



**I.M.U.**

Institute for codetermination  
and corporate governance

The I.M.U. is an institute of  
the Hans-Böckler-Stiftung

# WHY CODETERMINATION?

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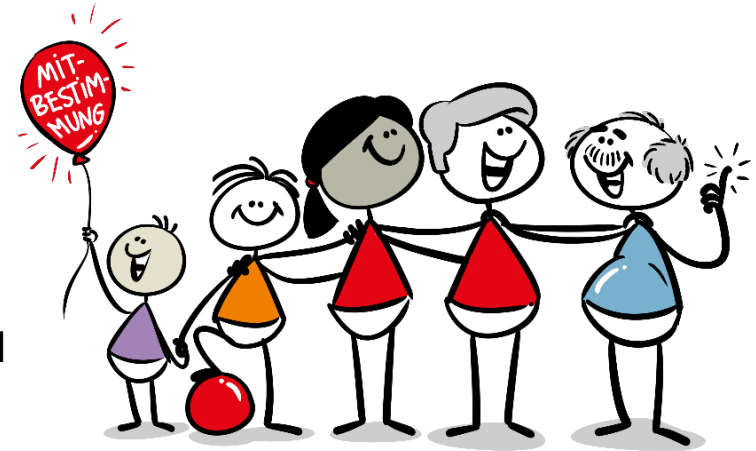
A collection of good arguments  
for strong workers' voice

Update: February 2023

# Advantage codetermination

Codetermination demonstrably has many **positive effects**. Empirical studies show that **codetermination**, among other things, contributes to ...

- ... strengthening **democracy**;
- ... helping companies come through the financial crisis and **performing better** after it;
- ... improving **occupational health care**;
- ... ensuring that companies **are less likely to avoid taxes** or use tricks to make their balance sheets look good;
- ... expanding **further training**;
- ...



→ Böckler Impuls (14/2021).  
[Mitbestimmung wirkt](#)

We present these and other **good arguments for strong worker participation** in the following pages.

# Strong arguments for strong worker participation!



**MITBESTIMMUNG SICHERT ERHOLUNG**

**MEHR INVESTITIONEN DANK MITBESTIMMUNG**

**UNTERNEHMEN**

MEHR INFOS > ZUKUNFTMITBESTIMMUNG.DE

I.M.U.

All arguments are **illustrated** graphically at:

→ [www.mitbestimmung.de/vorteil-mitbestimmung](http://www.mitbestimmung.de/vorteil-mitbestimmung)



# Codetermination is the democratic design principle of the social market economy

Two sides of the coin:

## Social model: 'Citizen in the workplace'

- Social security, democratic participation at the workplace and company level
- Free collective bargaining and trade unions

## Competitive model: 'Good corporate governance'

- 'Sustainable company' environmentally, economically and socially sustainable



# Worker participation is a basic European democratic right

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## EU Charter of Fundamental Rights



‘Workers or their representatives must, at the appropriate levels, be guaranteed **information and consultation** in good time in the cases and under the conditions provided for by Union law and national laws and practices.’

*Artikel 27*

‘Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, **the right to negotiate and conclude collective agreements** at the appropriate levels and, in cases of conflicts of interest, to take **collective action** to defend their interests, including strike action.’

*Artikel 28*



## Workers' voice makes good economic sense

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The type of labour needed by European companies – skilled, mobile, committed, responsible, and capable of using technical innovations and of identifying with the objective of increasing competitiveness and quality – cannot be expected simply to obey the employers' instructions. Workers must be closely and permanently involved in decision-making at all levels of the company.

*Final report of the EU High-level expert group on workers' involvement (Davignon group), 1997*



# Codetermination in Germany: 'Communicating vessels'

## Workplace: Works council

Workplace  
information,  
consultation and  
codetermination  
rights

workplaces with  
at least 5 employees

## Company: Supervisory board (SVB)

**Codetermination  
at board level** (board-  
level employee representation)

**50% of SVB seats**  
if >2,000 employees or  
if >1,000 employees  
in the coal, iron and  
steel industry

**1/3 of SVB seats**  
if >500 employees

## Collective participation: Trade unions

**Negotiate collective  
agreements**

Cooperate with  
works councils

Have seats on the  
supervisory board



# Codetermination involves several actors

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## **Business partners:**

Management and elected employee representatives on the shop floor (works councils)

## **Board-level representation:**

Shareholder representatives and elected employee representatives on the board of directors / supervisory board (works councils and trade unions)

## **Social partners:**

Employers' associations and trade unions

→ **Interests of all stakeholders** are taken into account

The cooperation between the business and social partners in the various areas makes the company a 'peace zone', as conflicts are dealt with at the level of the social partners.

*(Müller-Jentsch)*





# Information in English language



This guide is intended to help people unfamiliar with the German system of labour relations to understand one of its key aspects, the system of employee involvement known as ‘**codetermination**’.



Mitbestimmungspraxis Nr. 32 (2020):

[L. Fulton. Codetermination in Germany - A Beginner's Guide.](#)

Further compact information on **industrial relations in Germany** can also be found here:



[www.worker-participation.eu](http://www.worker-participation.eu)



# European success model

## Where workers have a say in the EU

There is a right to codetermination at board level ...

in private and state-owned companies  
in state-owned companies  
only in a few exceptional cases

as a rule, above a workforce threshold of ...



Is codetermination in the supervisory board exceptional to Germany?

No way! Workers have the right to elect or appoint some of the members of the supervisory or administrative board in 18 out of 27 EU member states.

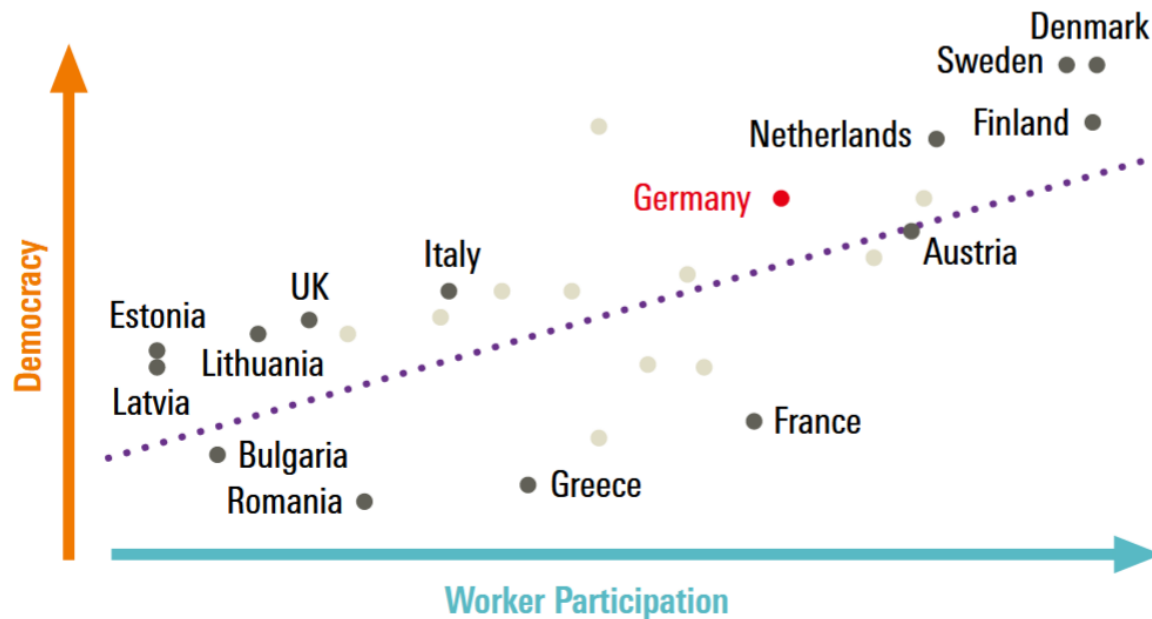
→ Böckler Impuls (07/2021). [Beschäftigte brauchen eine starke Stimme](#)

→ [Board-level representation \(ETUI website\)](#)



# Strong worker participation, strong democracy

The state of **democracy** and  
**worker participation** in ...



