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REPORT

Mitbestimmungsreport No. 61e, 07.2020

GERMANY'S COUNCIL PRESIDENCY

A Boost for Workers' Voice?

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AT A GLANCE

- Germany is taking over the presidency at the Council of the EU. Workers' participation in boards is the foundation for stability and sustainability, especially in times of crisis. The protection of the German tradition of workers' board level representation is a declared political goal of the German government.
- The existing legal framework leaves loopholes. In consequence, national laws can be circumvented by the application of European law.
- These loopholes need to be closed on national and European level. An important step towards strengthening workers' participation would be a framework directive on information, consultation and participation.
- This directive would include binding minimum standards on workers' representation in boards if European company law is used. Additionally, a European body on information and consultation has to be set up.

CONTENT

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At a glance

- Germany is taking over the EU Council presidency in July 2020. Company codetermination is a guarantor of stability and sustainability, especially in times of crisis. Our studies have shown that companies with codetermination recovered from the financial crisis more quickly. The protection that company codetermination provides, particularly in the European context, is a declared objective of the German government. Germany's Council presidency must be used to put the strengthening of codetermination on the agenda.
- Existing regulations to protect codetermination – for example, in the Directive on employee involvement in the European company (SE), as well as in the Directive on cross-border conversion, mergers and divisions of companies – leave loopholes, by means of which companies can circumvent national regulations.
- Various instruments of European company law – such as founding a European company (SE), cross-border merger or, in future, also cross-border conversion or transfer of seat or division – are available to companies that enable them to avoid company codetermination.
- In practice, company codetermination can be permanently avoided or 'frozen' at a low level (one-third participation in the supervisory board) because any increase in the number of employees in the future no longer has any effect, as national thresholds for codetermination (500 for one-third participation and 2,000 for parity) no longer apply. The proportion of workers' representatives in the supervisory or administrative board can no longer be raised. When it comes to existing codetermination rights, in the event of cross-border conversion or transfer of seat, the only remedy available is grandfathering for four years.
- Avoidance of codetermination is on the rise. Current figures show that more and more companies are depriving their employees of codetermination rights by means of European law in particular. At the same time, the number of companies with parity-based codetermination is falling steadily (from 767 in 2002 to 638 in 2018). Just under one-third of companies with more than 2,000 domestic employees lack a supervisory board with codetermination. The situation is even worse among European companies (SE) of this magnitude: four out of five of them lack a supervisory board with codetermination.
- Because of the increasing Europeanisation of companies the number of SE works councils and European works councils is also rising. Similarly, there are workers' representatives from other European countries in SE supervisory boards. Although the influence of EU law is leading to a Europeanisation of workers' representatives in SE supervisory boards, the upshot is that shareholders' rights are being enhanced because codetermination is being diluted.
- These gaps must be closed at both national and European level. In Germany a law that recognised foreign legal forms regarding the scope of codetermination (the so-called Extension of codetermination law) could provide a remedy. The so-called one-third participation gap should also be closed. An important step towards boosting codetermination at European level would be the introduction of a framework directive on information, consultation and codetermination. Both the DGB and the ETUC are calling for such a directive.
- Such a directive would, among other things, lay down minimum standards for company codetermination and would be mandatory for companies that resort to European company law to change their company constitution. The level of codetermination would depend on the number of employees. The more employees, the higher the proportion of employee seats on the supervisory board (or administrative board).
- On top of that, a body for workplace interest representation should be set up at European level if there is no European works council in the company concerned.
- The European legislator must be active in this regard. Workers' participation in strategic decision-making is a locational advantage for Europe. It strengthens the sustainability of corporate governance and makes employees 'citizens in the firm'.

1 EUROPEAN CORPORATE GOVERNANCE IN THE INTEREST OF STAKEHOLDERS

Safeguarding and enhancing codetermination is an important means of strengthening workers' rights, as well as companies' economic stabilisation in periods of crisis. The German government recognises this.[1] The coalition agreement contains a clear commitment to corporate social responsibility in the European context, as well as to safeguarding codetermination, especially in the case of cross-border transfers of seat. On one hand, this entails closing loopholes in national law, in which the German legislature must take an active role. On the other hand, it is equally necessary to lay down European minimum standards for information, consultation and codetermination.

