

# COLLECTIVE BARGAINING IN GERMANY 2019

## ANNUAL REPORT OF THE WSI COLLECTIVE AGREEMENT ARCHIVE

Thorsten Schulten and the WSI-Tarifarchiv

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## 1 The 2019 bargaining round: overview

Over the course of the 2019 bargaining round, trade unions affiliated to the DGB (German Trade Union Confederation) concluded new pay settlements for some 8.4 million employees. A further 12.8 million benefited from settlements agreed either in 2018 or earlier, including significant bargaining areas where no negotiations took place in 2019, such as the metalworking and electrical industry and sections of the public sector (Federal and local government). By contrast, new settlements concluded in 2019 mainly involved branches in which there was no collective bargaining in 2018.

This biennial cycle has now been observable in Germany for some time: in the first year, settlements are concluded in a number of branches, with the remainder following on in the second year. One outcome is that most pay agreements now have a two-year duration. In the case of those agreements negotiated in 2019, the average duration was as much as 25.4 months (see Figure 1). In some branches, such as the East German textile industry or printing, three-year pay settlements were concluded in 2019 (Table 1). And an extremely unusually extended settlement for 33 months was agreed for employees in the German Federal States (the *Länder*). By contrast, contract lengths of a year or 18 months are now the exception.

Figure 1: Average duration of pay agreements, 2000 - 2019 (in months)



Source: WSI Collective Bargaining Archive

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## 1.1 Trade union claims for 2019

The 2019 bargaining round was the second in the 2018/2019 bargaining cycle, with most claims reflecting those submitted in the previous year (Schulten/WSI-Tarifarchiv 2019). The predominant claim in most branches was for an increase in wages and salaries of 5.5-6.5 per cent (Table 1). In a few branches, claims were a little below this, at 5.0 per cent, as in the printing industry. Overall, claims were quite closely clustered.

In some branches, and in line with previous practice, trade unions also submitted a claim for a 'social component' – that is a minimum absolute sum – to ensure that employees in lower-paid grades would receive an above-average pay increase. The services trade union ver.di, for example, put in a claim for a minimum rise of €200 together with a percentage claim of 6 per cent in negotiations with *the German federal States*. Based on the lowest pay grade in the collective agreement for the *Länder* (TV-L, E1, Second stage), this implied a percentage rise of over 10 per cent. There were similar claims in retail, wholesale and foreign trade, and vehicle repair.

As with previous pay rounds, the issue of agreed provisions on working time organisation also played a significant role in the 2019 round. This included new scope for individual working time reductions and options allowing employees choice between either more money or additional days off. Claims on these issues were submitted in the steel industry, in banking and insurance, and in the chemical industry.

## 1.2 Settlements

The majority of newly-agreed settlements in 2019 provided for two-stage pay increases covering 2019 and 2020/2021 (see Table 1). The average settlement rate to be applied to agreed pay scales over the lifetime of the new pay agreements was 5.4 per cent. Taking into account the new supplementary agreed payments provided for in the settlements in iron and steel and in the chemical industry, which are not directly added to agreed pay scales but will be a permanent element in employees' overall remuneration, the average settlement rate for the whole economy rose to 5.6 per cent.

Table 1: Selected claims and settlements, 2019

Settlement date	Bargaining unit	Claim	Pay settlement 2019	2020/2021	Duration
13.02.19	Textile and clothing West	5.5 %	€340 lump-sum to cover 6 months 2.6 % from 08/2019	2.3 % from 09/2020	24 months to 01/2021
20.02.19	Paper, card and plastics manufacturing	6.0 %	4-month pay pause 2.8 % from 03/2019	2.7 % from 03/2020	27 months to 01/2021
03.03.19	Public sector Regional government German Federal States ( <i>Länder</i> ) (excluding Hessen)	6.0 % Min. €200 per month (€300 in the care sector)	3.2 % overall paybill increase. Min. €100 per month from 01/2019 <i>Care sector</i> : €120 per month + 3.2 % from 01/2019	3.2 % overall paybill. Min. €90 per month from 01/2020 1.4 % overall paybill and min. €50 per month from 01/2021 <i>Care sector</i> : 3.2 % from 01/2020 1.4 % from 01/2021	33 months to 09/2021
05.03.19	Energy East (AVEU)	ver.di: 6.1 % IG BCE: 7.0 %	3.0 % from 03/2019	3.0 % from 08/2020	27 months to 05/2021
16.03.19	Iron and steel	6.0 %	€100 lump-sum to cover 2 months 3.7 % from 03/2019	Additional agreed annual payment of €1.000	26 months to 02/2021
20.03.19	North West Germany/East				
30.04.19	Textile industry East	6.0 %	One month pay pause 2.6 % from 06/2019	1.6 % from 08/2020 2.0 % from 09/2021	36 months to 04/2022
03.05.19	Printing	5.0 %	8-month pay pause (from 09/18-4/19) 2.4% from 05/2019	2.0% from 06/2020 1.0% from 05/2021	36 months to 08/2021
12.06.19	Confectionery North-Rhine Westphalia	6.5 %	3.0 % from 04/2019	2.6 % from 04/2020	25 months to 04/2021
13.06.19	Vehicle repair (small enterprises) Bavaria	5.0 % Min. €140 per month	One month pay pause 2.7 %, min. €80 per month from 07/2019	2.6 %, min. €80 per month from 07/2020	24 months to 05/2021
26.06.19	Wholesale and foreign trade North-Rhine Westphalia	6.5 % Min. €180 per month	2-month pay pause 3.0 % from 07/2019	1.9 % from 06/2020	24 months to 04/2021
01.07.19	Retail North-Rhine Westphalia	6.5% Min. €163 per month	2-month pay pause 3.0 % for pay below €2,579 p.m.: €77.50 p.m. for grades above this rate, from 07/2019	1.8 % from 05/2020	24 months to 04/2021
03.07.19	Banking	6.0 %	7-month pay pause 2.0 % from 09/2019	2.0 % from 11/2020	29 months to 06/2021
22.11.19	Chemical industry	'Real pay increase': New annual supplementary payment of €1,000 per year (to rise in line with agreed pay).	Regionally differing lump-sums of 4-6% of monthly pay for 6-8 months.	1.5% from 07/2020 1.3% from 07/2021  Agreed annual supplementary payment of 9.2/13.8% of monthly pay in 2020/2021	27 - 29 months to 03/2022
25.11.19	Wood and plastics processing Lower Saxony/Bremen	5.5 %	3-month pay pause	2.6 % from 01/2020 1.8 % from 01/2021	23 months to 08/2021
29.11.19	Insurance	6.0 %	€225 lump-sum to cover 7 months	2.8 % from 04/2020 2.0 % from 06/2021	29 months to 01/2022

Source: WSI Collective Bargaining Archive

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The average settlement rate in East Germany, at 7 per cent, was markedly above that of the 5.1 per cent recorded in West Germany – an indicator of the fact that the process of convergence between East and West is still not complete. Overall most settlements ranged between 4 and 6 per cent. The 9 per cent increase agreed in the public sector for the *Land* governments was exceptional and due to the especially long duration of the new agreement. Lump-sum payments, made to cover short ‘pay pauses’ (dubbed *Nullmonate* or ‘zero months’ in German) before a percentage increase is applied to pay rates, played a relatively minor role in the 2019 bargaining round. Just 17 per cent of employees received such sums, compared with 46.4 per cent in 2018. In the iron and steel industry and in chemicals, an additional agreed annual payment was introduced that will also rise in future in line with agreed increases. New option models associated with these also allow employees to choose either this additional sum or extra days off, or other specified agreed provisions (see Section 4).