The strength of political democracy and of codetermination in the economy go hand in hand.

A comparison of European countries confirms this.



Böckler Impuls (07/2021).  
[Starke Arbeitnehmer sind gut für die Demokratie](#)

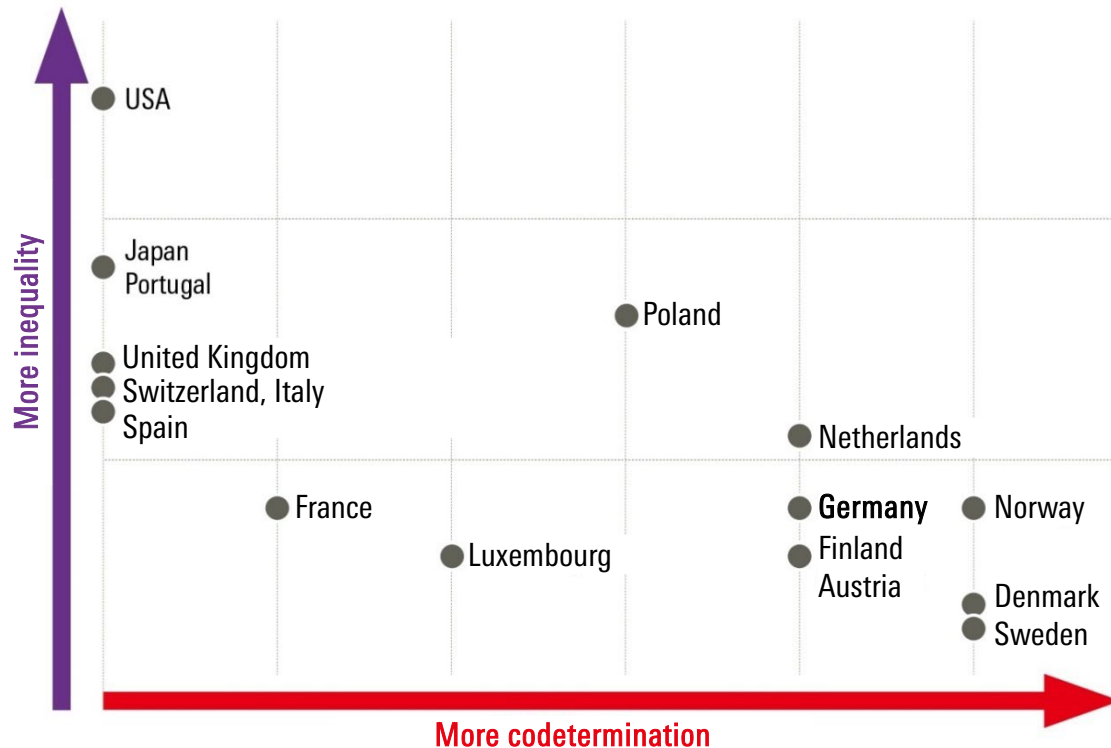
Source: Data from Vltols, Sigurt (2018): Kontinent vieler Geschwindigkeiten.  
Arbeitnehmer- und Bürgerbeteiligung in Europa. In: WZB Mitteilungen 160, S. 30-32.  
Illustration based on Böckler Impuls 8/2019, S.7. German Graphic Download: [bit.do/impuls1246](https://bit.do/impuls1246)

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# Strong codetermination, fairer distribution

## Income inequality and codetermination (at board level) in ....



Income inequality tends to be lower in countries with far-reaching codetermination rights.

→ Böckler Impuls (16/2017). [Mitbestimmung verringert die Ungleichheit](#)

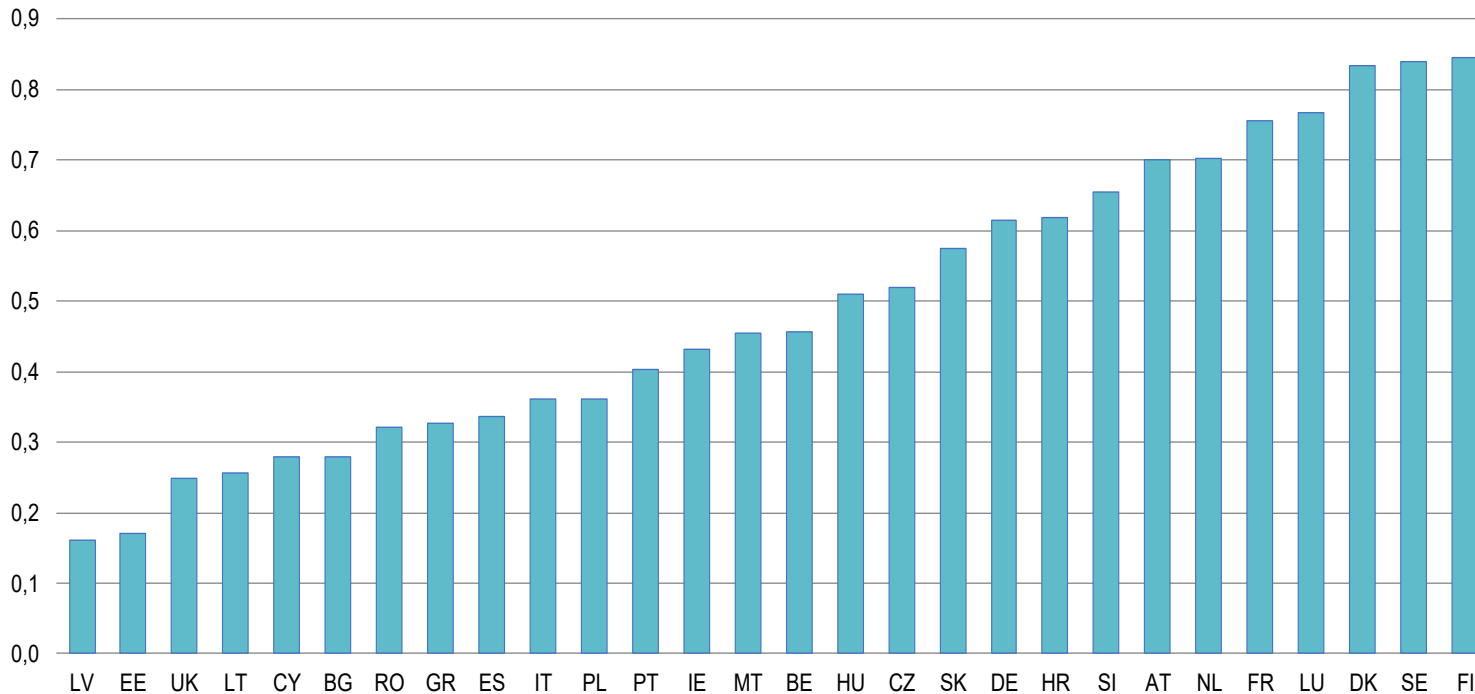
Income distribution based on the Gini coefficient, degree of board-level representation according to the "Codetermination Index"  
Source: Hörisch 2012 German Graphic Download: [bit.do/impuls0928](http://bit.do/impuls0928) Data: [bit.do/impuls0929](http://bit.do/impuls0929)

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# European Participation Index (EPI)