Workers' participation is a national tradition in many EU member states: 18 of the 27 EU member states recognise company codetermination in the supervisory board or the executive board. On top of that there are a multitude of possibilities for employee participation in the company.

Clearly, social dialogue and social partnership are important values in the EU. Employees' right to information and consultation in the company is laid down in Article 27 of the European Union's Charter of Fundamental Rights. In addition, social dialogue is taken into account in the European Pillar of Social Rights, which was jointly signed by the European Parliament, the European Council and the European Commission in Gothenburg in November 2017. But social partnership can be truly effective only if employees and employers are on an equal footing. In an increasingly Europeanised and globalised world this is possible only if adequate participation structures are established for employees at the European level. We are calling on the European Commission, the Parliament and the Council to make a clear commitment to this. This is because the EU is also increasingly exerting influence over the system of corporate governance. European freedom of establishment, derived from free movement of people, forms the core of the European single market, together with the other fundamental economic rights. Rulings of the European Court of Justice on the interpretation of freedom of establishment, as well as European company law in the form of directives influence how companies are governed. This affects the balance of power between the executive board, the supervisory board and the annual general meeting.

Furthermore, many companies now operate at European level or globally. This is fostered by the European single market. Today many companies whose headquarters are abroad set up an affiliate in Germany. All too often, strategic decisions in such companies are no longer taken in Germany, but in the foreign parent company, leaving even the codetermined supervisory board of a German affiliate with little room to manoeuvre (see Sick 2015, Sick 2020).

There are also companies that trade as a so-called 'European company' or Societas Europaea (SE). Although in the case of the conversion of a German limited company into an SE existing codetermination rights are grandfathered, the level of codetermination is frozen if the number of employees rises. New possibilities for cross-border transformation, merger or division of companies were also recently adopted at the European level, which the member states are required to transpose into national law within the next three years.

There is no real reason to object to EU influence over corporate governance by means of European primary and secondary law as long as not only the shareholders' interests are being strengthened. In particular in the context of increasing globalisation more rights must be conferred on employees in terms of workplace and company codetermination at the European level. They must be given the possibility of proper participation in company decision-making. There are a number of studies that show that codetermination boosts company performance, especially in periods of crisis (see Rapp/Wolff 2019).

Involving employees in decision-making is today more important than ever. A major transformation of the economy and the company looms, indeed it is already under way. Climate change and digitalisation pose a real challenge, but also harbour opportunities. Employees, as citizens in the workplace, want to get on board and to have their say in this transformation.

Because of the increasing Europeanisation and globalisation of corporate governance structures a purely national perspective on issues of workers' participation is no longer an option. The European Union makes it possible to introduce effective codetermination structures in Europe.

We are working at European level to promote this. Unfortunately, to date strengthening collective rights has not figured in the legislative initiatives planned by the European Commission. A more substantial impetus can and should come from the upcoming Council presidency, however.

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1 See video podcast by the German government: 'Kanzlerin Merkel würdigt Rollen der Gewerkschaften' [Chancellor Merkel acknowledges the role of the trade unions], at: https://www.bundesregierung.de/breg-de/mediathek/die-kanzlerin-direkt/kanzlerin-merkel-wuerdigt-rolle-der-gewerkschaften-1711748 [27.4.2020], 12.1.2020 (transcription at: https://www.bundeskanzlerin.de/resource/blob/822020/1711738/31e167e50e7fa99053d017bcd75fd7ac/download-pdf-data.pdf [last accessed on 27.4.2020]).

2 COMPANY CODETERMINATION IN EUROPEAN COMPANY LAW

2.1 Codetermination in the supervisory board of a European company (SE)

Codetermination in the supervisory board is already part of European (company) law. Codetermination in the supervisory board was established in certain companies with a European legal form by the introduction of the European company (Societas Europaea or SE) and the European cooperative society. In a nutshell, the establishment of an SE is subject to the negotiation principle and, in the event negotiations break down, a statutory fall-back regulation based on the so-called before-and-after principle, in accordance with which the level of company codetermination in the supervisory board that prevailed in the German company remains in place in the new SE.

When an SE is founded, a special negotiating body is set up, within the framework of which representatives of the employer and the employees negotiate on the level of company codetermination, as well as workers' involvement at the European level. If agreement is reached, a codetermination agreement is signed. If the employees and the employer are unable to reach agreement, however, the statutory fall-back regulation kicks in. This ensures the level of codetermination in the supervisory board prevailing at the time of company conversion.