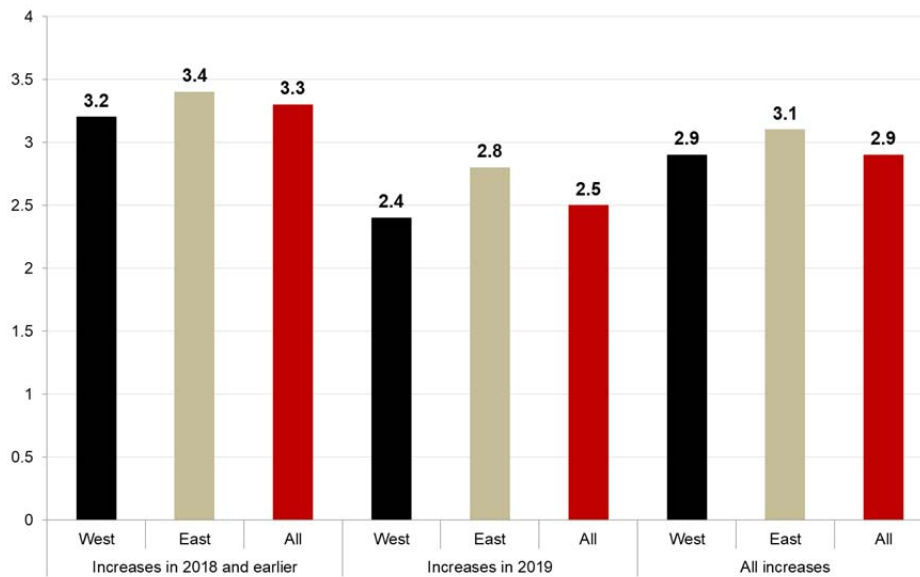
## 2 Annualised rise in collectively-agreed pay

In contrast to the settlement rate, the rate of increase in collectively-agreed pay for the calendar year also takes into account the effect of the timing and duration of settlements together with any agreed pay pauses, lump-sums and non-consolidated payments. In addition, the annualised rate includes not only new settlements but also any carry-over provisions agreed in previous years that took effect in the reference year. Calculating the average agreed increase for 2019 is therefore based not only on new settlements for that year but also settlements agreed in previous years that extend at least to the end of 2019.

### 2.1 Agreed increases in the whole economy

Agreed pay rose by an average of 2.9 per cent in 2019, taking into account both new settlements and any carry-over provisions from previous years (Figure 2). The rate of increase of 3.1 per cent in East Germany was marginally higher than the 2.9 per cent for the West. Looking solely at new settlements for 2019, the pace of agreed increases can be seen to have slackened markedly between the two years. While increases negotiated in 2018 or before provided for wage rises of 3.3 per cent, 2019 settlements were just 2.5 per cent.

Figure 2: Average agreed increases, 2019  
 In per cent compared with the previous year



Source: WSI Collective Bargaining Archive

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With a nominal increase of 2.9 per cent for 2019, agreed pay rose nearly as much as in the preceding year, when pay rose by 3 per cent (Figure 3). Set in the context of the past two decades, this represents one of the highest rates of increase and was exceeded only, and then only marginally, in 2014 and 2018. Given the modest and falling rate of consumer price inflation of 1.4 per cent, real pay grew by 1.5 per cent in 2019, slightly above the preceding year.

The cost-neutral scope for nominal pay growth – the sum of consumer price inflation and productivity growth – was clearly exceeded in 2019, as in previous years. In addition to high nominal rates of pay increase and relatively low inflation, one factor in this is the stagnation of productivity growth in Germany (Figure 3). In this respect, 2019 represented a continuation of the trend towards a notably expansive approach to wages that has been evident for years, with agreed pay increases sometimes substantially exceeding the cost-neutral scope for distribution following a period in the 2000s in which they consistently undershot this benchmark. The 2019 bargaining round completes a decade of collective bargaining that has exhibited a much more vigorous pace of growth than its predecessor, against a background of higher economic growth and falling employment (Bispinck 2020).

Figure 3 3: Agreed pay, consumer prices and productivity 2000-2019

Year-on-year change, in per cent



Source: WSI Collective Bargaining Archive; Destatis

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## 2.2 Agreed pay and earnings

In 2019, hourly earnings – that is the pay not only of employees covered by collective bargaining but the entire labour force – rose by 3.5 per cent (Statistisches Bundesamt 2020), more than half a percentage point above the rise in agreed pay (see Figure 4). The main factor behind this positive movement in wage drift is the current situation on the labour market, with many branches continuing to experience labour shortages that translate into higher pay.

Movements in earnings tend to be a great deal more volatile and much more exposed to the effects of wider economic fluctuations than agreed basic rates. During the 2000s, the gap between agreed pay and earnings – wage drift – was generally negative as a result of falling collective bargaining coverage and high unemployment. In contrast, wage drift has generally been positive since 2010, notwithstanding considerable variability at times. As well as the generally more favourable economic situation, positive wage drift has also been driven by overtime supplements as a result of longer working hours and additional pay awarded at workplace level on top of agreed industry minima. Moreover, a tighter labour market has also meant that firms not covered by a collective agreement could not allow their pay levels to lag behind agreed pay, helping to raise the earnings of employees outside the scope of collective bargaining.



Figure 4: Agreed pay and earnings,\* 2000 - 2019

Year-on-year change, in per cent



\* Gross pay per employee per hour  
Source: WSI-Tarifarchiv; Destatis



### 2.3 Agreed increases in individual branches

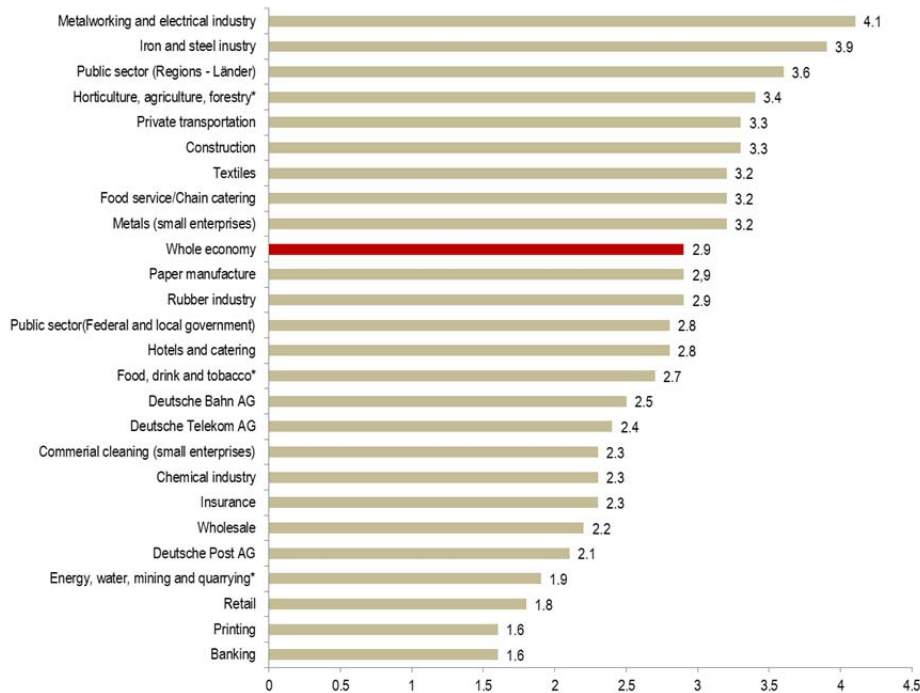
Rates of increases in agreed pay in 2019 varied considerably as between branch-level bargaining units and broader economic sectors (Figure 5), led by the substantial 4.1 per cent increase in agreed pay in the metalworking and electrical industry that benefited from the very substantial rise negotiated in the preceding year (Schulten/WSI Tarifarchiv 2019). There were also relatively high agreed increases in 2019 in the iron and steel industry (3.9 per cent), public sector (*Länder*) (3.6 per cent), and in horticulture, agriculture and forestry (3.4 per cent). Above-average rates of increase were also recorded in construction (3.3 per cent), private transportation (also 3.3 per cent), with metalworking in small enterprises (*Metallhandwerk*), food service and chain catering, and textiles all with 3.2 per cent.

