The Dynamics of Plant-Level Industrial Relations:

A Study of the Regulation of Occupational Health and Safety

in the German Metal-Working Industry

Nairn Salter

A thesis submitted for the degree of Doctor of Philosophy
Department of Linguistic and International Studies
University of Surrey
July 1996
ABSTRACT

This thesis focuses upon the operation of plant-level industrial relations in Germany, and the role of the works council in particular, and does so by observing the way in which occupational health and safety, an issue upon which the works councils enjoy a right of co-determination in managerial decision-making, is addressed in the workplace. Case studies were carried out in seven companies in the metal-working industry, and the findings presented are based upon the results of a questionnaire survey amongst the employees and the works councillors, structured interviews with the employers and the health and safety personnel, and the observation of meetings of the prevalent health and safety-related fora.

The information gleaned from the seven case-study companies revealed that there was a clear preference for cooperation over confrontation in the health and safety arena, with the legislative provisions, the dislike of third-party intervention, the inherent conflict between safety and profit, the apathy of the employees, and the inability of either the employers or the works councillors to address such issues alone, influential in this regard. Whilst variables such as company size, union density, and the direct involvement of the chairman of the works council were found to exert no significant influence upon the efficacy of the health and safety structures, the availability of financial resources and the commitment of management to an improvement in working conditions were identified as being of vital importance.

The thesis concludes by suggesting that the works councils were not operating as representative bodies of the workforce at plant level, but instead, were mediating between the demands made by their electorate and the capabilities of the company within which they operate. The legislative provisions, it is argued, are instrumental in encouraging the works councillors to adopt this intermediary or cooperative stance.
"While the murderer in the high street is almost certain to face years of incarceration, killers in the boardroom walk free." (Moore 1991: 28)
TABLE OF CONTENTS

LIST OF TABLES 1

LIST OF FIGURES 2

LIST OF APPENDICES 3

ACKNOWLEDGEMENTS 4

ABBREVIATIONS AND GLOSSARY 5

CHAPTER ONE - PLANT-LEVEL INDUSTRIAL RELATIONS AND THE ISSUE OF OCCUPATIONAL HEALTH AND SAFETY: A GENERAL INTRODUCTION 9

1.1 Introduction 9

1.2 German Industrial Relations: The Nature of the Model 10
   1.2.1 A High Degree of Juridification 10
   1.2.2 The Dual System of Interest Representation 19
   1.2.3 The Low Propensity for Industrial Action 25
   1.2.4 Summary 31

1.3 Plant-Level Industrial Relations: The Role of the Works Council 33

1.4 Occupational Health and Safety: An Analytical Tool 38
   1.4.1 Aspects of Occupational Health and Safety Defined 39

1.5 Outline of the Thesis 44
CHAPTER TWO - THEORETICAL DISCUSSION: THE DEVELOPMENT OF A FRAMEWORK FOR THE STUDY OF PLANT-LEVEL INDUSTRIAL RELATIONS IN THE GERMAN METAL-WORKING INDUSTRY

2.1 Introduction

2.2 Unitary Approach

2.3 Pluralist Approach

2.4 Marxist Approach

2.5 Social Action Approach

2.6 Corporatist Approach

2.7 Explanatory Framework

CHAPTER THREE - RESEARCH METHODOLOGY

3.1 Introduction

3.2 Formulating the Approach

3.3 The Search for the Case-Study Companies

3.4 Field Work
CHAPTER FOUR - THE WORKS COUNCIL AND THE ISSUE OF
OCCUPATIONAL HEALTH AND SAFETY: A REVIEW
OF RELATED RESEARCH INITIATIVES