2.2 Europeanisation of company codetermination?

The introduction of the European company (SE) as a legal form of association is one more step towards the Europeanisation of company codetermination. There are regulations on company codetermination in the supervisory board or the executive board in 18 of the 27 EU member states, as well as Norway. In the case of company conversion into a European company (SE) in accordance with national company law, if there were employee representatives in the supervisory board or executive board before conversion, this remains the case in the SE. This gives employees from other European countries the opportunity to exert influence over the company's strategic decision-making as members of the supervisory board. At companies such as Allianz, BASF and SAP, for example, there are already European employee representatives in the supervisory board.

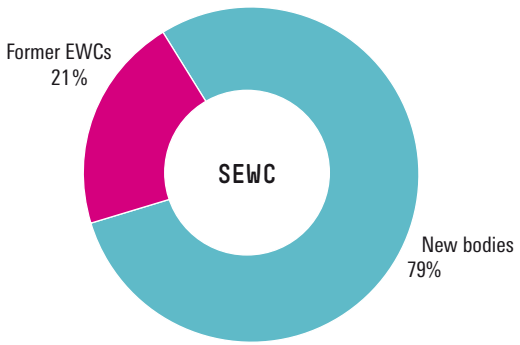
Infobox

More SE works councils through the European company (SE)

The conversion of national companies into European companies has led to an increase in the number of European company interest representation bodies because of the obligation to establish first-time SE works councils, even if no European works council previously existed (see **Figure 1**). Similar regulations apply to SE works councils as to European works councils. This can generally be considered a good thing because SE works councils and EWCs can be important platforms enabling employees to exchange ideas and experiences at European level and to instigate cooperation above and beyond that.

Figure 1

Number of European company codetermination bodies
SE Works Councils (n = 109)



Source: Authors' own graph based on ETUI: https://www.worker-participation.eu/content/download/6230/103998/file/SE-FactsFigures-2018-03-13%20Bologna.pdf [27.4.2020]

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2.3 Using European law to circumvent company codetermination

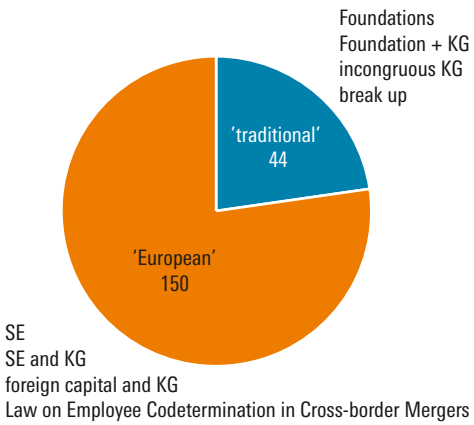
The negotiation solution and the statutory fall-back solution initially sound like a good compromise when it comes to founding a European company (SE). In practice, however, they can be exploited to circumvent codetermination: a German company, shortly before reaching the threshold for company codetermination can opt to convert into a European company (SE). In accordance with the before-and-after principle the current level of codetermination – or the absence of codetermination – is now frozen. Subsequent increases in the number of employees are not taken into account. This hinders the growth of companies with (parity-based) codetermination: 82 SEs with more than 2,000 employees in Germany do not have parity-based codetermination in the supervisory board. There have been 28 further cases since 2015 alone. The SE is thus a fundamental reason for the lack of participation in the supervisory board. Companies that convert into SEs form the biggest group among those avoiding codetermination in Germany (see **Figure 2**): a total of 194 companies avoid codetermination in Germany, 150 of which resorted to European law. Some 44 companies have used German law, for example, by means of legal constructions involving foundations (see Sick 2020).

In December 2019 new European regulations were adopted on cross-border company conversions, mergers and divisions, which were also based on the negotiation principle and the before-and-after regulation. Negotiations on codetermination in the supervisory board are obligatory when four-fifths of the national threshold has been reached. Because the statutory fall-back solution also follows the before-and-after principle, however, the employees have no negotiating clout. This is because at the time the negotiations take place there is (still) no codetermination in the supervisory board. The upshot can be, in practice, that although negotiations are held, the employer can simply run down the clock, knowing that if no agreement is reached no statutory fall-back solution kicks in. Furthermore, the directive only provides for grandfathering of codetermination for four years. After that, new possibilities become available, such as a further merger in accordance with national law, resulting in codetermination being ditched completely.