The 2.9 per cent increase in the rubber and paper manufacturing industries was exactly in line with the average whole-economy increase. This was followed, with 2.8 per cent, by the public sector (Federal and local government) and hotels and catering; food, drink and tobacco recorded a 2.7 per cent rise, followed by Deutsche Bahn AG with 2.5 per cent, Deutsche Telekom AG with 2.4 per cent, and three branches all with 2.3 per cent: commercial cleaning, the chemical industry, and insurance. Agreed pay rose by 2.2 per cent in the wholesale and foreign trade branch, and by 2.1 per cent at Deutsche Post AG.

A number of branches saw increases below the 2 per cent mark: energy, water, and mining and quarrying recorded a 1.9 per cent increase; and retail had a 1.9 per cent rise, although most staff had a 2 per cent increase with rises that were markedly lower than this confined

to higher-paid employees (Schulten 2019a). Bringing up the rear were banking and the printing industry, each with 1.6 per cent.

Figure 5: Increase in agreed pay in 2019 in selected branches  
In per cent, compared with the previous year



\* Encompasses a number of branch agreements  
Source: WSI Collective Bargaining Archive

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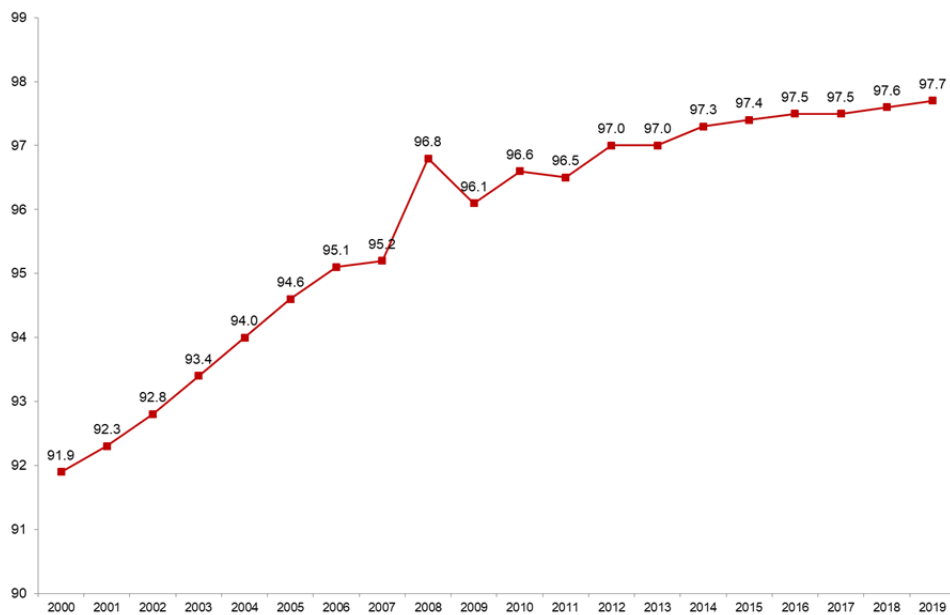
In some branches, such as the public sector and retail, lower-paid employees received above-average agreed increases. Some settlements also involved extensive regrading exercises, with some occupations moved to higher positions in agreed pay scales. One notable instance was the case of care workers in the public sector at *Land* level, whose pay rose by a minimum of €120 a month. Care and nursing staff employed by the university hospitals of Freiburg, Heidelberg, Tübingen and Ulm experienced an even more dramatic improvement: whereas the general agreed two-stage rise under the collective agreement for these hospitals totalled 7.1 per cent, care and nursing staff enjoyed pay increases of between 16 and 37 per cent, depending on experience (Busch 2019).

## 2.4 Agreed pay levels in East and West Germany

Despite some 29 years elapsing since German unification, differences in levels of agreed pay continue to persist between West and East Germany. On average, agreed basic pay in East Germany in 2019 was 97.7 per cent of the West German level (Figure 6), with a small reduction of 0.1 percentage points in the gap compared with the preceding year as a result of somewhat higher settlements in the East. As well as differences in agreed basic pay, employees in East Germany often work under poorer terms in other respects, in particular working hours, which, on average, remain one hour longer in the East than in the West.

Figure 6: Ratio of agreed pay between East and West Germany 2000 - 2019

Agreed basic pay in East Germany as per cent of the West German level



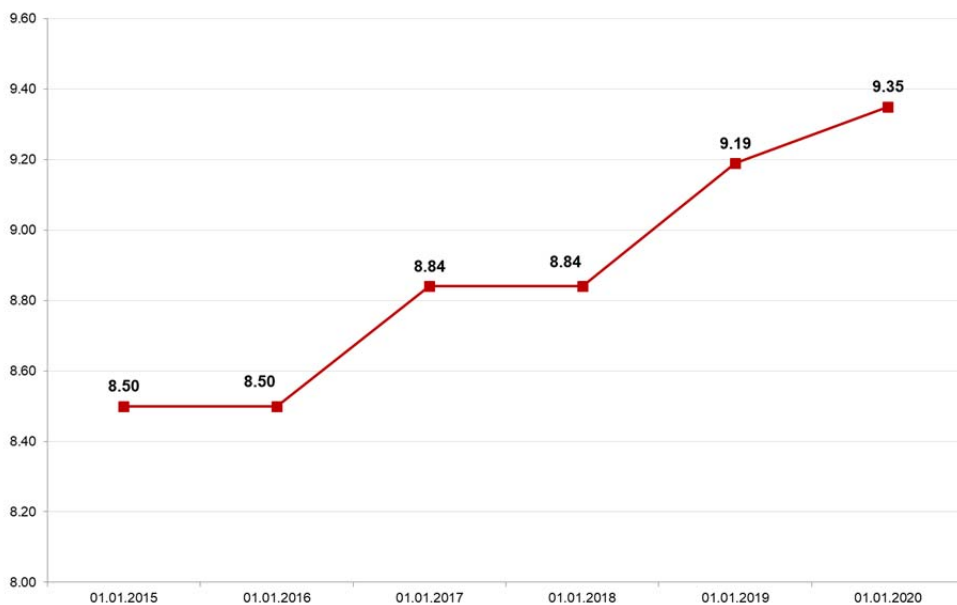
Source: WSI Collective Bargaining Archive

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### 3 Statutory minimum wage and agreed branch-level minimum wages

The statutory minimum wage was increased from €9.19 to €9.35 per hour on 1 January 2020, based on a decision of the German Minimum Wage Commission (*Mindestlohnkommission*) dating from 2018. This recommendation was itself guided by the average rise in agreed pay during 2016 and 2017, as recorded by the Federal Statistical Office. The January 2020 increase also took into account settlements negotiated in the first six months of 2018 (*Mindestlohnkommission* 2018). Following its introduction in January 2015, the first two increases in the statutory minimum wage took place at two-year intervals. The 2020 rise was the first time that the Commission advocated an annual adjustment. The minimum wage has increased by 10 per cent over the whole period for which it has been in force, equivalent to an annual increase of 2 per cent (Figure 7).