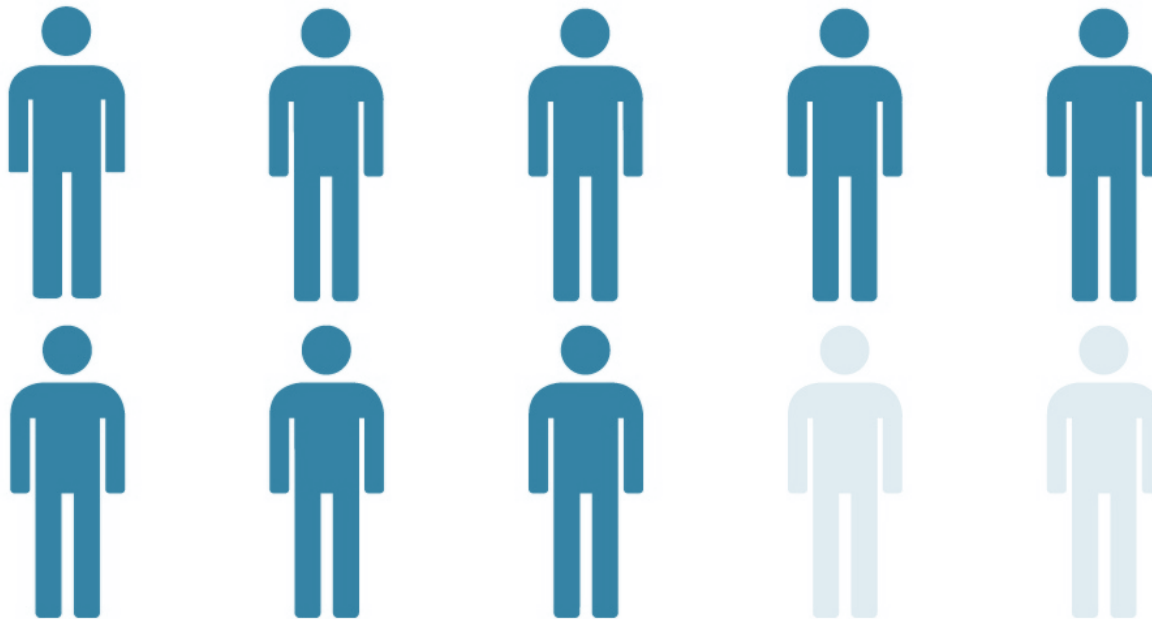
The EPI measures the **degree of democracy in the workplace** in EU countries. It takes into account collective agreement coverage, trade union density, the presence of workplace representation and codetermination rights at workplace and board levels.



→ S. Vitols (2020). <https://europeanparticipationindex.eu>



# Democracy doesn't end at the factory gates



Workers attach great importance to representation of their interests over against the management.

The average **participation rate in works council elections** in 2018 was **76,4 per cent**.

... 8 out of 10 employees voted.



Mitbestimmungsreport Nr. 60 (2020):

[N. Demir, M. Funder, R. Greifenstein und L. Kißler. Trendreport Betriebsratswahlen 2018.](#)



# Mitbestimmungsindex (MB-ix)

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The **Mitbestimmungsindex** (Codetermination Index) measures how strongly codetermination is anchored in a company. The **MB-ix** was developed by the Berlin Social Science Center (WZB). It shows that codetermination in the supervisory board positively influences company performance.

**WZB**

Berlin Social Science Center

→ [www.mitbestimmung.de/mbix](http://www.mitbestimmung.de/mbix)

## Companies with codetermination rights have:

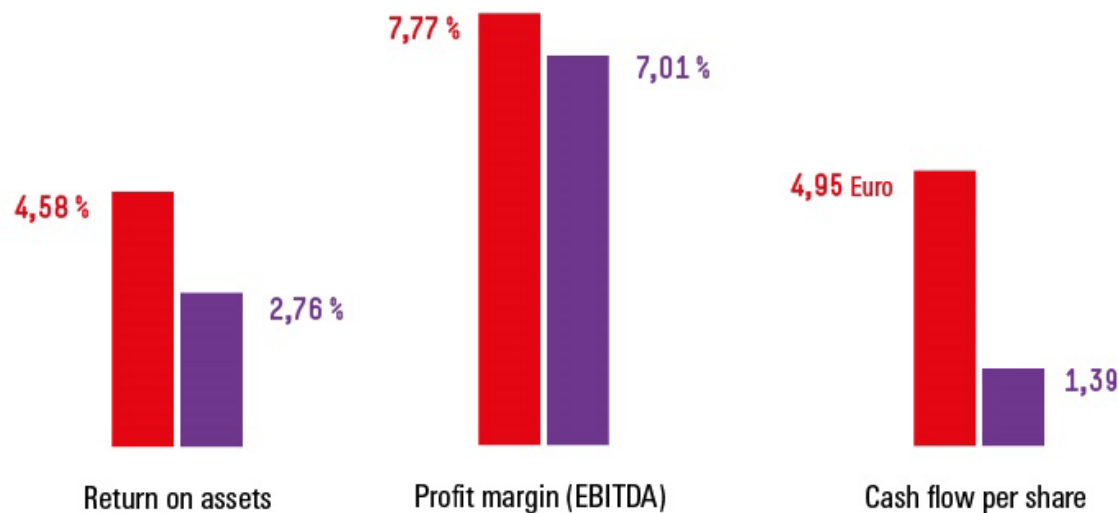
1. higher investment rates
2. (more frequently) sustainability practices
3. higher training rates
4. a higher degree of job security
5. top management remuneration systems that are more long-term and less stock market-oriented.



# Strategically well-positioned

## More successful with codetermination

Companies with **stronger** or **weaker** codetermination perform as follows in terms of...



Source: Campagna u. a. 2020

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Companies with more codetermination are more successful and are more likely to pursue an **innovation- and research-oriented strategy** than firms with weaker or no codetermination.

→ Mitbestimmungsreport Nr. 57 (2020): [S. Campagna, M. Eulerich, B. Fligge, R. Scholz und S. Vitols. Entwicklung der Wettbewerbsstrategien in deutschen börsennotierten Unternehmen.](#)

→ Böckler Impuls (09/2020). [Nachhaltiger durch Mitbestimmung](#)

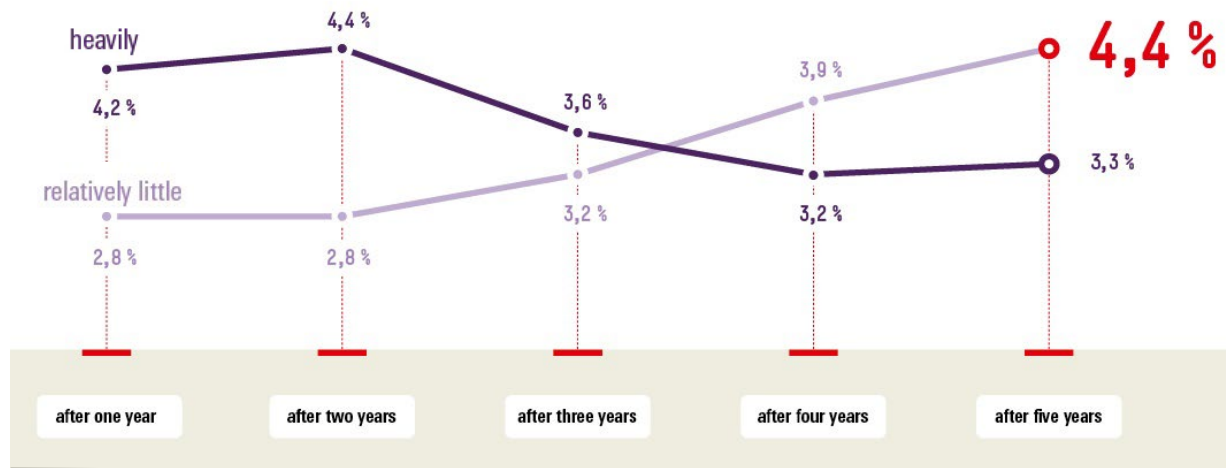




# Less window-dressing

## More sustainable success with rigorous accounting

**Return on assets\*** at companies that resorted heavily/relatively little to flexible accounting ...



Note: \* ratio of profits to total assets. Source: Eulerich, Fligge 2020

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Companies with strong codetermination tend not to practice tax avoidance. They are also less likely to resort to accounting manoeuvres, for example to present their economic situation as better than it really is.