Besides resort to European directives, ECJ jurisprudence on freedom of establishment makes it possible for domestic German companies to operate under foreign legal forms and thus not subject to codetermination. By mid-2014 there were already almost 100 companies in Germany with more than 500 domestic employees that traded under a foreign legal form, such as C&A, Müller and H&M; currently there are 62 companies with over 2,000 employees (see Sick 2020).

Figure 2

Circumvention of company codetermination by means of German and European law



Source: Bayer/Hoffmann (2020): Vermeidungsgestaltungen bei über 2000 Beschäftigten [Avoidance constructions in the case of companies with 2,000 or more]. I.M.U.

2.4 A framework directive is needed on information, consultation and codetermination

Although the trend towards Europeanisation of company codetermination is to be welcomed, the existing regulations on safeguarding national systems are inadequate. Only a fairly small number of corporations with codetermination at European level can be set against the practice of eliminating national structures of codetermination by resorting to European primary and secondary law. Further weaknesses of the current system at European level include the negotiation option in the SE, the possibility of freezing codetermination and also the common practice of shrinking supervisory boards by founding an SE. Current law is simply not up to the job of protecting codetermination properly. In order to facilitate participation at European level and on an equal footing a framework directive is needed on information, consultation and codetermination at European level, of the kind advocated by the ETUC and the DGB (see DGB-Bundesvorstand 2016; DGB Bundesvorstand 2020). Up to now, every directive, whether it be on transfer of seat, division and merger, as well as the directive on workers' participation in the SE, have contained their own rules on company codetermination, although the procedures are similar.

A framework directive on information, consultation and company codetermination would cover the application of all instruments of European company law. An obligation would be established to set up a European company body if there are employ-

ees in more than one member state, regardless of whether the conditions of the EWC directive are met. Furthermore, minimum standards should also be introduced for company codetermination at European level by means of the directive, if a company resorts to European company law. A dynamic element for company codetermination in the supervisory board – the so-called 'escalator' – would also be provided for: the level of workers' participation in the supervisory board would be dependent on the number of employees in companies that have recourse to European law. From 50 employees there would be two or three workers' representatives in the supervisory board, from 250 employees one-third and from 1,000 employees half of the seats would be reserved for workers' representatives. Not only would this lay down a general minimum standard for company codetermination, but it would address the abovementioned problem of freezing.

Key demands for safeguarding company codetermination and strengthening stakeholder-oriented corporate governance:

- Renegotiation of codetermination at an SE, including a new fall-back regulation, if the number of employees in the relevant member state exceeds the threshold of the respective national codetermination laws. The new fall-back regulation would be based on the level of codetermination triggered by the threshold that has just been surpassed.
- Introduction of a framework directive on information, consultation and codetermination at European level with dynamic thresholds for companies that make use of European company law.
- Strengthening the rights of stakeholders, such as employees, on an equal footing.
- No further shift of competences from the supervisory board with codetermination to the general meeting.
- Drafting a framework directive that takes account not only of the interests of shareholders, but also the interests and participation of all interest groups in society (a »stakeholder directive«).
- Priority given to sustainable corporate governance that values prospects for jobs, production locations, regions with a good quality of life and codetermination more highly than investors' craving for short-term gains.

(See Feldmann/Leuchters 2019.)