Figure 7: The statutory minimum wage in Germany, 2015-2020  
In € per hour



Source: German Minimum Wage Commission (Mindestlohnkommission)

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The additional increase implemented on 1 January 2020 represented a response to the growing criticism of the low level of the minimum wage, which research has shown is not sufficient either to provide an acceptable standard of living or avoid the risk of poverty, even for employees working full time (Herzog-Stein et al. 2018). One upshot has been the emergence of a broad coalition of opinion, encompassing the trade unions and social associations (*Sozialverbände*), the Greens, the Left Party (Die Linke), the Social Democrats (SPD) and some elements of the Christian Democrats (CDU), arguing for much faster increases in the minimum wage. An hourly rate of €12.00 has emerged as the target sum identified as sufficient to ensure a decent basic standard of living (Schulten and Pusch 2019).

In addition to the statutory minimum wage, at the start of 2020 there were also minimum wages in thirteen branches that had been set by collective bargaining. These have been extended to cover all employments in these branches, including firms that are not members of the signatory employer associations, on the basis either of the German Posted Workers Act (*Arbeitnehmer-Entsendegesetz*) or, in the case of chimney sweeping, electrical installation, and temporary agency employment the Collective Agreements Act (*Tarifvertragsgesetz*) and for the latter the Temporary Agency Employment Act (*Arbeitnehmerüberlassungsgesetz*) (see Table 2).

These branch-level minimum wages range from €10.00 in waste disposal to €18.00 in cash and valuables transit in North-Rhine Westphalia. The only hourly rate still below the €10.00 threshold is the €9.88 for temporary agency employment in East Germany, where the rate will not move above €10 until October 2020. Most of these agreements do not differentiate West and East Germany: the remaining exceptions providing for lower rates in the East are in commercial cleaning, painting and varnishing, cash and valuables services, and in the care sector.

**Table 2: Generally-binding agreed minimum branch-level pay rates, 2020**  
in Euro per hour

Branch	West	East
Waste disposal	10.00	10.00
Vocational training and education	16.19	16.19
Construction**(Unskilled)	12.20	12.20
Construction** (Skilled)	15.20	
Roofing* (Unskilled)	12.40	12.40
Roofing* (Skilled)	13.60	13.60
Electrical contracting	11.90	11.90
Commercial cleaning (Internal cleaning and upkeep)	10.80	10.55
Commercial cleaning (External and glass)	14.10	13.50
Cash and valuables (static services)*	12.69-15.03	12.16
Cash and valuables in transit*	14.68-18.00	14.42
Scaffolding	11.88	11.88
Agency employment***	10.15	9.88
Painting and varnishing (Unskilled occupations)	10.85	10.85
Painting and varnishing (journeyman)	13.30	12.95
Social care	11.35	10.85
Chimney sweeping*	13.20	13.20
Stonemasonry	11.85	11.85

\* Extension order not yet issued

\*\* Applies only until the end of 2019: no new agreement at time of writing

\*\*\* Applies from April 2020

Source: WSI Collective Bargaining Archive (as at January 2020)

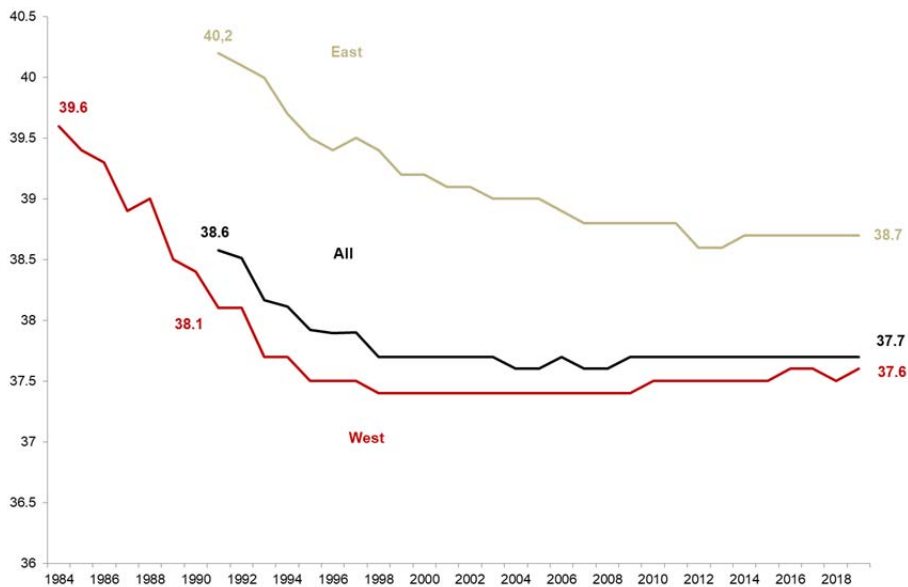
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## 4 Agreed working hours and employee choice

The issue of working time reductions has tended to take a back seat in recent negotiating rounds. Following an intensive phase of bargaining over working time between the mid-1980s and mid-1990s, culminating in the introduction of a 35-hour week in the West German metalworking industry and a small number of other branches, agreed weekly working hours have barely changed since (Figure 8). In 2019, as in previous years, the average working week in West Germany stood at 37.7 hours. And in East Germany, the whole economy average was one hour longer than in the West, at 38.7 hours.