4.1 Introduction

4.2 Empirical Research Review: The Works Council

4.3 Empirical Research Review: Health and Safety in German Industry

4.4 Empirical Research Review: General Health and Safety

4.5 Summary

CHAPTER FIVE - THE DEVELOPMENT OF HEALTH AND SAFETY
AWARENESS IN GERMANY

5.1 Introduction

5.2 1828-1878: The Embryonic Years

5.3 1878-1933: Anti-Socialism to Anti-Semitism

5.4 1933-1945: The Hitler Years

5.5 1945-1960: Occupational Accidents - The Price of Economic Recovery

5.6 1961-1995: Acknowledging and Addressing the Problem

5.7 Summary
CHAPTER SIX - HEALTH AND SAFETY STRUCTURES:  
THE MACRO-LEVEL ARRANGEMENTS

6.1 Introduction

6.2 The Legislators
   6.2.1 The State
   6.2.2 The Professional Associations
   6.2.3 The Social Partners

6.3 The Enforcers
   6.3.1 The Statutory Inspectors
   6.3.2 The Technical Inspectors

6.4 The Educators
   6.4.1 The Professional Associations
   6.4.2 The Industrial Unions

6.5 Summary

CHAPTER SEVEN - HEALTH AND SAFETY STRUCTURES:  
THE SITUATION AT PLANT LEVEL

7.1 Introduction

7.2 Employers: Acceptance of Responsibility and the Tendency to Delegate

7.3 Line Management: Key Actors at Plant Level

7.4 The Works Council: The Employees’ Representative?

7.5 Health and Safety Personnel: Expert Assistants at Plant Level
7.6 Safety Representatives: The Contribution of Safety-Conscious Employees
7.7 Industrial Health and Safety Committee: An Advisory Forum?
7.8 Union Influence: Unionised Councils and Committed Stewards
7.9 Employees: The Forgotten Victims
7.10 Summary

CHAPTER EIGHT - THE CASE STUDIES: AN INSIGHT INTO HEALTH AND SAFETY MANAGEMENT IN SEVEN METAL-WORKING COMPANIES

8.1 Introduction

8.2 Alpha Iron & Steelworks GmbH
  8.2.1 Background Information
  8.2.2 Prevalent Health and Safety Structures
  8.2.3 Communication
  8.2.4 Development, Implementation, Supervision
  8.2.5 Summary

8.3 Beta GmbH
  8.3.1 Background Information
  8.3.2 Prevalent Health and Safety Structures
  8.3.3 Communication
  8.3.4 Development, Implementation, Supervision
  8.3.5 Summary
8.4 Foxtrot GmbH
8.4.1 Background Information
8.4.2 Prevalent Health and Safety Structures
8.4.3 Communication
8.4.3 Development, Implementation, Supervision
8.4.5 Summary

8.5 Echo AG
8.5.1 Background Information

8.6 Echo AG - 'Branch A'
8.6.1 Background Information
8.6.2 Prevalent Health and Safety Structures
8.6.3 Communication
8.6.4 Development, Implementation, Supervision
8.6.5 Summary

8.7 Echo AG - 'Branch B'
8.7.1 Background Information
8.7.2 Prevalent Health and Safety Structures
8.7.3 Communication
8.7.4 Development, Implementation, Supervision
8.7.5 Summary

8.8 Tango-Roger Steel AG
8.8.1 Background Information
8.8.2 Prevalent Health and Safety Structures
8.8.3 Communication
8.8.4 Development, Implementation, Supervision
8.8.5 Summary
8.9 Gamma Transportation Technology GmbH 213
  8.9.1 Background Information 213
  8.9.2 Prevalent Health and Safety Structures 216
  8.9.3 Communication 220
  8.9.4 Development, Implementation, Supervision 222
  8.9.5 Summary 223

8.10 The Empirical Evidence Reviewed 224
  8.10.1 Health and Safety Structures 224
  8.10.2 Communication 232
  8.10.3 Development, Implementation, Supervision 235
  8.10.4 The Case-Study Evidence: A Summary 236

CHAPTER NINE - DISCUSSION AND CONCLUSION: COOPERATION AND MEDIATION 238

9.1 Empirical Conclusions 238
  9.1.1 Evidence and Explanations 238
  9.1.2 The Efficacy of the Health and Safety Structures 243
  9.1.3 Summary 245