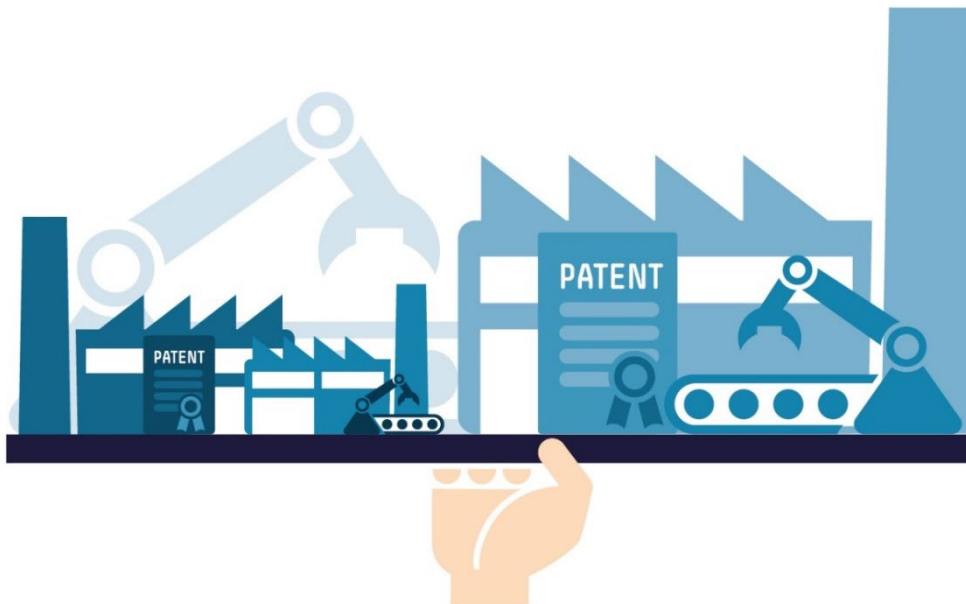
Böckler Impuls (13/2020). [Weniger Bilanzkosmetik durch Mitbestimmung](#)



# More investments

Codetermination in the supervisory board increases companies' **capital stock** by ...

**+ 30 to 50 %**



Codetermination increases the capital stock – that is, the stock of buildings, machines, patents or brands – by 30 to 50 per cent.

- WSI-Mitteilungen (02/2021): [S. Vitols und R. Scholz. Unternehmensmitbestimmung und langfristige Investitionen in deutschen Unternehmen.](#)
- Böckler Impuls (08/2021). [Mehr Investitionen mit starker Vertretung](#)
- Böckler Impuls (02/2020). [Mehr Investitionen durch Mitbestimmung](#)

Source: Jäger u.a. 2019 German Graphic Download: [bit.do/impuls1625](http://bit.do/impuls1625)

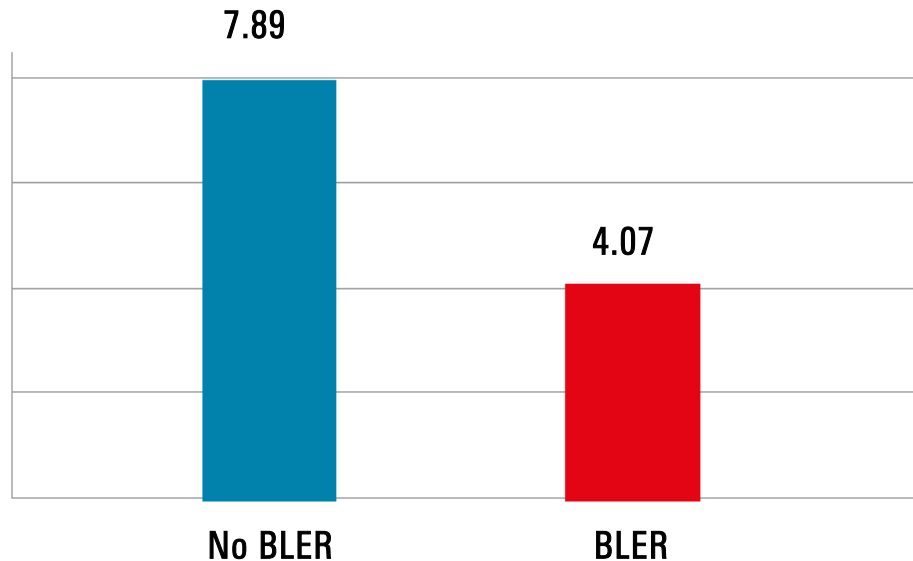
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# Lower management remuneration

## Highest remuneration package

(in million US\$, 2014)



Companies without board-level employee representation (BLER) spent significantly more money on the highest remuneration packages than companies with BLER.

→ Mitbestimmungsreport Nr. 31 (2017): [A. Hassel and N. Helmerich. Workers' Voice in the 100 Largest European Companies.](#)

100 largest publicly-listed companies in Europe

Source: WV data set Hassel / Helmerich

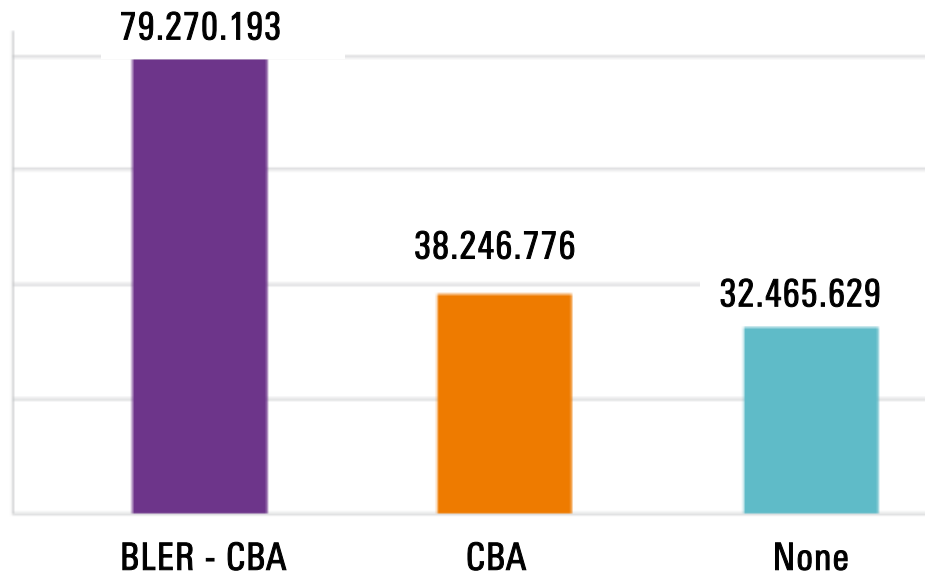
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# Higher net sales

## Net sales or revenues on average by BLER and CBA

(in US\$, 2014)



100 largest publicly-listed companies in Europe

Source: WV data set Hassel / Helmerich

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Companies with board-level employee representation (BLER) and collective bargaining agreements (CBA) have performed better than those without.