Figure 8: Average agreed weekly working hours, 1984 - 2019

In hours



Source: WSI Collective Bargaining Archive

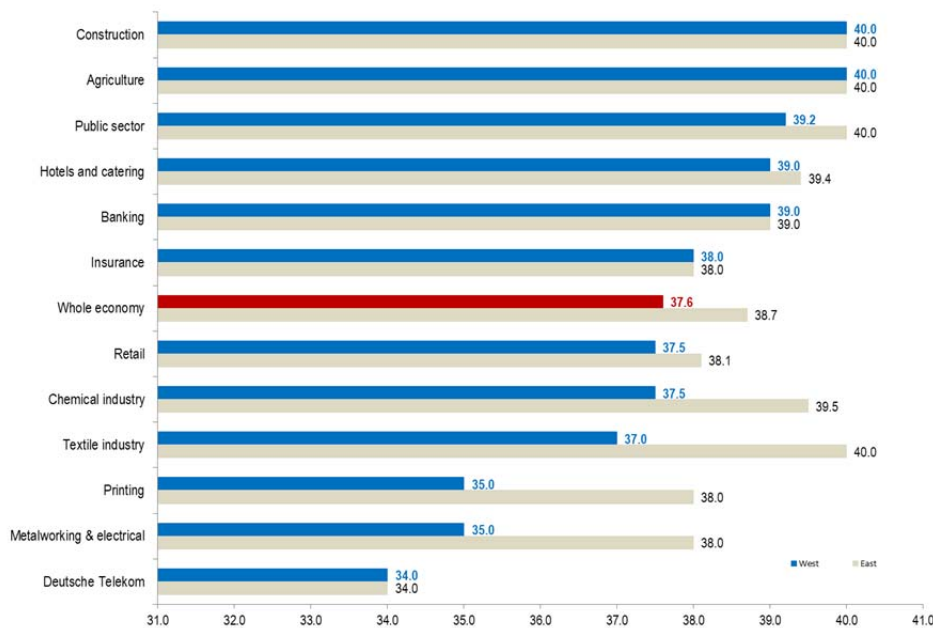


Average weekly working hours for individual branches range from 34 at Deutsche Telekom to 40 in branches such as construction or agriculture (Figure 9). Around one fifth of the workforce (21.2 per cent) work in branches with an agreed working week of 35 or fewer hours, contrasted with the 12.5 per cent who still work 40 or more hours. For most employees, agreed weekly hours range from more than 35 to less than 40 hours.

And again, despite 30 years since German unification, many collective agreements in the East continue to provide for longer working hours than in West Germany. This also applies in major branches, such as the metalworking and electrical industry, the chemical industry and the public sector. There have been a number of recent trade union initiatives to bring working hours in East Germany down to the levels in the West. In 2017, the chemical and energy trade union IG BCE succeeded in concluding a partial weekly working time reduction in the East German chemical industry from 40 to 38.5 hours by 2023 (in a process dubbed the 'Potsdam Model') (Schulten/WSI-Tarifarchiv 2018). And in spring 2019, IG Metall, the trade union for textile workers as well as metalworking, negotiated a staged reduction of weekly hours in the East German textile industry from 40 to 37 by 2027 (IG Metall 2019).

Figure 9: Average agreed weekly working hours 2019

In hours, selected branches



Source: WSI Collective Bargaining Archive

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In the 2018 settlement in the metalworking and electrical industry, IG Metall succeeded in negotiating a provision under which the employers were obliged to engage in talks about shorter working hours in East Germany, where the current agreement provides for a weekly working time that is three hours longer than in the West. Many such conversations took place over the course of 2018 and 2019, but without result. In December 2019, IG Metall formally declared that the talks had broken down given the employers' refusal to agree to introduce a 35-hour week in the East German metalworking and electrical industry, even with a long transitional period (IG Metall Bezirk Berlin-Brandenburg-Sachsen 2019). IG Metall has since announced that it will seek to introduce a 35-hour week directly in as many workplaces as possible.

Recent years have also seen an increased focus in collective bargaining on the scope for individual employees to exercise greater choice over how their working hours are organised (Bispinck 2019; Table 3). The pioneer in this area was the rail and transport trade union (EVG), which concluded an agreement with Deutsche Bahn AG in December 2019 under which employees acquired the right to choose between a pay increase of 2.6 per cent, a one-hour cut in their weekly working hours or six days additional annual leave. In the most recent settlement at Deutsche Bahn AG in December 2018, this model was extended to include a further option of a 2.6 per cent pay rise, a one-hour working time each week or six additional days off. From 2020, rail employees will then be able to combine both of these options, enabling them to choose between 5.6 per cent more pay, two hours off each week, or 12 additional days off each year. EVG is also pursuing similar employee choice models in other agreements in its organising scope.

The 2018 collective bargaining round included a number of settlements, principally at Deutsche Post AG and in the metalworking and electrical industry, that featured new employee options for individual working time reductions and for choice between pay and various elements of working time (Schulten/WSI-Tarifarchiv 2019; Table 3). The fact that these options were strongly supported and welcomed by employees has prompted trade unions to press for similar arrangements in other branches. In the 2019 collective bargaining round, there were negotiations on individual choice models in the iron and steel industry, banking and insurance, and in the chemical industry. While an agreement was reached in the iron and steel industry, the banking employers were not willing to accede to such an arrangement. The services trade union ver.di did succeed in negotiating agreements on employee choice models in some company-level agreements, however, as at Postbank and Sparda-Bank. In the insurance branch, the employers committed themselves to discuss individual choice options in 2020 but outside the customary collective bargaining framework. Finally, in November 2019 the settlement in the chemical industry delivered the most comprehensive agreed arrangement yet negotiated. This provides for individual choice between pay and various aspects of working time organisation (such as additional days off each year or a long-term working time account) as well as a wide range of other agreed provisions.



Table 3: More money or more time off? Selected agreed arrangements

Bargaining unit	Pay ...	or working time	Eligible employees
Deutsche Bahn AG	2.6 % (from 2018)	1 hour per week working time reduction or 6 days off per year.	All employees
	2.6 % or 5.2 % (from 07/2020 and then from 01/ 2021)	1 or 2 hours per week working time reduction or 6 or 12 days off per year.	
Metalworking and electrical industry	Agreed annual supplementary payment of 27.5% of monthly pay (from 2019)	8 days off	Employees <ul style="list-style-type: none"> <li>- on shift work</li> <li>- with children under 8</li> <li>- with family members needing care.</li> </ul>
Deutsche Post AG	3.0 % (from 2019) 2.1 % (from 2020) 5.1 % (from 2020)	60.27 hours per year 42.19 hours per year 102.46 hours per year	All employees covered by the collective agreement
Local public transport Bavaria	Up to 2.5%	Max. 5 days off per year	All employees covered by the collective agreement
	Above plus 0.25 % (and 0.25 % contribution from the employer)	Above plus 1 extra day off per year	All employees on shift work
Iron and steel industry	Agreed annual supplementary payment of €1000 (from 2020)	Max. 5 days off per year (lower-paid grades) or 4 days (higher-paid)	All employees covered by the collective agreement
Postbank	3.0 % (from 2020)	Up to 7.2 days (based on a 5-day week)	All employees covered by the collective agreement
	1.75 % (from 2021)	Up to 8.64 days (based on a 6-day week)	
Sparda Bank	2.6 % (from 2020)	6 days (2020) 1.5 days (January-March 2021)	All employees covered by the collective agreement
Chemical industry	Agreed annual supplementary payment ('Future Fund') ( <i>Zukunftskonto</i> ) as percentage of a month's pay: 9.2 % (from 2020) 13.8 % (from 2021) 23.0 % (ab 2022)	Additional days off: 2 in 2020; 3 in 2021; 5 in 2022 Or employees may opt to use the sum for a long-term working time account, pension, disability insurance, training, health promotion, or supplementary care insurance (via workplace agreement).	All employees covered by the collective agreement