9.2 Theoretical Conclusions 246

9.3 Limitations and Future Research Areas 250

APPENDICES 254

BIBLIOGRAPHY 303
## LIST OF TABLES

Table 1.1: 1994 Works Council Election Results - Metal-Working Industry 24
Table 1.2: Working Days Lost (000's) through Strikes and Lockouts 26
Table 1.3: Accidents and Illness in the German Metal-Working Industry 41
Table 1.4: Distribution of Companies by Size - Metal-Working Industry 1994 43
Table 3.1: Full-Time Employment and Accident Rates 1992 59
Table 3.2: Questionnaire Survey Response Rates 63
Table 6.1: Expenditure of the Industrial Professional Associations 1950-94 120
Table 6.2: Accident Insurance Premiums as a Percentage of Turnover 1994 121
Table 6.3: Activities of the Technical Inspectorate 1994 127
Table 6.4: Participants at Health and Safety Training Courses 1994 128
Table 7.1: Health and Safety Personnel at Plant Level 1994 142
Table 8.1: Company Profile 1994 - Alpha Iron & Steelworks GmbH 156
Table 8.2: Company Profile 1994 - Beta GmbH 166
Table 8.3: Company Profile 1994 - Foxtrot GmbH 177
Table 8.4: 'Branch' Profile 1994 - Echo AG - 'Branch A' 187
Table 8.5: 'Branch' Profile 1994 - Echo AG - 'Branch B' 196
Table 8.6: Company Profile 1994 - Tango-Roger Steel AG 202
Table 8.7: Company Profile 1994 - GTT GmbH 214
Table 8.8: Accident Frequency - GTT GmbH 216
Table 8.9: Works Council Health and Safety Structures - All Companies 227
Table 8.10: The Relative Importance of Health and Safety by Company 228
Table 8.11: Information Flowing Directly To The Nuclei - All Companies 234
LIST OF FIGURES

Figure 1.1: The Dual System - Strips of Paper: The Metal-Working Industry  ______ 20
Figure 1.2: The Checks and Balances in Collective Bargaining______________ 28
Figure 5.1: Reportable Occupational Accidents in the FRG 1950-1994 ______ 108
Figure 6.1: The Importance of Bargaining Issues ___________________________ 123
Figure 7.1: Source of Health and Safety Information on Starting Work ______ 136
Figure 8.1: Company Structure - Alpha Iron & Steelworks GmbH ____________ 154
Figure 8.2: Recent Trends - Alpha Iron & Steelworks GmbH _______________ 155
Figure 8.3: Communicative Process - Alpha Iron & Steelworks GmbH __________ 162
Figure 8.4: Company Structure - Beta GmbH ________________________________ 167
Figure 8.5: Point of Contact with Problems and Suggestions - Beta GmbH ______ 172
Figure 8.6: Communicative Process - Beta GmbH ____________________________ 173
Figure 8.7: Company Structure - Foxtrot GmbH ____________________________ 176
Figure 8.8: Communicative Process - Foxtrot GmbH __________________________ 181
Figure 8.9: Echo AG - Regional Occupational Accident Rate 1986-94 ______ 184
Figure 8.10: Company Structure - Echo AG - 'Branch A' ________________ 188
Figure 8.11: Communicative Process - Echo AG - 'Branch A' ________________ 192
Figure 8.12: Company Structure - Echo AG - 'Branch B' ________________ 195
Figure 8.13: Communicative Process - Echo AG - 'Branch B' ________________ 199
Figure 8.14: Accident Frequencies in the German Steel Industry __________ 203
Figure 8.15: Company Structure - Tango-Roger Steel AG ________________ 204
Figure 8.16: Communicative Process - Tango-Roger Steel AG ________________ 209
Figure 8.17: Company Structure - GTT GmbH _____________________________ 215
Figure 8.18: Communicative Process - GTT GmbH __________________________ 221
Figure 8.19: Variations in Compliance With Health and Safety Legislation ____ 230
Figure 8.20: Communicative Process - All Companies ________________________ 232
Figure 8.21: Frequency of Contact Between Line Managers and Other Actors ____ 233
Figure 9.1: The Decision-Making Process and its Consequences ____________ 241
## LIST OF APPENDICES