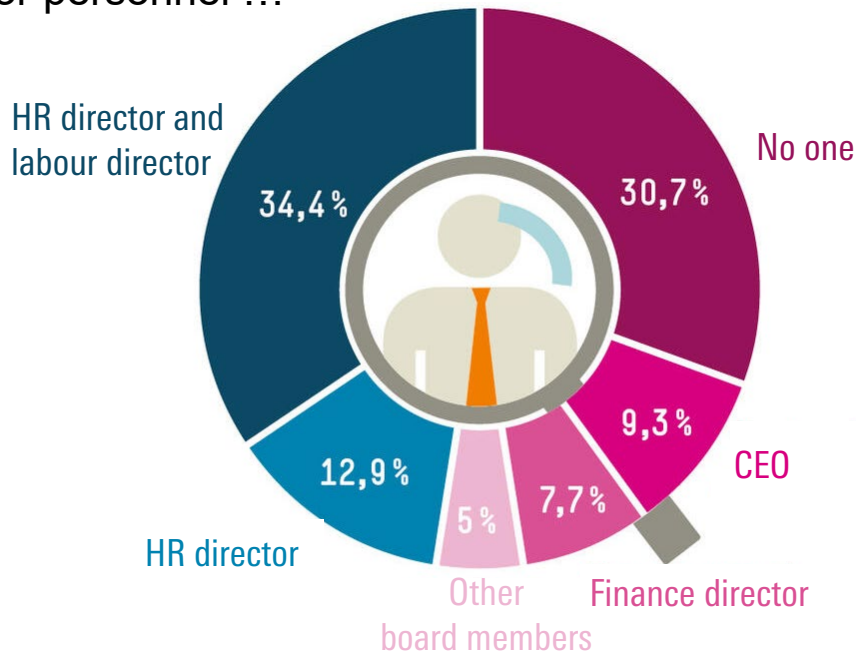
→ Mitbestimmungsreport Nr. 31 (2017):  
[A. Hassel and N. Helmerich.](#)  
[Workers' Voice in the 100 Largest European Companies.](#)



# Independent HR director

## Who is responsible for personnel management

At Germany's 677 biggest companies\* the following management board members are explicitly responsible for personnel ...



A company that takes its employees' concerns seriously needs an **independent HR director**. Best of all are companies with **labour directors**.

→ I.M.U. Policy Brief Nr. 6 (2021): [J.-P. Giertz. Personalvorstände in mitbestimmten Unternehmen.](#)

\* with codetermination and at least 2.000 employees  
Source: Giertz 2021



# Higher productivity

Works councils at companies boost ... by ...



Note: \* taking control variables into account.  
Source: Müller, Neuschäffer 2020

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Firms with codetermination owe their **higher level of success** partly to their ability to attract better performing workers. But even apart from that, works councils substantially improve productivity, wages and profits.



Böckler Impuls (01/2021).  
[Mehr Erfolg dank Mitbestimmung](#)

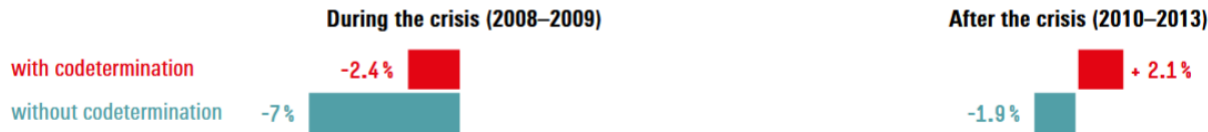


# Emerging better from the financial crisis

- Change in **yield** (earnings per share) from 2006 to 2011 at:



- Change in **employment** in comparison with the period before the crisis at companies:



- Change in **investments** in comparison with the period before the crisis at companies:



Companies with codetermination in the supervisory board **performed better economically in the financial crisis and in subsequent years.**

→ Böckler Impuls (03/2021). [Gemeinsam durch die Krise](#)

Source: Data from Rapp, Marc Steffen/ Wolff, Michael (2019): Mitbestimmung im Aufsichtsrat und ihre Auswirkung auf die Unternehmensführung, Study Nr. 424. Hans-Boeckler-Stiftung, Düsseldorf. Illustration based on Böckler Impuls 10/2019, S.4. German Graphic Download: [bit.do/impuls1573](http://bit.do/impuls1573)



# Emerging better from the financial crisis

## Managing the crisis in Germany – not possible without codetermination



The expansion of short-time working (STW), the reduction of overtime, the use of working time accounts and shorter working time saved a total of 1 million jobs during the crisis.

Except for STW, all instruments are based on **collective agreements** and/or **company agreements** between management and works councils or employment contracts.

→ Böckler Impuls (13/2013)  
[Mitbestimmung sichert Beschäftigung](#)





## Covid-19 crisis – what works councils are doing

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The Covid-19 crisis has caused considerable upheaval in our working lives. In our film four **works councillors** talk about their experiences since the first lockdown. They put a face on responsibility in the company.

→ [www.zukunftmitbestimmung.de](http://www.zukunftmitbestimmung.de)

On our '**FOKUS > Corona**' page on the **Mitbestimmungsportal** we gather the latest information and materials, for example on supervisory board elections and company agreements (available in German language only).

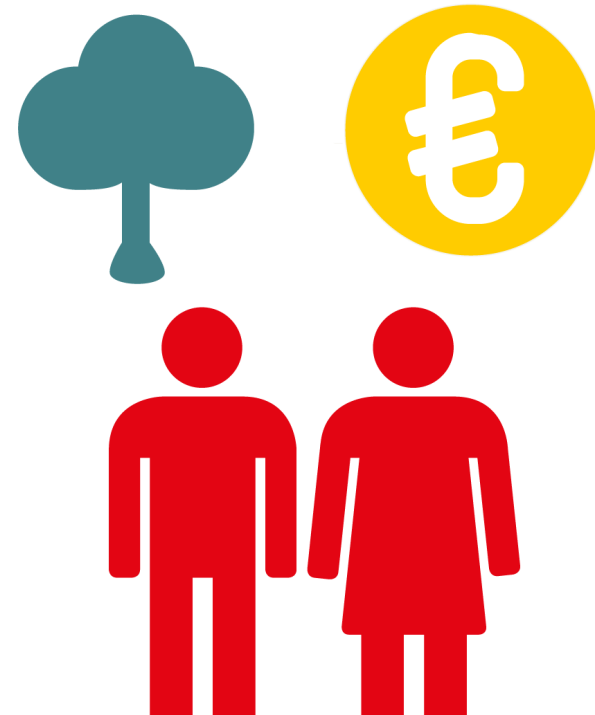
→ [Focus topic Covid-19 crisis](#)



# Codetermination enhances sustainability

**Codetermination in the supervisory board** increases the likelihood that a company will credibly commit itself to **complying with social or environmental goals**.

Companies that make every effort to apply workers' participation are more than twice as likely to include **sustainability strategies** in their corporate governance guidelines than firms without codetermination.



→ Böckler Impuls (02/2019).  
[Mitbestimmung fördert CSR](#)

→ Böckler Impuls (17/2016).  
[Nachhaltig mit Mitbestimmung](#)





## More climate protection

A study by the University of Sydney shows that companies that involve their employees in decision-making **do more to mitigate greenhouse gases.**

Environmental efforts are particularly marked where several forms of participation converge and where bodies comprising representatives of management and staff are expressly tasked with tackling environmental issues. Trade unions also exert a strong influence.

Where employees are organised, participation and **environmental commitment** are more prevalent than average.



Böckler Impuls (19/2019).  
[Mitbestimmung schützt das Klima](#)



# Commitment to more sustainability

In many companies works councils are committed to **sustainable business**. That works best when there is a social partner-oriented **codetermination culture**.

**Works agreements on sustainability issues**, such as workplace environmental protection, occupational safety and health protection and certified training are essential to achieve lasting progress.



