

**CONTRIBUTION OF MR. HARALD JILKE – MANAGER OF THE PENSION  
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*Presentation n°1*

***„Preservation of autonomy and definition of the border between the political  
and the administrative role“***

**Personal presentation**

My name is Harald Gilke. I come from Vienna, Austria, where I went to school and then to university to study Law.

After one year spent in several courts, I began my career within the agricultural social security in 1983 and, since then, I am working there within the pension department.

In 2010, I was appointed Manager of this service which comprises around 250 employees in Austria.

Our department is responsible for decision making regarding the right to pension in Austria for all farmers. Standard benefits and benefit for disabled adults is also part of our responsibilities. We decide the right to benefit and its amount. We only cover farmers and their families but we are not in charge of salaried workers.

**The relationship between the political and the administrative world in social security.**

How do laws get born in Austria?

There are federal and regional laws. The right to social security is a federal matter. Some close sectors, taken into charge by social security funds, are regional matters. This is for example the case of the hospital sector.

Regarding benefits for disabled adults, there are, on the one hand, federal benefits and, on the other hand, regional benefits which depend on the legislation into force in the 9 Länder's which form the Austrian state.

The federal legislation is decided according to a bicameral system comprising the national Assembly and the Bundesrat, this latter chamber being composed of Länder's representatives. The national Assembly's representatives are elected by the people while the Bundesrat's representatives are named by the Landtag which represents the Land Parliament.

The agricultural social security service is an autonomous organisation. Its civil servants are addressed by the Chambers of Agriculture which are instituted in each Land. Farmers are all members of the respective chambers. Elections take place regularly. During these elections different political groups submit their applications. The Bauernbund, a farmers' association affiliated to the Austrian conservative party, is the major political force.

It is necessary to differentiate the autonomous organisation from the office administration, led by the General Manager. Ours, Franz Ledermüller, was the former manager of the Austrian farmers' association, the Bauernbund.

Now, let's talk about the points of intersection between politics and administration.

The agricultural social security office must implement the right to social security, in the framework of both the autonomous and the office administrations. This right is stipulated in the federal law on agricultural social security. It regulates health insurance, old age insurance and accidents as well as the collections of contributions for the 3 sectors of social security.

An important additional law is the federal one regarding benefits for disabled adults.

Clearly, these laws do not contain perpetual truth but, on the opposite, they must constantly be adapted or modified and this usually happens several times a year.

We can talk about the first important interference with the day to day context:

Thanks to our experience, we are able to make proposals that can improve or correct dysfunctions. We can also give our point of view on draft laws.

These projects are usually drafted by top civil servants from the Ministries of Health and Social Affairs.

Supported by the Ministry of Finances, both ministries mentioned above ensure the control of social security organisations but they only can give direct instructions regarding benefits of disabled adults.

These draft laws generally concern adoption of legal measures into force for the sector of salaried workers or little farmers. It is clear that these measures are not always applicable to our insured members.

In the framework of a pension because of health reasons, for example, requirements are not the same.

In the non-salaried workers area, we could also talk about the measure regarding the taking over of a farm by the widow. Of course, this is not necessary for salaried workers or employees.

For salaried workers, measures must exist and be integrated in the short term or even day to day working contract. In the agricultural sector, it is not necessary since the management of a farm is not limited in time.

Agricultural representatives must be part of the legal decision making process. This way, we increase our chances to have regulations adapted to our needs and which, all the more, spare useless bureaucracy to our administration.

In the Chambers of Agriculture as well as in the legal services, a lot of representatives come from our autonomous administration.

It is useless to hold more than one office and several positions like it is the case for example in the political area, within the autonomous administration and in the organisation of agricultural representatives.

Agricultural social security is financed by the Ministry of Social Affairs and not by the Ministry of Agriculture. A single link with the Ministry of Agricultural Affairs would not be enough to satisfy our needs.

Our President for a long time, Mr. Karl Donabauer, for example, has been a Deputy to the National Assembly for many years. He is therefore in a position to interfere directly in the federal legislation.

His predecessor, Johann Haider, was also a Deputy to the National Assembly and, at a certain period, he was Junior Minister at the Ministry of Agriculture.

Other representatives of our autonomous organisations are also Deputies to the National Assembly or within a Landtag, respective Parliament of a land or they participate to the drafting of the legislation as representative of the Bundesrat, second Chamber, composed of Länder's representatives.

The percentage of Deputies coming from the agricultural sphere is much more important than the percentage of Austrian agricultural population. A big part of agricultural representatives are members of the Austrian conservative party, ÖVP, or belong to an organisation under it, the Bauernbund which corresponds to a farmers' association.

Within the National Assembly, out of the 183 Deputies, 51 are members of the Austrian Conservative party and, 17 of them belong to the Bauernbund, which represent one third. As far as the Bundesrat is concerned, 27 out of the 62 representatives come from the conservative party and 6 of them belong to the Bauernbund, which represents almost a quarter.

To this we must add 50 Deputies within the Länder's Parliaments and finally, we must not forget the importance of Mayors in Austria as a whole. This underline the particular importance of this professional group as far as Austrian political decisions are concerned.

It is therefore not surprising that some professional categories consider this influence with a critical eye.

On this point of view, it is of course important to avoid any kind of overlapping which are unacceptable when having several political responsibilities simultaneously. Nevertheless on this topic, there is a common agreement. Moreover, the political fellow candidates and critical press see to the respect of laws.

Also, it would be unthinkable to see a pure political orientation in the day to day operating mode of the administration.

It is among others, particularly difficult to get joint interest from the State, the agricultural community and each of the insured members. It is only through experience and with a lot of tact and patience that we can achieve this objective.

But political life does not consist only in legislation. In the development of day to day administrative tasks, it is also judicious that the agricultural social security voice is being heard and taken into account.

This is the case for example, when there are negotiations with our contractual partners, i.e. practitioners, hospitals, drugstores, convalescent homes and other benefits' providers.

It is also the case concerning discussions with the competent ministries, judges in charge of arbitrating lawsuits with citizens, administrations and with other social security organisations representing different professional categories like workers, employees, shopkeeper or civil servants.

In many cases, discussions are led by the senior managers of the office administration, i.e. by the General Manager or by the Deputy fellow. Usually, the aim, topics and content of these discussions have a political base. For this reason, experience has shown that it is relevant to appoint an expert as General Manager within the agricultural social security. He will have to have a political mind, this being important to all insured members. On the contrary, his Deputy Manager is a Social security expert coming from the social democratic party. Currently and, in the majority of cases, the Minister of Social Affairs as well as the Minister of Health are appointed by the social democratic party. This is also the case for the majority of the high bureaucracy within the ministries mentioned above. In the same way, the organisations which role is to represent salaried workers (Workers' Chamber and Trade Union), are managed by the social democratic party. Our current Deputy General Manager, Kurt Zisch for example, worked previously in the sector of social security within the Workers' Chamber.

Therefore, interferences between politics and administration represent big chances but they can also be a source of potential risks.

Today as well as in the future, the objective of our institution must be to take all the chances that arise to reduce risks, for the best of farmers' families and their farms. In order to achieve it, we must preserve the autonomy of agricultural social security by all means.