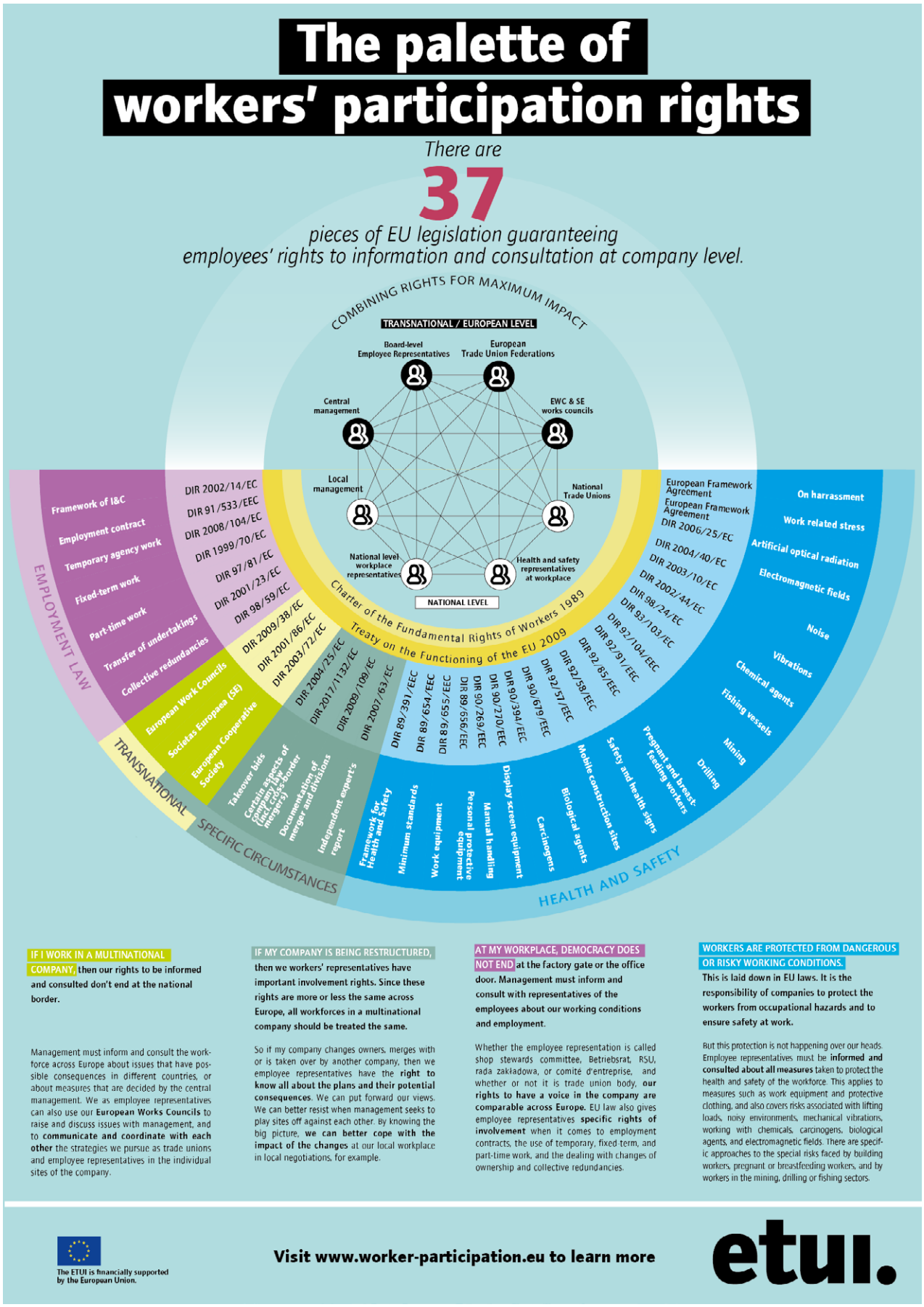
3 COMPANY INTEREST REPRESENTATION AT EUROPEAN LEVEL

Although the issue of workers' participation, in contrast to the EU single market, is largely regulated at national level, there are a multitude of European directives that at least touch on information, consultation and codetermination rights (see **Figure 3**).

The right to information and consultation is to be found in the European Charter of Fundamental Rights. The directive on establishing a general framework for informing and consulting employees 2002/14/EC lays down national minimum standards for information and consultation. On top of that, directive 2001/23/EC (on safeguarding employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses), as well as directive 98/59/EC (to approximate the laws of the member states regarding collective redundancies) provide for consultation rights for employees.

The first European body was the European works council. A compromise was reached after long negotiations in the form of directive 97/45/EC (on the establishment of a European works council). In Germany the directive was transposed into national law with the European Works Council Act (Europäische Betriebsräte-Gesetz). Which national transposition law is used depends on where the company's central management is located. In order to be able to found a European works council a

Various EU directives on information and consultation of employees



Source: ETUI, http://www.worker-participation.eu/About-WP/What-s-new/3-new-infographics-on-workers-rights [27.4.2020]

company has to have at least 1,000 employees in the EU and at least 150 employees in at least two member states.