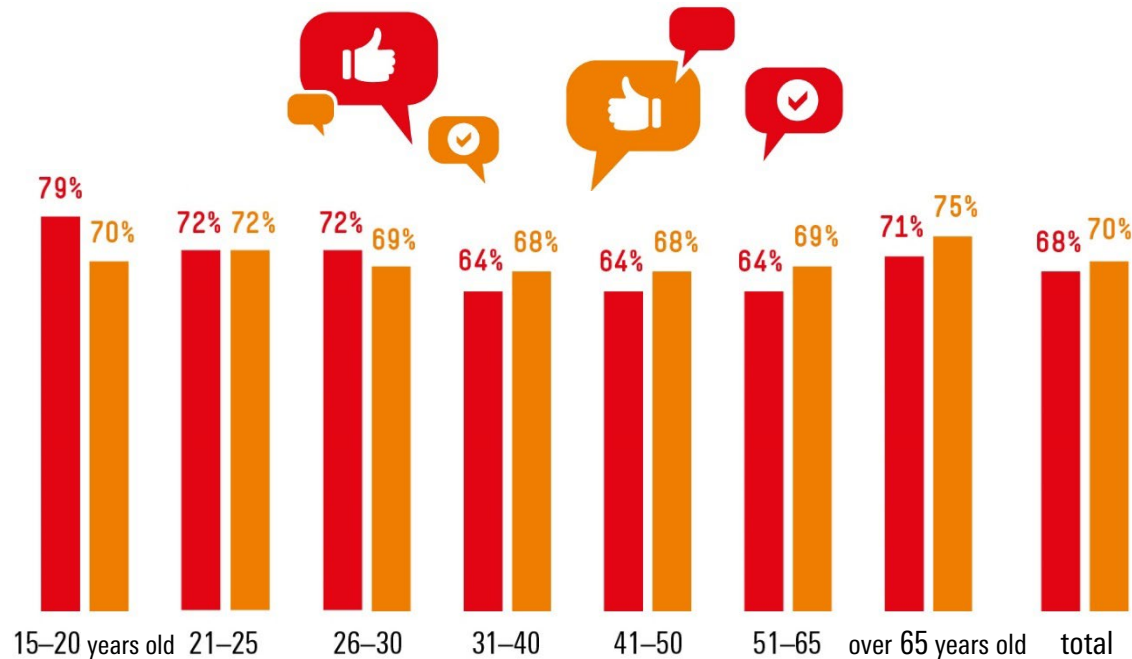
→ Study der HBS Nr. 452 (2021): [A. Haunschild, R. Meyer, H.-G. Ridder, E. Clasen, F. Krause, K. Rempel: Nachhaltigkeit durch Mitbestimmung.](#)

→ Böckler Impuls (09/2021). [Betriebsräte setzen sich für mehr Nachhaltigkeit ein](#)



# Codetermination is highly appreciated

Percentage of people relating something positive to **codetermination** or **works councils**



Consensus reigns across all age groups: a substantial majority consider **codetermination** to be a **good thing**.

→ Böckler Impuls (01/2019). [Mitbestimmung hat einen guten Ruf](#)

Source: Nienhüser 2016 German Graphic Download: [bit.do/impuls0399](http://bit.do/impuls0399)

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Stiftung



# Codetermination protects and motivates

“Codetermination boosts employees’ motivation.”



Strongly agree/  
tend to agree

93%

Tend to disagree/  
strongly disagree

6%

Remaining %: No information. Sample of 500 employees;  
TNS Infratest for Hans-Böckler-Stiftung, Jan. 2015

“Codetermination protects employees in times of crisis.”



Strongly agree/  
tend to agree



Tend to disagree/  
strongly disagree

Remaining %: No information. Sample of 500 employees;  
TNS Infratest for Hans-Böckler-Stiftung, Jan. 2015

In a survey by TNS Infratest, the majority of the respondents agreed:

Codetermination **boosts employees’ motivation.**

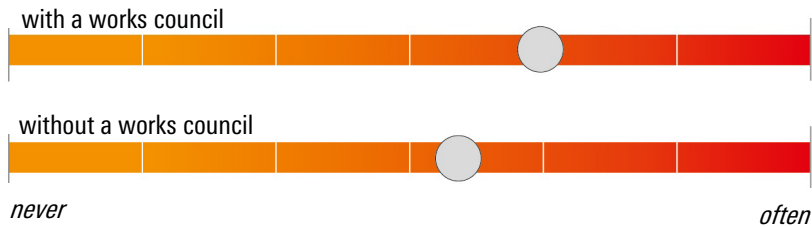
And: Codetermination **protects employees** in times of crisis.



# More training, happier employees

Works councils improve **job satisfaction** because they provide for more **further training**.

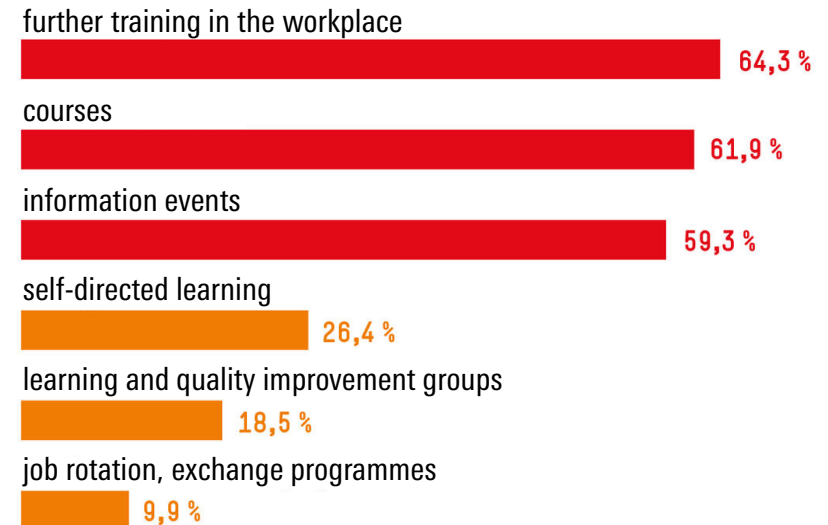
## Training offers in companies ...



Source: Cantner u.a. 2014 | © Hans-Böckler Stiftung 2014

- Mitbestimmungspraxis Nr. 40 (2021). [S. Hinrichs. Qualifizierung im digitalen Wandel.](#)
- Böckler Impuls (10/2021). [Mehr Weiterbildung durch Mitbestimmung](#)
- Böckler Impuls (12/2014). [Mehr Wissen mit Betriebsrat](#)

## In 2015 this proportion of companies provided ...



Source: Destatis 2018

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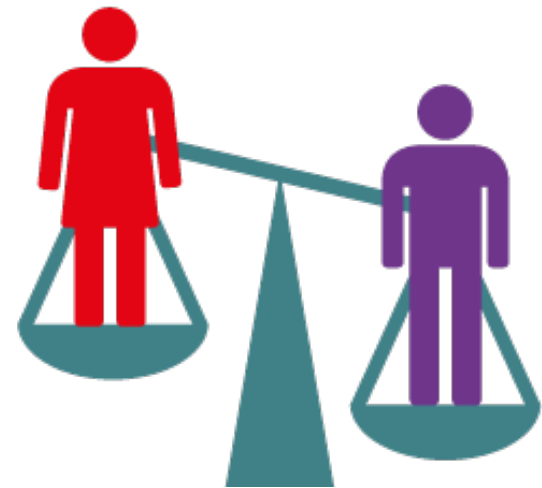


## More gender equality

Company codetermination can help to improve **women's occupational opportunities.**

Where there is a **works council**, the **probability increases** that

- the workplace offers flexible working time arrangements for employees with **care responsibilities** by **13.9 percentage points**;
- employees are supported with information or further training during **parental leave** by **7.6 percentage points**;
- employees with **relatives in need of care** obtain support by **6.8 percentage points**;
- there are allowances for **child care**, a **company creche** or **cooperation with daycare centres** by **4 percentage points**.