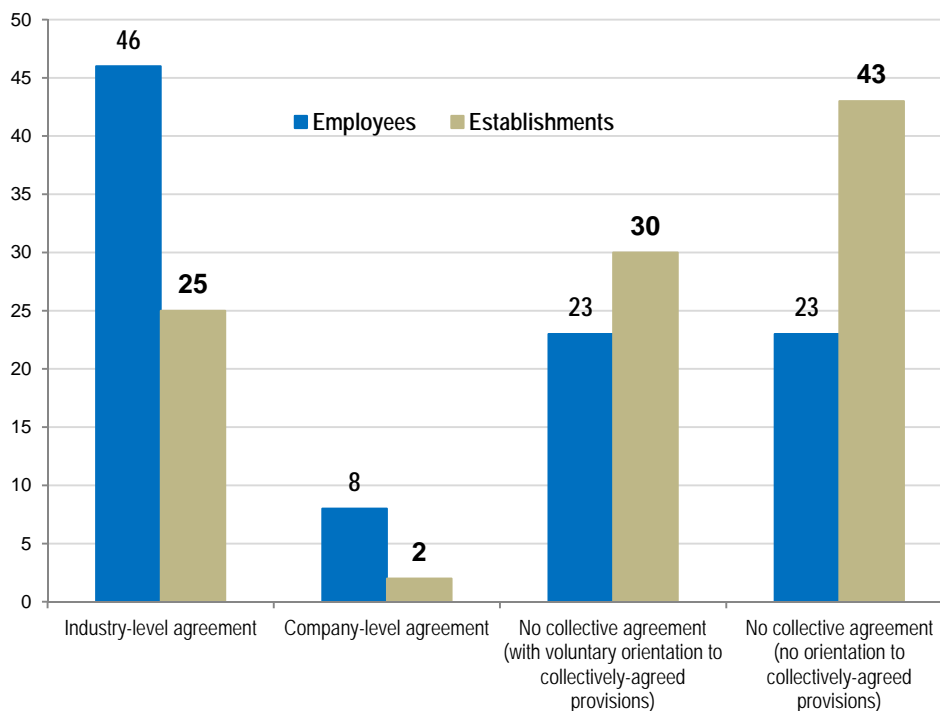
Source: WSI Collective Bargaining Data Bank

## 5 Collective bargaining coverage

The trend towards declining collective bargaining coverage that began in the mid-1990s has proved to be continuing feature of the German employment relations landscape (Ellguth and Kohaut 2019). According to the IAB Establishment Panel, in 2018 only 54 per cent of all employees were working in workplaces covered by a collective agreement, with 46 per cent covered by an industry-level agreement and 8 per cent by a company-level agreement (Figure 10). Measured in terms of establishments, the level of collective bargaining coverage was even lower at 27 per cent, mainly because small establishments are much less likely to be in the scope of a collective agreement than larger firms. Although quite a significant number of firms that are not covered by collective bargaining state that they 'orient' themselves to prevailing agreements, this term has a variety of meanings and in most cases such employers diverge markedly from agreed standards.

Figure 10: Collective bargaining coverage in Germany, 2018

In per cent of all employees and establishments



Source: IAB Establishment Panel

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Terms and conditions in workplaces outside collective bargaining are generally poorer than those with a collective agreement (Lübker and Schulten 2019). On average, employees not protected by a collective agreement work one hour longer each week and are paid 22 per cent less. Controlling for structural factors, such as company size and branch, there is still a significant gap, with employees not covered by a collective agreement working 52 minutes longer each week and earning 10 per cent less than those in the scope of an agreement. The continuing erosion of the collective bargaining system has prompted a number of proposals to bolster bargaining coverage (Schulten 2019b). These include trade union organising initiatives aimed at building workplace-level organisational strength to extend and

consolidate the reach of collective bargaining and proposals in the policy field, such as easing the procedure for extending collective agreements and requiring contract compliance in public procurement.

One of the most significant events in efforts to bolster collective bargaining coverage took place in 2019 in the elderly care sector, a sphere that up until that point had barely been touched by union organising initiatives and which includes numerous private for-profit care providers outside the scope of collective bargaining. Following the establishment of new employer association for the care sector in 2019, negotiations began on a framework collective agreement for the whole sector, with the aim of concluding this by 2020. The adoption of a law to improve the pay of employees in the care sector in November 2019 also created the legal foundation for extending any such agreement to the whole branch. The joint efforts of the trade unions, politicians and some sections of the employers succeeded in constructing new and sector-wide collective bargaining arrangements in a branch that is likely to be of major social importance in the future.

## 6 Selected branch-level bargaining developments

### 6.1 Public sector (German Federal States - the *Länder*)

#### The claim:

A comprehensive package was agreed for Federal and local (municipal) government in the 2018 bargaining round that, in addition to usual general pay increases, also involved a large-scale reform of pay structures in which individual pay grades were awarded specific increases (Schulten/WSI-Tarifarchiv 2019: 20ff). Given increasing labour and skill shortages, the main objective of this exercise was to raise the attractiveness of the public sector as an employer, with a consequent emphasis on providing above-average increases both for new starter rates and also for some skilled roles.

The other area of the public sector – regional government at federal state level (*Länder*) – is exposed to similar challenges and also competes directly with Federal and local government for staff. One constant concern in pay negotiations at *Land*-level has been to ensure that no significant gap emerges with pay for similar roles in other parts of the public sector. According to the trade union ver.di, over the next few years up to 30 per cent of *Land*-level employees will retire and a package of attractive pay and conditions will be needed to attract their successors.

Collective bargaining at *Land* level sets pay and conditions for just under one million staff in *Land* administration, university hospitals, road maintenance, coastal protection services, social care and education, the justice system, the care sector, and much more. In addition, negotiations also indirectly influence any pay awards for a further two million active and retired civil servants (*Beamte*) who are outside the scope of collective bargaining. These negotiations encompass all the constituent states (*Länder*) in Germany's federal system, with the exception of Hesse. Bargaining is conducted between a bargaining consortium established between the *Länder* for the employer side and joint bargaining committee comprising four DGB-affiliated trade unions (ver.di, the education union GEW, the construction trade union IG BAU, and the police union GdP) together with the section of the

German Civil Servants Federation (DBB) that represents public employees that do have collective bargaining rights. Negotiations have traditionally been led by ver.di. On 20 December 2018, ver.di's national collective bargaining committee decided on the following claim for the 2019 bargaining round, with the aim of securing a one-year agreement (ver.di 2018):

- a 6 per cent rise for all pay grades with a minimum of €200 per month;
- an additional increase of €300 for grades for care staff;
- an increase of €100 per month for trainees and those on internships;
- reapplication of the provision requiring trainees to be hired on successfully completing training;
- regulation of the conditions for the training of those studying in dual training programmes that blend formal instruction and workplace experience.

In addition, the unions conveyed their aspirations for an improvement in the pay structure, a 50 per cent extension of the additional annual leave granted to employees on shift work in hospitals and clinics, and a 20 per cent uplift in the supplement for Saturday working for non-clinical staff at these organisations. The claim also included an extension of annual leave to 30 days for trainees and interns. Finally, the trade unions wanted the settlement to be applied fully and immediately to civil servants at *Land* and local government level. While the trade union side based its claim on the fact that the public finances were benefiting from healthy cash inflows, the employers characterised the claim as 'utterly excessive' and noted the need for further economies in public spending (TdL 2018).

