

## **Abstracts WSI-Mitteilungen 10/2005**

Werner Nienhüser/Heiko Hoßfeld

### **Works agreements – are they dependent on the works council?**

The article reports on the results of a telephone survey carried out with 1,000 human resource managers responsible for signing works agreements. Firstly, it is concerned with the following questions: how often works agreements are used, the regulation issues which are regulated by works agreements and how the human resource managers who were questioned assess this regulation instrument. Secondly, the article analyses the effects of the (perceived) cooperation and influence of the works council in relation to the use, content and assessment of works agreements. Almost all firms with more than 100 employees have works agreements, primarily concerning working hours. Works agreements are highly valued by the majority of the human resource managers, especially for their flexibility. The type of works council, and the size of the company, have a significant influence on the frequency and assessment of works agreements – it also reveals just how influential the actual work of the works council is perceived to be by the management and how the willingness to co-operate is recognised.

Matthias Müller

### **The institution of the works council from the standpoint of the economics of human resources**

The works council is a central actor in the system of human resources management. It draws together the preferences and interests of the employees and presents them during the course of decision-making procedures. The activities of the works council have economic repercussions. This article discusses, amongst other points, the effects on the profit situation, productivity and innovative capability. Of particular significance is the influence the works council has on the transaction costs of the contract of employment.

Armin Höland/Ute Kahl/Nadine Zeibig

### **Reality and awareness of the procedure of protection against dismissal in labour courts**

Empirical research into labour court proceedings in Germany reveals striking differences to popular critical assertions on the difficulties enterprises have in terminating employment contracts. Whereas there is severe criticism on complicated doctrines, unforeseeability of the outcome and costly loss of time brought about by labour court proceedings, reality shows quite a different picture. In dismissal matters labour courts operate with extraordinary speed and are able to achieve an amicable dispute settlement in two out of three cases. About three quarters of these settlements are based on a severance payment. This undoubtedly means additional costs for employers, but according to the estimations of the judges, roughly half of the employers would have lost their case if the judge had to take a formal decision. With one out of nine lawsuits formal decisions are seldom. Concerning these judgements, statistics reveal a fairly just distribution of chances and risks between applicants and respondent employers. In six out of ten cases the employers will lose the procedure. The general risk for an employer of being taken to tribunal by a dismissed employee must not be overstated. The litigation rate in dismissal cases in Germany currently stands at between 11 and 15 percent.

Michael Schlese/Florian Schramm/Natalie Bulling-Chabalewski

### **Terms of employment for workers on temporary loan in comparison to those of permanent and peripheral staff members.**

According to the German Socio-Economic Panel (GSOEP) the number of temporarily employed workers has doubled, from 500,000 in 2001 to 1,100,000 in 2004. This sharp rise is combined with a socio-demographic trend - workers on temporary loan are ever younger and

the number of females is increasing. The terms of employment for workers on temporary loan are in part definitely inferior to those of other staff members (permanent and peripheral staff). Particularly with regard to income there is a wide difference which is still growing. Workers on temporary loan have low expectancies about their occupational career which is reflected in lower job satisfaction. Between permanent and peripheral staff members there is also a gap in the quality of the terms of employment, but it is not as apparent. This “relative deprivation” (Nienhüser/Baumhus, 2002) of workers on temporary loan is related to unfavourable effects not only for employees but also for the employers. Even when, from the individual business point of view, the lower labour costs may outweigh these negative effects, the temporary employment practice means a waste of human resources from the overall economic perspective.

Annegret Döse

### **Does the law on working time correspond with the principles of gender mainstreaming?**

Considerable changes are currently taking place at the national and European level with regard to working time organisation and the legal provisions thereof. So far these developments have not been adequately discussed or evaluated from the point of view of gender mainstreaming. This article first deals critically with certain laws concerning working time in the light of gender mainstreaming: the 1994 “Arbeitszeitgesetz” (concerning working time in general) as well as the European Directive on Working Time - which is currently under pressure to provide more flexibility due to a new draft of the European Commission, the 2000 “Teilzeitbefristungsgesetz” (concerning part time work), and the 2001 “Bundeserziehungsgeldgesetz” (concerning time out for parents). In conclusion this article puts forward proposals on how the law and the employers could increase fair treatment of women and men with regard to working time.

Reinhard Bispinck

### **Age-related stipulations in collective agreements – a framework for companies’ personnel policy**

Age-related stipulations in collective agreements constitute a framework for personnel policy at company-level which aims at the integration of older employees. A detailed analysis of collective agreements in 25 branches reveals that dismissal protection oriented to the length of job tenure, and often combined with age, is widespread. Wages and salaries are only to a low degree based on strict seniority or age-related criteria. Deficits exist with regard to work organisation, performance-related pay and further training. A comprehensive concept to promote age(ing)-adequate pay and conditions still has to be developed.

Marcus Bradtke/Michael Schlese/Florian Schramm

### **Reception of labour law from the perspective of personnel politics – concepts in a disputed zone**

Labour law as an instrument to improve the situation on the tight German labour market has been discussed both heatedly and controversially for some time now. This conceptual article informs on the predominantly macroeconomic and juridical discourse about the effects of changes in labour law. However, a direct link between a general juridical framework and job effects is imperfect due to a lack of funding at micro-level. The impact of labour law is always mediated by the human resource management and the employment policy of companies. Therefore we focus on this still neglected interface between labour law and HRM. In addition to the discussion at the macro level, basic microeconomic and HRM approaches are explained. Based on the different theories and perspectives we finally present a multi-level research model from our current research project at Hamburg University “AriBA”

(Arbeitsrecht in der betrieblichen Anwendung – Labour law application at company level)  
considering the microeconomic implementation of labour law reforms.