

Mitbestimmung international edition 2002

Give and take

Analysis of the agreements reveals that they constitute an important factor at workplace level. In the German dual system' of representation by trade unions and works councils or personnel committees, workplace agreements are one of the key tools used by employees and management to regulate working conditions in the workplace within the framework established by the appropriate legislation and collective agreements. In theory, workplace agreements, signed by management and works councils or personnel committees, can cover any subject connected with a company's activities. However, by law, collective agreements signed by trade unions and employers' associations, take precedence over workplace agreements. Collective agreements are negotiated at an industrial level, and in some cases, within that at a regional level, and are universally applicable across the whole industry. They concentrate on fixing pay and working time. Industrial collective agreements thus provide a safety net against the downward spiral in conditions that could result if only workplace level agreements were signed.

The agreements collected and analysed by the Foundation show that in the past few years, works councils and personnel committees have succeeded in negotiating workplace- level agreements on a wide variety of problems associated with modernisation, the change in corporate structures, and changes in the nature of employment. In addition to improving social standards for employees, in many cases they have also managed to extend workplacelevel co-determination beyond what is stipulated by law. So far, the Foundation has analysed agreements on safeguarding employment, teleworking, further training at the workplace, environmental protection, teamwork, flexitime, performance - related and results-based pay, human resources planning and outsourcing.

The agreements were evaluated on the basis of the following questions: What are employees and management signing agreements on and how is it regulated? How are the procedures and tools of co-determination changing? What ideas do the agreements have to offer those involved in this area? How much influence do works councils and personnel committees have?

The Foundation is currently looking at the following issues: European Works Councils, the use of the Internet at work, framework agreements on IT, workplace risk analyses, call centres, company pension schemes, gender equality and employee share option schemes. There is also a CDROM, which is currently being expanded, containing extracts from agreements on teamwork and teleworking.

A new attitude

A key element of the analysis was an examination of 139 agreements on safeguarding employment. Most of them were signed post-1996, i.e. after the failure of the first national "Alliance for Jobs", when union employers and the government were unable to agree measures to tackle unemployment. The agreements demonstrate that these company-level alliances for jobs where both sides allow for a degree of give-and-take end up benefiting both employees and employers.

In most cases, employers make binding commitments to avoid both redundancies for economic reasons and outsourcing for an agreed period of time. In exchange, the works council or personnel committee makes concessions on flexible working hours, relocating personnel, pay above the collectively agreed scale, or voluntary employers' social security contributions.

Successful company-level alliances for jobs are built on the fact that management, even when they are thinking about necessary restructuring, are still keen to retain their employees because of the businessspecific skills and experience they have acquired. If employees know this, they become more willing to buy into any changes that

management may wish to introduce.

There is another reason why this approach of accepting greater flexibility in exchange for safeguarding jobs is currently so popular. Changes to the law have meant that previous solutions such as avoiding redundancies by early retirement and moving older workers onto part-time contracts are no longer attractive to employees and are too expensive for employers.

At the same time, works councils have moved from seeing themselves as a body that waits for a crisis to happen and then reacts, to being a more proactive body involved in jointly managing the business. Company alliances for jobs lead to employee representatives being more involved in operational, and also to some extent, commercial decisions.

Experiments and Tradition

The 68 agreements on teleworking that have been analysed so far show that German companies and public sector organisations are still experimenting with this form of work organisation. Nevertheless, a good basis has already been created in the field of teleworking for combining operational flexibility, continued employment for employees whose family commitments have increased, and providing security for people who work in this way.

By comparison, further training in the workplace is a more traditional area where works councils and personnel committees already enjoy extensive statutory co-determination rights. This subject has become increasingly important as a result of organisational changes and the introduction of new technologies and business strategies. An analysis of 290 agreements on this topic shows that new issues have been added to the traditional concerns of regulating procedures, time spent on further training and the financial commitment involved. These include personal and skills development, as well as training which may be required to cope with future organisational changes.

There have been voluntary agreements on environmental protection since 1997, but it is only since the amendments to the Works Constitution Act came into force in July 2001 that works councils have had information and consultation rights concerning companies' environmental policies.

Renate Hebauf

In a project entitled "BV DOKU" which is unique in Germany, the Hans Böckler Foundation is collecting and analysing workplace agreements. The archive currently holds some 6,000 agreements between employee representatives and management, covering all sectors of the economy. The Foundation's aim is to identify trends and to develop guidelines.

An English-language summary of the project's results is available in a Hans Böckler Foundation publication entitled "Employment, working conditions and company organisation, Regulation via company agreements". Copies can be obtained from: Der Setzkasten, Kreuzbergstraße 56, 40489 Düsseldorf; fax 00 49/4 08 00 90-40.

Information about the project can also be found at: www.betriebsvereinbarung.de. Contact Edgar Bergmeier, project leader: Tel: 00 49-2 11-77 78-224. Or e-mail: Edgar-Bergmeier@boeckler.de

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