#### **The negotiations:**

The first negotiating session at *Land* level took place on 21 January 2019 in Berlin and ended without agreement. This was also the outcome of the second round on 6-7 February, held in Potsdam, with the two sides still far apart. Following this, the trade unions organised a nationwide series of token ('warning') strikes. For example, staff at university hospitals went on strike in North-Rhine and Bavaria. In Berlin, staff working in social care and nurseries as well as employees in the *Land* administration were called out for token action that lasted for a whole day, leading to the closure of many childcare facilities. In Baden-Württemberg, psychiatric centres were among the facilities affected by the strike action; in Saxony-Anhalt action was taken at vocational training schools, libraries and at the road construction authority; in Saarland, staff went on strike in the *Land* administration, the university hospital and in various official technical departments; and in Rhineland Palatinate, strikes were held at universities and some public hospitals. There were also many large-scale demonstrations aimed at making the claim known to the wider public. In all, several tens of thousands of employees took part in the action.

A comprehensive settlement was finally reached in the third round of negotiations, held from 28 February to 2 March in Potsdam, which was supported by 83.7 per cent of participating ver.di members in a subsequent member survey (ver.di 2019b).

#### **The settlement:**

The settlement reached on 2 March 2019 consisted of a wide-ranging package that included both percentage pay increases and improvements to the overall pay structure (ver.di 2019a).

The total increase in pay consists of an agreed rise in the paybill of 8 per cent over a period of 33 months (until 20 September 2021). The minimum increase for any individual employee over the whole period is €240 per month, leading to higher pay rises than the overall figure for the lower paid. Entry pay levels for new starters were also increased by 11 per cent, above the increase in the paybill. The pay structure in this part of the public sector consists of 19 grades, including some sub-grades, with progression through 5-6 steps in virtually all grades, and with movement through the steps in each grade taking place after 2-5 years in each step, depending on the level already attained.

The 2019 settlement provides for a three-stage increase in pay:

- On 1 January 2019: a paybill increase of 3.2 per cent, with 4.5 per cent for the entry level in the main pay scale (grades 2-15), and 3.01 per cent for other steps and grades but at least €100 per month;
- On 1 January 2020: a further paybill increase of 3.2 per cent to include rises of 4.3 per cent for the entry level of grades 2-15, with 3.12 per cent for other steps and grades and at least €90 per month;
- On 1 January 2021: a paybill increase of 1.4 per cent, with rises of 1.8 per cent for the first entry level of grades 2-15 of, and 1.29 per cent for other steps and grades and at least €50 per month.

Care staff were moved onto the pay scale applicable in local (municipal) government on 1 January 2019. In addition, they received €120 per month on top of this and their grade rates were increased by 3.2 per cent as from 1 January 2019 and again on 1 January 2020, with a further rise of 1.4 per cent due on 1 January 2021.

Pay for trainees and interns rose by €50 a month in two stages: the first on 1 January 2019 and the second on 1 January 2020. The provision under which trainees are taken on after completion of training was extended for two years.

The agreement included numerous improvements in the pay structure affecting particular occupational groups (such as in the justice system, libraries, IT, technical staff, social and childcare, emergency medical services, psychological psychotherapists, child and youth psychotherapists, skilled manual trades and operatives). In order to finance these changes, employees will contribute half the additional costs via a freeze in the annual 'special payment', typically paid just before Christmas, at its 2018 level from 2019 until 2022.

Frank Bsirske, ver.di general secretary at the time of the negotiations, commented that this was 'best outcome in many years.... delivering a sustained improvement in the attractiveness of the public sector both for skilled staff and for new starters' (ver.di 2019a). The chief negotiator for the employers, the Berlin Finance Minister Matthias Kollatz, also saw the outcome as 'a good compromise' that provided nearly three years of predictability for financial planning for the *Länder* (TdL 2019).

## Public sector collective agreement in the Federal State of Hesse

Hesse, the Federal State State (*Land*) that includes Frankfurt am Main and Wiesbaden, withdrew from national bargaining arrangements for the German *Länder* in 2004 and has since charted its own course with a separate agreement for its employees (referred to 'TV-H', *Tarifvertrag für den öffentlichen Dienst des Landes Hessen*). Hesse is governed by a so-called 'Black-Green' coalition of Christian Democrats and Greens. When these two parties agreed their programme, following state elections in October 2018, they indicated that they would relook at the issue of rejoining national bargaining arrangements. At the time of writing, this issue was still under review, however, and a CDU minister in Hesse recently noted that this would not take place soon (*Süddeutsche Zeitung*, 25 January 2020).

In March 2019, the trade unions and the Hesse *Land* government concluded a settlement for the 45,000 employees working for the state authority. This broadly corresponded with the outcome negotiated for other *Land* governments, such as a three-stage increase totalling an 8 per cent rise in the overall paybill, with higher increases for new starters and the lower paid.

As with the other *Länder*, the agreement runs until 30 September 2021.

## 6.2 Chemical industry

### Claim:

In 2018, new regional agreements in the chemical industry, covering some 575,000 employees in all, were set to run for just 15 months, much shorter than many other settlements negotiated that year (Schulten/WSI-Tarifarchiv 2019). As well as providing for pay increases, the 2018 bargaining round in the industry also included negotiations on greater employee choice over working hours. It was not possible at that stage for agreement to be reached on a specific provision. Instead the two sides came to an arrangement, dubbed 'Road Map 4.0', according to which they would negotiate on the issue in the 2019 bargaining round with the aim of agreeing a range of options, mandatory for employers, aimed at making the industry more attractive to work in by offering greater employee choice over working time.

In the run-up to the 2019 negotiations, the key demand emerging from within the chemical and energy union, IG BCE, was for the introduction of a model providing individual employee choice between higher pay or more time-off. In June 2019, IG BCE's national executive committee released its recommendations for the claim, which was formally decided in September 2019 following internal discussions (IG BCE 2019a).

IG BCE submitted a wide-ranging claim centred on the introduction of an agreed individual 'Future Fund' (*Zukunftskonto*) of €1,000 each year. Employees, including trainees, would manage their own fund and would be able to use it for a range of benefits, including additional time-off. Employer payments into the fund would also rise in line with future agreed pay rises. In addition to the 'Future Fund', IG BCE's claim included:

- a real and palpable increase' in pay,
- introduction of a supplementary care insurance scheme financed by the employer,
- development of a training campaign to keep pace with digitalisation.

The employer association for the chemical industry, BAVC, countered that the industry was facing the prospect of going 'into the red' and that there was no scope for further pay increases (BAVC 2019a). BAVC was also concerned about the call for greater employee choice over working hours, as any reduction in hours worked would exacerbate skill shortages. The claim for an additional care insurance scheme was also initially rejected on the ground that, given the worsening economic situation, it would raise employment costs and overstretch employers.

### **Negotiations:**

Negotiations between IG BCE and the employers began on 30 September 2019 in the eleven regional bargaining units in the industry. This was followed by negotiations at national level, with the first central negotiations held on 21-22 October, without agreement being reached.

IG BCE then resolved to step up pressure on the employers through a week of action in early-November involving more than 200 events (IG BCE 2019b). It also organised an employee petition for the establishment of a 'Future Fund' that collected 42,000 signatures. According to the union, around 100,000 employees participated in various actions over the course of the 2019 bargaining round. A settlement was finally reached in the second national negotiating round, held on 21-22 November 2019.