European works councils are informed and consulted in the event of certain company decisions, if it is a matter of cross-border concern. The timing of information is particularly important to enable employee representatives to evaluate the potential effects of company decisions.

After the revision of the EWC directive in 2009 the European Commission was supposed to present a report, by June 2016 at the latest, on its implementation, as well as proposals (as the case may be) on appropriate changes to the directive. The report, which was only published in May 2018, lays out a number of problems with the directive, such as the lack of a minimum list of items of information that should be made available to the Euro-

European works councils as impetus for global framework agreements

European works councils can serve as an important networking platform, particularly in transnational companies. It also seems that European works councils can form the basis of far-reaching cooperation, for example, within the framework of global framework agreements. The coordination of workers' representation at global level takes place on a »voluntary« basis, as legally binding minimum standards are lacking with regard to multinational enterprises. The same goes for joint initiatives involving trade unions and NGOs to safeguarding labour standards in particular sectors or in multinationals. The area of global workers' representation is growing constantly, however, and becoming ever more complex. Various participation actors – national trade unions, European and international trade union federations, works councils, European works councils – are developing joint strategies to implement agreements with multinationals on labour and human rights. These global framework agreements are an opportunity for trade union and workplace actors to enter into dialogue with company managements and reach agreement on minimum standards in the company. Although the topics of framework agreements tend to be fairly general and refer to the core labour standards laid down by the ILO, it already says something about the influence of workplace and trade union representatives that such negotiations take place at all (Helfen 2018 and Dehnen 2014).

- Negotiations on global framework agreements can lead to the emergence of communication structures between trade union and/or workplace participation actors and decision-makers at multinationals. These dialogue channels can also be used for other topics and in other situations.
- Global framework agreements can have particularly positive effects on concrete working conditions at companies at which national labour legislation offers employees insufficient protection. It is key to the successful implementation of global framework agreements that they be applied in all parts of the company and that implementation be monitored locally by workers' representatives.[1]

In comparison with multinationals' voluntary commitments (such as codes of conduct) or reporting mechanisms (such as the UN Global Compact) global framework agreements are a fairly marginal phenomenon given the number of multinationals worldwide. To date, around 100 multinationals have concluded such agreements with international trade union umbrella organisations. It is evident that most of the multinationals that sign global framework agreements have their seat in the EU and their attitudes to workers' participation bodies range from fairly neutral to positive. Global works council bodies present a similar picture. Global works councils can still be counted in single figures and are an absolute rarity. In contrast to global framework agreements world works councils are permanently established bodies representing employees and – as in the case of Volkswagen's global works council – are often spatial extensions of existing European works councils (see Haipeter 2019).

(Dehnen/Lücking 2020, pp. 43 ff.)

1 The website of the international trade union confederation IndustriAll is extremely useful in this regard: check lists for the implementation and monitoring of global framework agreements: http://www.industriall-union.org/issues/confronting-global-capital/global-framework-agreements [27.4.2020].

pean works council, as well as vague guidelines on consultation with the European works council. We are still waiting for a revision of the directive and one will search in vain for any mention of such a revision in the European Commission's new work programme for 2020.

Many European works council bodies report that they are informed and consulted only after management decision-making has already been completed. Management also uses confidentiality of information as an excuse to leave the EWC out of the loop. On top of that, the significance of opinions expressed by the European works council is unclear and they exert little influence over management decision-making.

Proposals do exist for amendments to the EWC directive to strengthen information and consultation rights. One important step would be the introduction of effective sanctions in the event that management violates information and consultation rights. In addition, the trade union right to participation in the European works council should be reinforced. Especially in transnational companies European works councils can be an important vehicle enabling employees to engage in cross-border dialogue. European works councils could also serve as platforms for initiating codetermination across European borders, for example, by means of global framework agreements. Global framework agreements can play a role particularly in the context of the debate on protecting human rights along supply chains, for example, by safeguarding compliance with the ILO's core labour norms even in countries whose national law lags behind in that respect. A cross-border body is essential at companies that operate across borders. At present, by contrast, the regulations in many cases only hinder the effective functioning of European works councils. It is incumbent on the European legislator to do something about this.

