



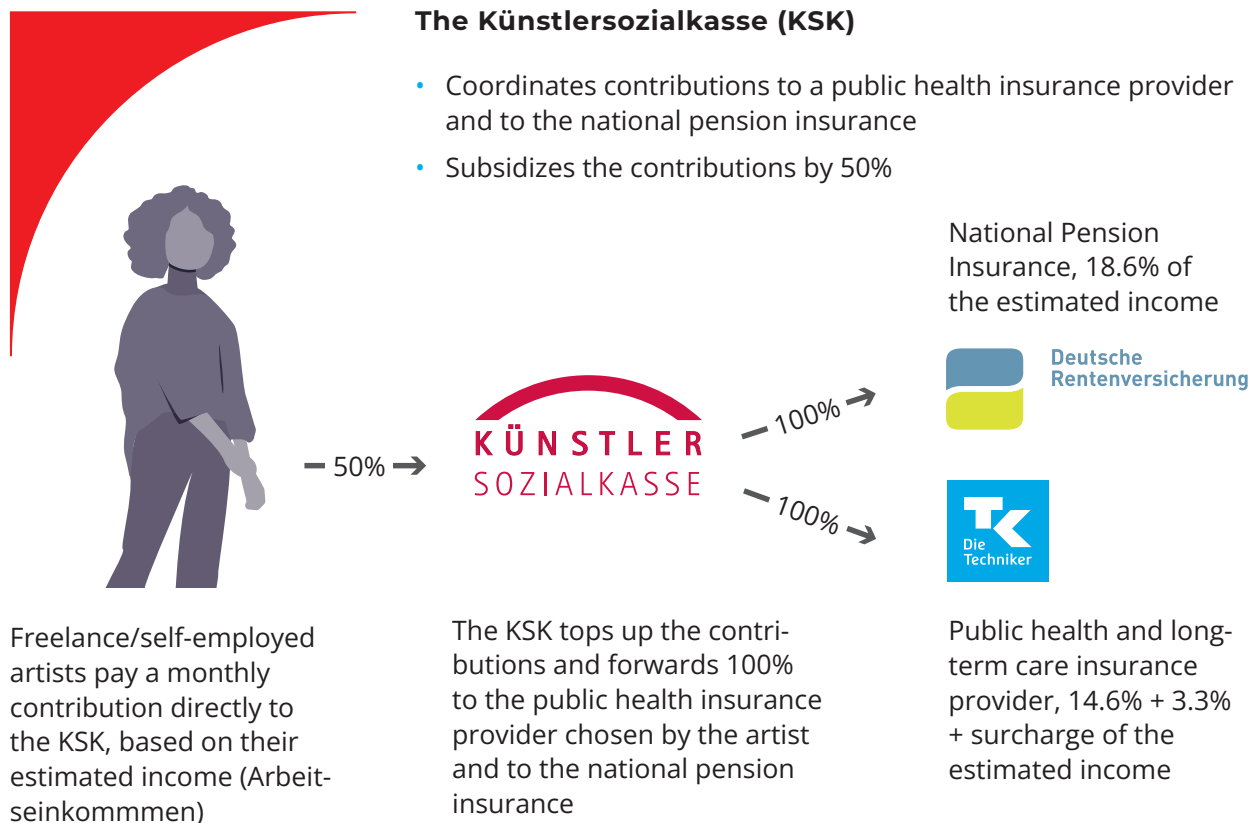
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## Social Security in Germany

### Handout

#### 1. 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)**.



- Monthly contributions to the KSK are based on the "Arbeitseinkommen" (estimated profit from freelance/self-employed artistic work, after deducting expenses, before income tax).
- 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 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).



## 2. Who can be insured through the KSK?

- You can be insured through the KSK if you make money as a freelance/self-employed artist, writer, and/or art teacher registered with a tax number in Germany (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, and the years 2020, 2021, and 2022 are not considered for this).
- No fake/bogus self-employment (Scheinselbständigkeit): you need proof of your business activity such as website, business card, and advertisement material, and 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.
- 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 and 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 are 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).
- The activities must happen in an artistic context and/or have a degree of creativity/originality. 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, as well as distribution and trade activities such as gallerists, managers, curators, technicians, agents).

## 3. 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.

## 4. Temporary work in another country.

No switch to a different social security country by (self) posting with an 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)



## 5. Pension Insurance.

- If you're employed (Mini-Job: optional) or insured via the KSK, you automatically make contributions to the German national pension insurance fund.
- 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.

## 6. 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 afterward (switch from employment → unemployment benefits → new freelance activity). Responsible → Agentur für Arbeit

## 7. 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

## 8. 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)