

## Abstracts WSI-Mitteilungen 4/2009

Ulrich Zachert

### **Sixty years of the Collective Agreement Act – a review**

The article gives an overview of 60 years of political discussions on the Collective Agreement Act (Tarifvertragsgesetz – TVG) and picks up on some ‘problem areas’. The Collective Agreement Act was the result of consensus. Trade unions and employers’ organisations aimed at a collective agreement act that was ‘liberal and largely free from state influence’. Closer examination, however, revealed cracks in this consensus. The political and legislative discussions on the Collective Agreement Act in the subsequent years affected, and still affect, the aspects of collectively agreed special provisions for trade union members. Furthermore affecting the expansion of the area of influence of collective agreements (through AVE (extension mechanisms of collective agreements), AEntG (law on posting of workers), collective bargaining loyalty laws and statutory minimum wage) and finally the relationship of the collective agreement to other regulatory levels (labour contract, works agreement) and in this context initiatives for legally regulated opening clauses. The analysis closes with an overview of the loss of support in the associations, state assistance for fixing minimum wages, as well as critically analyzing European developments.

Thomas Haipeter

### **Collective bargaining agreement regulations between local union and the company: co-ordination and practice in the chemical and metalworking industry**

Derogations from collective bargaining agreements have two main features: they define local labour standards that fall short of collective bargaining norms and they are legitimised by the collective bargaining actors. In this article it is stressed that the effects of derogations on collective bargaining agreements mainly depend on the degree of control the collective bargaining actors are able to exercise both concerning the spread and contents of agreements and concerning the processes of negotiations. The problem of control is analysed using the examples of the chemical and the metalworking industries, both core industries of derogation clauses. Based on an intensification of control efforts of the unions, in both industries and in both dimensions improvements of control can be observed. However, differences exist between the industries concerning local negotiation practises which are based above all on the different status of derogations – plant level agreement in the chemical industry, deviant collective bargaining agreement in the metalworking industry. A decisive point in this respect is the participation of union members in local conflicts; participation can contribute to the strengthening of the organisational power of the unions.

Heiner Dribbusch

### **Competing collective agreement policy: a challenge to the DGB trade unions**

The trade unions of the DGB (Confederation of German Trade Unions), although shaping collective agreement activity in Germany, have never fully monopolised it. The competition in collective bargaining, as opposed to the competition for members – or for positions in the co-determination process, has considerably changed in form and extent since the end of the 1990s: mainly the associations traditionally oriented towards specific career sectors succeed in challenging the individual sections of DGB trade unions. The Christian trade unions are subject to considerable competition. This article argues that the independent collective agreement policies of the occupational trade unions can be, in principle, integrated into the policy of the DGB trade unions, for

example in the form of co-operation. Although the challenge from Christian trade unions presents a problem. It is difficult to imagine co-operation here. A solution is not in sight, largely due to the revaluation given to the Christian trade unions by politics and employers. The employers are attempting to gain an advantage from the situation – that is offered by the fragmentation of the collective bargaining system - whereas the competition is rejected with reference to the unity of collective agreement.

Reinhard Bispinck/Thorsten Schulten

### **Re-stabilizing the German system of sectoral-wide collective agreements**

The German system of collective agreements has been in a complex process of erosion for some time. This article shows that, besides the reduction in trade union organising power and structural power on the labour market, it is above all the decreasing institutional power that is responsible for the erosion and this is reflected in the legally anchored rights and regulations, as well as in political institutions. A European comparative analysis makes it clear that in most of the neighbouring countries there is conscious political support for the collective bargaining system, whereas in Germany even partial stabilization, for example in the framework of the law on the posting of workers (AEntG), is politically disputed. The absence of political support explains why German trade unions are comparatively unable to counter the erosion tendencies affecting the sectoral-wide collective agreements. The authors argue that a re-stabilization of the sectoral-wide collective agreement system by trade union strength alone is relatively unlikely. They appeal for a fundamental reform of the process of the extension mechanisms of sectoral-wide collective agreements as the first step towards strengthening institutional power.

Reinhard Bispinck/WSI collective agreement archive

### **2008 annual report on collective bargaining**

Despite the financial crisis the trend of collectively agreed pay improved a little in 2008. The average increase in collectively agreed pay was 2.9 % (calculated on an annual basis), so the pay agreements exceeded the increase of living costs by 0.3 %. In 2008 trade unions affiliated to the Confederation of German Trade Unions (DGB) concluded new pay agreements affecting some 11.1 million employees. In east Germany the level of collectively agreed basic pay accounted for 96.8 % compared to 95.2 % in 2007.

Andrea Jochmann-Döll/Edeltraud Ranftl

### **A new ERA for equality! For men and women, too?**

With the implementation of the new pay and grading scheme for the German metal and electric industry (ERA) a reform process will be completed that is sometimes described as a “reform of the century”. The subject of this paper is the principle of equal pay for equal work for men and women. It therefore asks whether this new pay and grading scheme may help to tackle the problem of indirect pay discrimination against women. One central finding is that the new pay and grading scheme does not always meet the standards for non-discriminatory pay schemes as interpreted by the rulings of the European Court of Justice, although some scope can be found that might be helpful for equal pay for men and women. At company level female dominated jobs (e.g. secretarial and clerical work) tend to have been downgraded by the new pay and grading scheme and their implementation. The conclusion is that the problem of unequal pay for men and women has not yet been solved and new, creative measures have to be found.