<table>
<thead>
<tr>
<th>Appendix 1:</th>
<th>Qualitative Interviews</th>
<th>255</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix 2:</td>
<td>Workforce Questionnaire</td>
<td>264</td>
</tr>
<tr>
<td>Appendix 3:</td>
<td>Works Council Questionnaire</td>
<td>274</td>
</tr>
<tr>
<td>Appendix 4:</td>
<td>Line Management Questionnaire</td>
<td>281</td>
</tr>
<tr>
<td>Appendix 5:</td>
<td>The Health and Safety Measures Hamper My Work!</td>
<td>285</td>
</tr>
<tr>
<td>Appendix 6:</td>
<td>Single European Act: Selected Articles</td>
<td>286</td>
</tr>
<tr>
<td>Appendix 7:</td>
<td>The German Health and Safety Arena - An Overview</td>
<td>288</td>
</tr>
<tr>
<td>Appendix 8:</td>
<td>§547 Reich Insurance Code</td>
<td>289</td>
</tr>
<tr>
<td>Appendix 9:</td>
<td>§§76-78 Basic Law</td>
<td>290</td>
</tr>
<tr>
<td>Appendix 10:</td>
<td>Accident-Prevention Regulation 1.0: Selected Articles</td>
<td>292</td>
</tr>
<tr>
<td>Appendix 11:</td>
<td>§130 Administrative Offences Act</td>
<td>296</td>
</tr>
<tr>
<td>Appendix 12:</td>
<td>Industrial Health and Safety Committees</td>
<td>297</td>
</tr>
<tr>
<td>Appendix 13:</td>
<td>Source of Health and Safety Information for New Employees</td>
<td>298</td>
</tr>
<tr>
<td>Appendix 14:</td>
<td>Source of New Health and Safety Information</td>
<td>299</td>
</tr>
<tr>
<td>Appendix 15:</td>
<td>Point of Contact for Employees with Health and Safety Suggestions</td>
<td>300</td>
</tr>
<tr>
<td>Appendix 16:</td>
<td>Point of Contact for Employees for Health and Safety Problems</td>
<td>301</td>
</tr>
<tr>
<td>Appendix 17:</td>
<td>Information Flow Within the Case-Study Companies</td>
<td>302</td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENTS

Whilst I have enjoyed the ‘rollercoaster ride’ of researching and writing this thesis, I recognise that I owe many people many thanks for not having applied the brakes at some stage over the past three years. The ‘passengers’ deserving thanks have all contributed in their own way to the completion of this study: Anna for being so understanding and argumentative, my parents for their support and encouragement, and my brother for putting a roof over my head.

I must also thank my supervisor, Professor Karl Koch, who has been a source of inspiration on numerous occasions. Without his guidance I would surely still be paddling and splashing about in the shallow end of industrial relations. I would like to express my gratitude to the proof-reader Richard Thompson, to the members of staff in the Department of Linguistic and International Studies at the University of Surrey, and in particular to Grev Corbett and the Research Committee, Chris Flockton, and Peter Lutzeier, all of whom made funds available to finance both the printing of the questionnaires and the field trips to Germany. A special mention also for the German Academic Exchange Service (Deutscher Akademischer Austauschdienst, DAAD), without whose research grant the three-month stay in Germany would not have been possible, for all those people who either took the time to answer my questions or who completed the questionnaires, and finally, for the various landlords during my numerous visits to Germany.
### Abbreviations and Glossary