Key requirements for strengthening European works councils' information and consultation rights at European level:

- Automatic triggering of negotiations on establishing a European works council, as well as resort to fall-back solutions among the instruments provided by European company law.
- EWC opinions must be taken into account in the case of certain management decisions (as in the works constitution acts of the Netherlands and Germany).
- Serious sanctions (for example, suspension of measures agreed by the company management) if the European works council was not consulted beforehand.
- Clarification of the basis on which information can be categorised as »confidential« (this is often used to avoid consulting the EWC).
- Safeguarding EWC access to the judicial system so that the EWC can engage in legal proceedings against the company as a legal person.
- Ensuring efficient coordination of workers' representation by means of the EWC's right of access to all the company's establishments.
- Establishing objective criteria regarding decision-making where the European works council has its seat in order to prevent regime shopping or resort to letterbox firms.
- Increasing the number of mandatory meetings to at least two a year.
- Participation rights for trade unions in EWC negotiations, as well as a right to participate in EWC meetings and its executive committees.
- Strengthening of EWC rights to improve networking between the various works council levels.

(See Feldmann/Leuchters 2019)

4 WORKERS' VOICE: NATIONAL TRADITIONS IN EU MEMBER STATES

Participation and codetermination rights in company supervisory boards and administrative boards are enshrined in law in 18 EU member states. This shows that company codetermination is far from being a German peculiarity. Workers' voice in Europe can also take very different forms beyond codetermination in the supervisory board, however.

Possible vehicles for workers' voice include collective agreements, works councils, European works councils, workers' representation in the supervisory board and European or other cross-border framework agreements. All these variants of workers' voice serve to represent workers' interests and assert their statutory rights. There is no uniform model for this. Workers' voice comes in various forms. Its function remains the same, however: workers and their representatives exercise influence over strategically important decisions in the company regarding issues of investment, restructuring and relocation (Hassel et al. 2018: 7).

Certain conditions need to be in place to enable workers' voice to perform this function, however. These rights must be mandatory and it must be possible to sanction non-compliance. Binding individual and collective rights must also be enshrined at various institutional levels, namely at the company, sectoral, national and even European level. Last but not least, adequate resources are needed if workers' voice is to be effective (ibid.: 44).

Although workers' voice in companies takes a range of different forms in Europe, there is interaction between the various forms of workers' participation. This was demonstrated by Hassel and Helmerich (2017) in a study of the 100 biggest European companies, according to which all companies with workers' representatives in the supervisory board have a collective agreement and 90.9 per cent of them have a European works council. By contrast, only 82.1 per cent of large companies without workers' representatives in the supervisory board have a collective agreement and only 58.1 per cent of them have a European works council. Strong institutional embedding of company codetermination demonstrably correlates with the extent to which workers' interests are taken into account in corporate governance. A high proportion of collective agreements goes hand in hand with a high rate of European works councils and international framework agreements.

The various national examples show that workers' voice takes different forms in different places. On the other hand, there is a tradition of workers' representation in every European country. In response to the increasing importance of transnational companies and of European company law more robust transnational options are need for workers' participation.

National traditions of Workers´ Voice

Source: Authors' presentation based on http://de.worker-participation.eu/Nationale-Arbeitsbeziehungen [27.4.2020]
http://www.worker-participation.eu/National-Industrial-Relations/Countries

LITERATURE

Bayer, Walter/Hoffmann, Thomas (2020): Vermeidung und Ignorierung der paritätischen Mitbestimmung in Deutschland [Circumventing and disregarding parity-based codetermination in Germany]. Report commissioned by the Hans-Böckler-Stiftung. February 2020 (unpublished).

Dehnen, Veronika (2014): Grenzüberschreitende Verhandlungen. Wie Akteursdynamiken und institutionelle Umwelten Internationale Rahmenvereinbarungen beeinflussen [Cross-border negotiations. How actor dynamics and institutional environments influence international framework agreements]. Frankfurt am Main: Campus Verlag.