→ IZA Discussion Paper Nr. 12344 (2019): [U. Jirjahn und J. Mohrenweiser: Works Councils and Organizational Gender Policies in Germany.](#)

→ Böckler Impuls (04/2021). [Mehr Geschlechtergleichheit dank Mitbestimmung](#)





# Flexible and motivated

How the introduction of the **EU Directive on information and consultation of employees** changed the share of workplaces\* with...

Working time accounts

+ 22 %

- 28 %  
Motivation problems

Employee reps ensure that more firms offer **working time accounts**.



Böckler Impuls (03/2017).  
[Kontrollierte Flexibilität bei der Arbeitszeit](#)

\* Workplaces > 50 employees in UK, IR, PL, CY

Source: Burdín, Pérotin 2016 German Graphic Download: [bit.do/impuls0656](http://bit.do/impuls0656)

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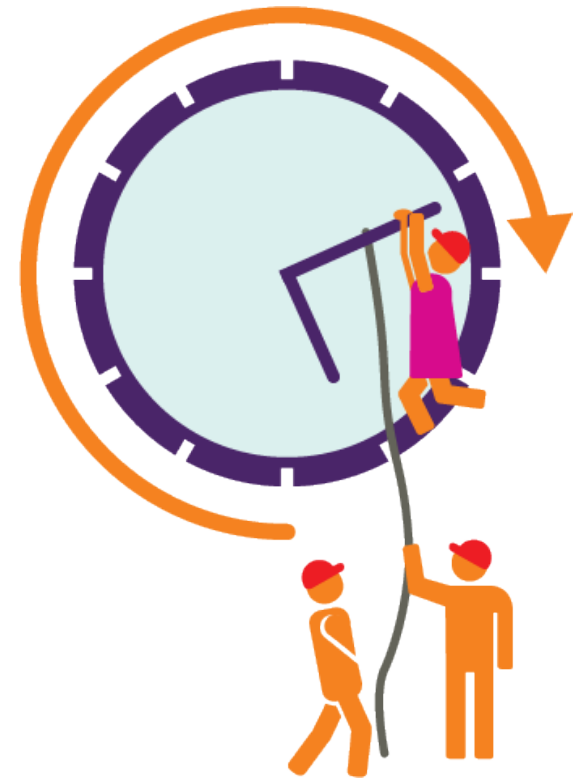


# Assistance with working time organisation

**Reconciling work with family life** depends strongly on the workplace environment.

Only if employees pull together they can ensure **better working time**.

- Ultimately it doesn't much matter whether the company is large or small, in eastern or western Germany or in a sector dominated by men or women.
- Where employees have codetermination and collective agreements apply, **flexitime**, **home office**, **shorter weekly working time** or **better paid weekend work** are more widespread.
- Also **turnover** and **absenteeism** are generally **lower** among such employees.



→ Böckler Impuls (08/2021).  
[Arbeitszeit gemeinsam gestalten](#)



# Video series IN A NUTSHELL with practical tips for company agreements

In our video series IN A NUTSHELL we show how works councils and trade unions meet the challenges of our time and how things are **in the workplace**, for example, in the case of current issues such as home office and mobile working, certified training and digitalisation or inclusion.



Videoserie KURZ & GUT

**INKLUSION IM BETRIEB**



Videoserie KURZ & GUT

**QUALIFIZIERUNG UND  
DIGITALISIERUNG IM BETRIEB**




Videoserie KURZ & GUT

**HOMEOFFICE UND MOBILES  
ARBEITEN IM BETRIEB**



[All videos in the series  
IN A NUTSHELL](#)

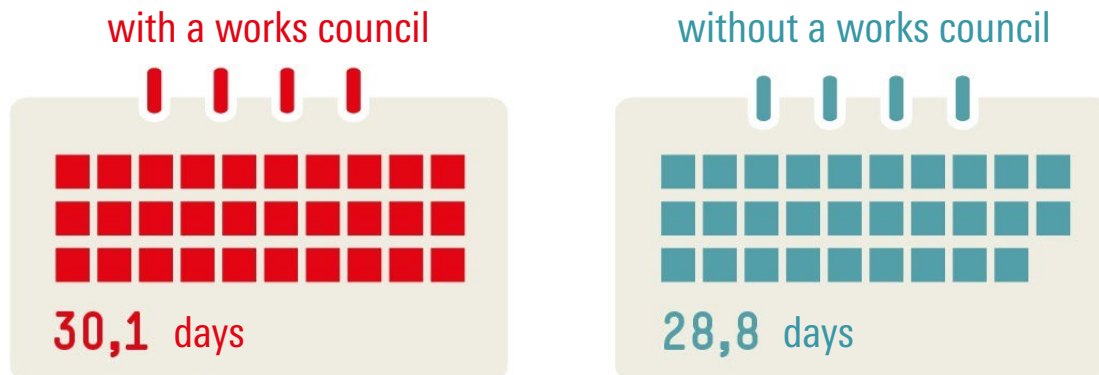
More information on company agreements are available on the page  
'**Praxiswissen Betriebsvereinbarungen**'.

 [www.betriebsvereinbarung.de](http://www.betriebsvereinbarung.de)



# More recreation

Number of **vacation days** to which employees are entitled in companies ...



Of which the following number of vacation days are never taken...

**1,6** days

**2,6** days

Works councils help workers to take full advantage of their **holiday entitlements**.



Böckler Impuls (09/2016).  
[Mit Betriebsrat verfallen weniger Urlaubstage](#)

Source: Goerke, Jeworrek 2016  
German Graphic Download: [bit.do/impuls0380](http://bit.do/impuls0380)

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Stiftung



# More health promotion

Where there is a **works council** the likelihood\* that a company will provide workplace health support is higher by ...



Firms with codetermination do more to promote **health at the workplace.**



Böckler Impuls (06/2021).  
[Mitbestimmung hält gesund](#)

In workplaces with codetermination, it's more likely there will be\*...

- Analysis of absenteeism
- Health circles
- Employee surveys
- In-house prevention measures
- Financial support for external measures

Note: \* taking control variables into account.

Source: Jirjahn u.a. 2019

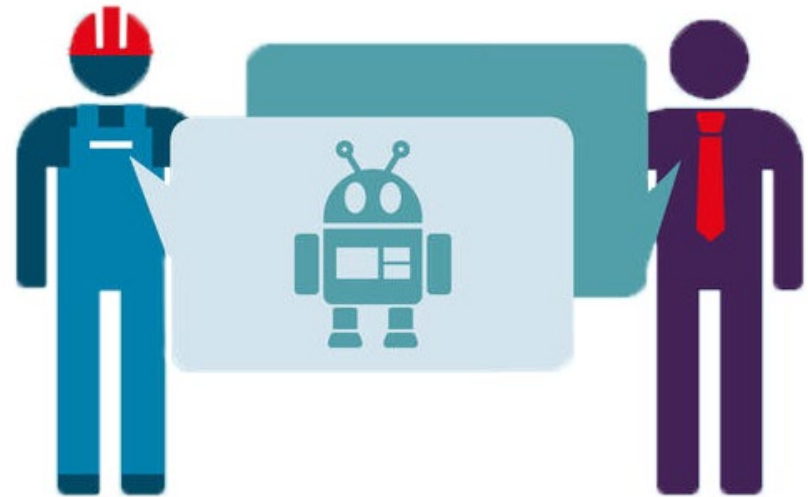
Hans Böckler  
Stiftung



# Modernisation in which workers have a say

**Framework agreements** concluded between worker representatives and management **protect employees** from the negative consequences of **digitalisation**.

**Digital transformation processes** accompanied by **agreements** can be designed in a **socially equitable** way and alleviate workers' concerns.