### **The settlement:**

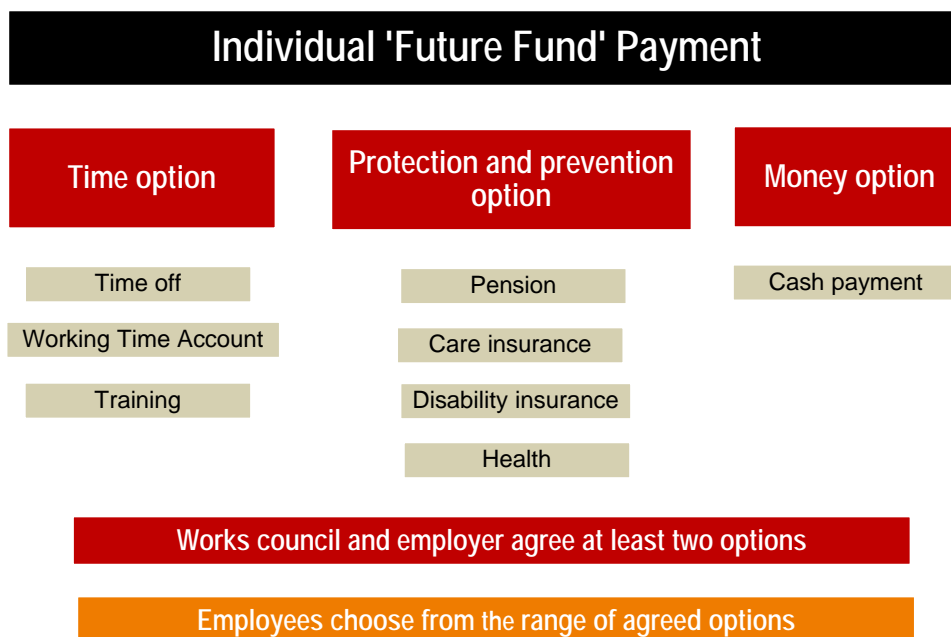
The settlement between IG BCE and BAVC, concluded on 22 November 2019, was wide-ranging and comprised four key elements:

1. an increase in pay rates, as specified in regional-level pay agreements;
2. a national collective agreement termed 'Modern World of Work' (*Moderne Arbeitswelt*) that provided for the introduction of a 'Future Fund' payment that employees could use for a range of agreed benefits;
3. a national level agreement on a supplementary care insurance scheme
4. a range of other provisions and changes to the framework agreement.

On pay, the settlement provided for a two-month pay pause followed initially by one-off lump-sum payments of 4-6 per cent of a month's pay for employees working normal shifts (and 5.3-8 per cent for employees on fully-continuous rotating shifts and permanent nights). From 1 July 2020, basic agreed pay in all regions will rise by 1.5 per cent, with a further 1.3 per cent from 1 July 2021. Firms experiencing economic difficulties can postpone payment of the increases by up to two months. The duration of the regional pay settlements ranges from 27 to 29 months, allowing all these agreements to end simultaneously on 31 March 2020 and for future negotiations to be conducted at the same time.

The core of the settlement is a national-level collective agreement dubbed 'Modern World of Work'. This provides for the introduction of an individual 'Future Fund' payment, beginning in 2020 at 0.2 per cent of a month's pay, rising to 13.8 per cent from 2021 and 23 per cent from 2022. Employees will have the option of using this sum for other agreed benefits. These include both various elements of working time, such as additional days off or long-term working time accounts ('time banking'), or training, individual social provision such as additional contributions into a company pension scheme, disability insurance, care insurance or health promotion measures (Table 4).

Figure 11: Employee choice options in the chemical industry settlement 'Modern World of Work'



Source: IG BCE

The choices open to individual employees are determined at workplace level via workplace agreements between the employer and works council, with the stipulation that at least two options must be made available. Employees have until 30<sup>th</sup> September each year to indicate their choices for the coming year. In most instances, the choice will be between money or free time, with the payment allowing for an increasing number of additional days off: two in 2020, three from 2021 and five from 2022 (IG BCE 2019c).

Trainees will also receive a 'Future Fund' payment, but in their case it must be taken as cash. Companies experiencing economic difficulties will be able to reduce the payment by 50 per cent, subject to a works agreement and the permission of the signatories to the industry-level collective agreement.

One further important element of the settlement is agreement on a national-level collective agreement providing for a supplementary care insurance scheme (*'Pflegezusatzversicherung Chemie'*). There is already a statutory system of care insurance in Germany,



financed by employer and employee social insurance contributions. This agreement, providing for a group insurance scheme for all eligible employees, represents a pioneering step in collective bargaining in Germany. Eligibility is acquired after six months service in a company directly in the scope of the collective agreement – that is, a member of a signatory employer association. For trainees, eligibility begins on the first day at their workplace.

The additional scheme aims to help fill gaps in the statutory scheme through payment of a monthly premium of €33.65 for all eligible employees. The initial benefits, available when the scheme begins on 1 September 2021, are:

- €300 per month for domiciliary or outpatient care for individuals assessed as being in the care categories 2 - 4 (ratings for the degree of incapacity or limitations on everyday activity).
- €1000 per month for those needing residential care, assessed as being in care categories 2 - 5.

The settlement also includes a range of other new provisions. Key elements for employees include increasing the annual supplementary payment ('13<sup>th</sup> month') from 95 to 100 per cent of monthly pay and well as provisions on mobile working.

From IG BCE's standpoint, this agreement constitutes an innovative and comprehensive package designed to accommodate the changing world of work by responding to core employee needs – such as dealing with the increasing intensity of work or managing the issue of financial security in retirement (IG BCE 2019c). The employer association BAVC also noted that this was a 'good settlement in a difficult context' and welcomed the extended duration as a secure basis for long-term planning (BAVC 2019b).

## 7 Prospects

The 2019 bargaining round marked the continuation of a negotiating cycle that began in 2018 and that was characterised by a more assertive trade union approach. In a context marked by growing labour shortages in many branches and regions, trade unions were able to secure relatively high pay increases that, in turn, have contributed to stabilising fluctuations in the German economic cycle (Dullen et al. 2019). The trade unions have also succeeded in widening the bargaining agenda to encompass new issues in the organisation of working time and employee choice that are seen as critical in responding to the challenges of the modern world of work and employee's life experiences.

A new collective bargaining cycle begins in 2020 under much more uncertain economic circumstances and a more complex labour market situation. Labour shortages will persist in some fields, creating a need to raise wages significantly. This not only applies in health and social security but also in a number of classic low-wage branches, such as agriculture, small enterprises the bakery sector and hairdressing or hotels and catering. The strategy adopted by the food, drink, and hospitality trade union NGG in the chain catering branch, where the aim is to establish an agreed wage floor of €12.00 per hour, is one notable example of this approach. This claim has also drawn on the ongoing minimum wage debate and provides an illustration of how this can be used to secure advances in collective bargaining.

The economic outlook is much less assured in other branches, and especially those that have traditionally set the pattern, such as the metalworking and electrical industry where

negotiations begin in spring 2020. The strains are already evident in the automotive branch, where both vehicle manufacturers and suppliers are facing the consequences of the necessary transformation of the industry. Many firms have already announced large cutbacks in employment, and this is likely to make job security a central issue in these negotiations.

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