Dehnen, Veronika/Lücking, Stefan (2020): Mitbestimmung in multinationalen Konzernen [Codetermination in multinational companies]. Mitbestimmungsreport No. 58. Hans-Böckler-Stiftung. Düsseldorf. https://www.imu-boeckler.de/de/faust-detail.htm?sync_id=8896

DGB-Bundesvorstand (2016): Offensive Mitbestimmung: Vorschläge zur Weiterentwicklung der Mitbestimmung [Proactive codetermination: proposals for the further development of codetermination]. Resolution of the DGB federal executive committee of 12 July 2016. https://www.dgb.de/++co++3f0504bc-fe03-11e8-9849-52540088cada

DGB-Bundesvorstand (2020): Eckpunkte des Deutschen Gewerkschaftsbundes für eine Europäische Rahmenrichtlinie zur Unterrichtung, Anhörung und Unternehmensmitbestimmung [Key points for a European framework directive on information, consultation and company codetermination]. Resolution of the DGB federal executive committee of 11 February 2020. https://www.dgb.de/download-center/++co++fbe3d63c-7281-11ea-8667-52540088cada

Feldmann, Martin/Leuchters, Maxi (2019): Neues EU-Parlament, neue EU-Kommision – Neuer Schwung für Workers' Voice? [New European Parliament, new European Commission – New impetus for workers' voice?] Mitbestimmungsreport No. 50. Düsseldorf. https://www.imu-boeckler.de/de/faust-detail.htm?sync_id=8403

Haipeter, Thomas (2019): Transnationale Artikulation von Arbeitnehmerinteressen im Weltbetriebsrat von VW [Transnational articulation of workers' interests in Volkswagen's global works council]. In: WSI-Mitteilungen 72(4), pp. 260–269.

Helfen, Markus (2018): Grenzüberschreitende Wertschöpfungsnetzwerke als Handlungsraum transnationaler Arbeitspolitik? Globale Rahmenabkommen und transnationale Gewerkschaftsnetzwerke unter der Lupe [Cross-border value creation networks as arenas of transnational labour policy? Global framework agreements and transnational trade union networks in focus]. In: Haipeter, Thomas/Hertwig, Markus/Rosenbohm, Sophie (eds): Vernetzt und verbunden – Koordinationsprobleme im Mehrebenensystem der Arbeitnehmervertretung [Networked and interconnected – coordination problems in multi-level systems of workers' representation]. Wiesbaden: Springer Verlag.

Hassel, Anke/von Verschuer, Sophia/Helmerich, Nicole (2018): Workers' Voice and Good Corporate Governance. Final report. Hans-Böckler-Stiftung. Düsseldorf. https://www.boeckler.de/pdf/mbf_workers_voice_academical_final_report.pdf

Hassel, Anke/Helmerich, Nicole (2017): Workers' Voice in the 100 Largest European Companies. Mitbestimmungsreport No. 31. https://www.boeckler.de/pdf/p_mbf_report_2017_31.pdf

Rapp, Marc Steffen/Wolff, Michael (2019): Starke Mitbestimmung, stabile Unternehmen [Strong codetermination, strong company]. Mitbestimmungsreport No. 51. Hans-Böckler-Stiftung. Düsseldorf. https://www.imu-boeckler.de/de/faust-detail.htm?sync_id=8420

Sick, Sebastian (2015): Mitbestimmungsfeindlicheres Klima. Unternehmen nutzen ihre Freiheiten – Arbeitnehmer werden um ihre Mitbestimmungsrechte gebracht [Hostile climate for codetermination. Companies exercise their freedoms – employees' codetermination rights are frustrated]. Mitbestimmungsreport No. 13. Hans-Böckler-Stiftung. Düsseldorf. https://www.imu-boeckler.de/de/faust-detail.htm?sync_id=7382

Sick, Sebastian (2020): Erosion als Herausforderung für die Unternehmensmitbestimmung [Erosion as a challenge to company codetermination]. Mitbestimmungsreport No. 58. Hans-Böckler-Stiftung. Düsseldorf. https://www.imu-boeckler.de/de/faust-detail.htm?sync_id=8896

all links were last checked on 04.06.2020

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The I.M.U. (Institute for codetermination and corporate governance) is an institute of the Hans-Böckler-Stiftung. It provides advice and training to workers' representatives on supervisory boards, works councils, as well as to labour directors. Democracy thrives on workers' participation. All our efforts are directed towards fostering a culture in which people get involved, have their say and contribute to decision-making. Both in their everyday lives and at the workplace.

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Publisher
Institute for Codetermination and Corporate Governance (I.M.U.)
of the Hans-Böckler-Stiftung
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Phone +49 (2 11) 77 78-172

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Layout: digiteam, Düsseldorf

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Issue
Mitbestimmungsreport No. 61, 07.2020

ISSN 2364-0413