstellende-kuenste.de/verband/mitglieder

Performing Arts Programm (PAP) Berlin – www.pap-berlin.de

Working internationally – www.touring-artists.info