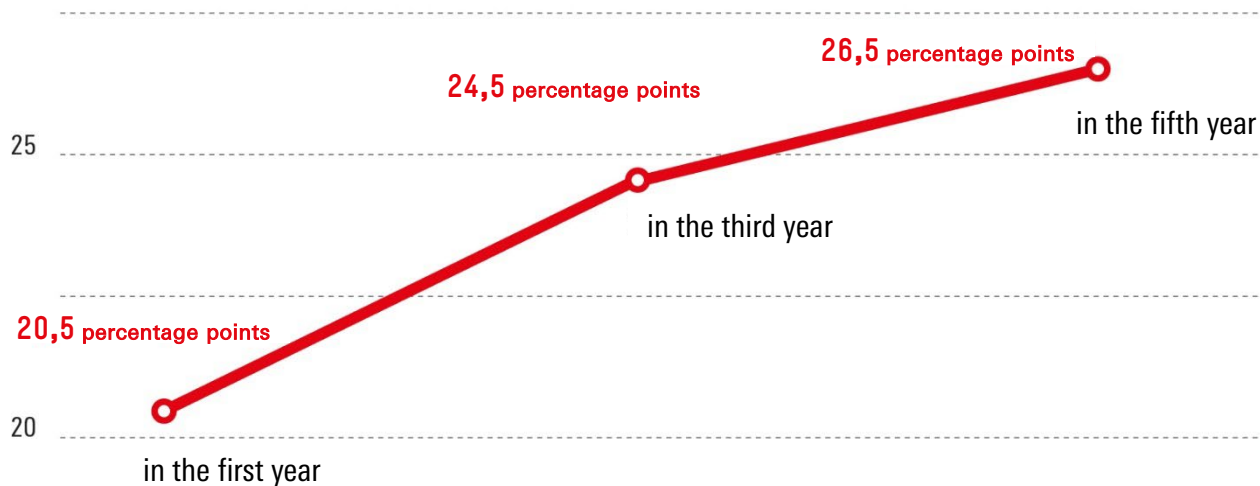


- Mitbestimmungspraxis Nr. 41 (2021).  
[J. Massolle. Die Transformation von Arbeit mitgestalten.](#)
- Mitbestimmungspraxis Nr. 43 (2021):  
[J. Massolle. Die Arbeitswelt der Zukunft gestalten.](#)
- Böckler Impuls (15/2021).  
[Modernisierung mit Mitsprache](#)



# Better training

The retention rate of **trainees** after finishing their training is higher in codetermined workplaces by...



Companies with codetermination invest more in their apprentices. That pays off, because graduates remain there longer.



Böckler Impuls (08/2014).  
[Bessere Ausbildung mit Betriebsrat](#)

Companies with more than 5 employees  
Source: Kriechel u.a. 2014 German Graphic Download: [bit.do/impuls0045](http://bit.do/impuls0045)

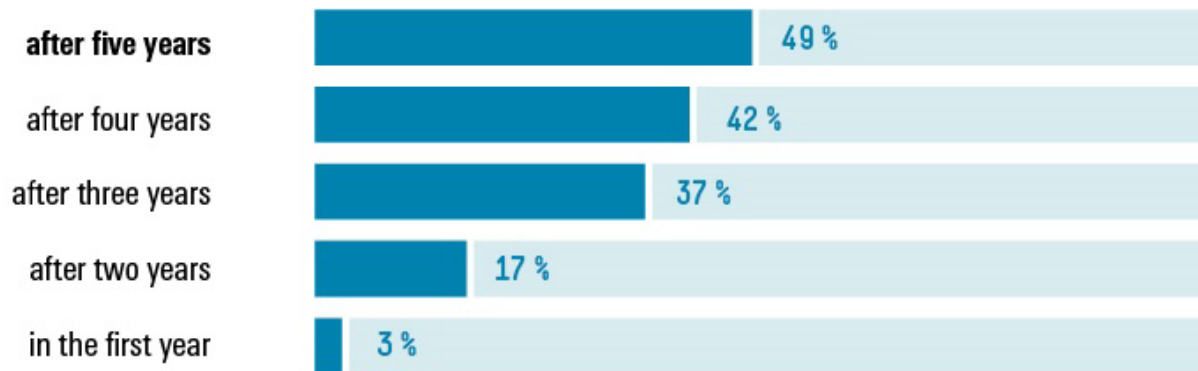
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# Codetermination boosts integration

## Integration forging ahead

The employment rate of refugees coming to Germany since 2013 is ...



The integration of refugees is more successful with codetermination and collective agreements.

There are difficulties where collective bargaining coverage is sparse and works councils are lacking.



Böckler Impuls (08/2021).  
[Betriebsräte fördern die Integration](#)

Note: \* 18–64 year-olds, including trainees, interns and the marginally employed.  
Source: IAB 2020

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# Codetermination boosts integration

A society that defines itself to a high degree by work also has to integrate people by work.

Two elements have a particularly **high integrative force**: **codetermination** as an active element of democracy and **in-company training**.

Codetermined companies have a big impact on whether we will in future talk of an immigration country (only) in the geo-economic sense or of socially inclusive immigration.

The integration work of trade unions and works councils involves daily engagement against racism, xenophobia and right-wing extremism.

## e.g. IG Metall:

**24%** of its members in the workplace

**32%** of its works councilors

**37%** of its workplace union delegates

**11%** of its works council chairs

**... have a migration background**

*Source: direkt 4/2017*



Mitbestimmungsreport Nr. 28 (2016):

[J.-P. Giertz, M. Maschke und N. Werner. Mitbestimmung als notwendige Bedingung für Integration.](#)



# European works councils drive Europe forward

**European works councils (EWC)** have been around for about 25 years now. With over **1,000 bodies** and around **20,000 workers' representatives** they have developed into a vital element and driving force of European integration.

They provide an important forum and instrument for **cross-border cooperation** and workers' **joint interest representation**.

The managers of international companies also take a **positive view** of their **cooperation** with European works councils.



→ [EBR-Datenbank des Europäischen Gewerkschaftsinstituts](#)

→ Böckler Impuls (11/2016).  
[Geschätzte Eurobetriebsräte](#)



# Algorithms: a case for the works council!

## Regulating handling of personal data

In company agreements this means, for example ...

"Company management and the works council agree that employee data processing shall be permissible only when legal or regulatory provisions require it."



"Performance data captured systematically may not be used in labour law procedures, either directly or indirectly."



"Data processing shall in principle be carried out anonymously [...]. Except when this shall be permitted by special company agreement in individual cases."



"Transmission of data to external parties [...] first requires scrutiny by the company data protection officer and the consent of the works council."



**Artificial intelligence** is being introduced into offices and workshops. Algorithms are analysing working processes.

**Company agreements** can prevent this from being used for individual monitoring.

→ Böckler Impuls (18/2020). [Betriebsräte setzen den Algorithmen Grenzen](#)

→ Böckler Impuls (10/2019). [Algorithmen sind ein Fall für den Betriebsrat](#)



## CODETERMINATION 2035 – 4 scenarios

The future of work – only sustainable with workers' voice



### Competition

An orientation towards growth and increasing pressure to maintain competitiveness lead to the marketisation of employee representation; codetermination has to have a 'pay off'.



### Responsibility

Negotiation processes become more personal, but are conducted within a framework protected by the state; more individual participation and responsibility.



Crises and increasing distribution disputes lead to conflictual labour relations; alternative forms of economic activity and new forms of solidarity emerge.

The world of work is becoming more democratic; collective interest representation is (re)gaining importance in order to increase individual room to manoeuvre and ensure fair working conditions.



### Struggle



### Fairness

→ [Codetermination 2035 – Four scenarios \(EN version\)](#)



# MITBESTIMMUNGSPORTAL

[Codetermination web platform]

- The **platform** for **codetermination practioners**
- **Practical** and **orientational information** – at a glance

(German language only)



[www.mitbestimmung.de](http://www.mitbestimmung.de)