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG</td>
<td>Aktiengesellschaft</td>
<td>Joint-Stock Company</td>
</tr>
<tr>
<td>ASiG</td>
<td>Arbeitssicherheitsgesetz</td>
<td>Works Safety Law</td>
</tr>
<tr>
<td>ASRG</td>
<td>Arbeitsschutzrahmengesetz</td>
<td>Health and Safety Framework Law</td>
</tr>
<tr>
<td>AuT</td>
<td>Arbeit und Technik</td>
<td>Work and Technology Programme</td>
</tr>
<tr>
<td>BAFAM</td>
<td>Bundesanstalt für Arbeitsmedizin</td>
<td>Federal Institute for Occupational Medicine</td>
</tr>
<tr>
<td>BAU</td>
<td>Bundesanstalt für Arbeitsschutz</td>
<td>Federal Institute for Occupational Health and Safety</td>
</tr>
<tr>
<td>BDA</td>
<td>Bundesvereinigung der Deutschen Arbeitgeberverbände</td>
<td>Federal Employers’ Association</td>
</tr>
<tr>
<td>BetrVG</td>
<td>Betriebsverfassungsgesetz</td>
<td>Works Constitution Act</td>
</tr>
<tr>
<td>BG</td>
<td>Berufsgenossenschaft</td>
<td>Professional Association</td>
</tr>
<tr>
<td>BGZ</td>
<td>Berufsgenossenschaftliche Zentrale für Sicherheit und Gesundheit</td>
<td>The Professional Associations’ Centre for Health and Safety</td>
</tr>
<tr>
<td>BKK</td>
<td>Bundesverband der Betriebskrankenkassen</td>
<td>Federal Association of Company Sickness Funds</td>
</tr>
<tr>
<td>BMA</td>
<td>Bundesministerium für Arbeit und Sozialordnung</td>
<td>Federal Ministry for Labour and Social Affairs</td>
</tr>
<tr>
<td>BRD</td>
<td>Bundesrepublik Deutschland</td>
<td>Federal Republic of Germany</td>
</tr>
<tr>
<td>CGM</td>
<td>Christliche Gewerkschaft Metall</td>
<td>Christian Metal Workers’ Union</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Name</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
<td></td>
</tr>
</tbody>
</table>
| DAAD         | Deutscher Akademischer Austauschdienst  
               (German Academic Exchange Service) |
| DAG          | Deutsche Angestelltengewerkschaft  
               (German Salaried Employees' Union) |
| DGB          | Deutscher Gewerkschaftsbund  
               (German Trade Union Federation) |
| EC           | European Community |
| EEC          | European Economic Community |
| EG           | Europäische Gemeinschaft  
               (European Community) |
| EHSSC        | Environmental and Health and Safety Steering Committee  
               (Umwelt- und Arbeitsschutz-Steuerungsgruppe) |
| EU           | European Union |
| FDP          | Freie Demokratische Partei  
               (Free Democratic Party) |
| FRG          | Federal Republic of Germany |
| GDR          | German Democratic Republic |
| GewO         | Gewerbeordnung  
               (Industrial Code) |
| GG           | Grundgesetz  
               (Basic Law) |
| GmbH         | Gesellschaft mit beschränkter Haftung  
               (Limited Company) |
| GTT          | Gamma Transportation Technology |
| HdA          | Humanisierung der Arbeitswelt  
               (Humanisation of Working Life) |
| Hrsg         | Herausgeber  
               (Editor) |
| HSC          | Health and Safety Commission |
HSE  Health and Safety Executive
HVBG  Hauptverband der gewerblichen Berufsgenossenschaften (Central Federation of Industrial Professional Associations)
IG  Industriegewerkschaft (Industrial Union)
ILO  International Labour Office
JCHSE  Joint Committee for Health and Safety and the Environment (Ausschuß für Sicherheit und Umwelt)
MAGS  Ministerium für Arbeit, Gesundheit und Soziales (Ministry for Labour, Health and Social Affairs)
N/K  Not Known
NRW  Nordrhein-Westfalen (North-Rhine Westphalia)
RVO  Reichsversicherungsordnung (Reich Insurance Code)
SPD  Sozialdemokratische Partei Deutschlands (Social Democratic Party)
SPSS  Statistical Package for the Social Sciences
StAfA  Staatliches Amt für Arbeitsschutz (Statutory Office for Occupational Health and Safety)
TUC  Trades Union Congress
TÜV  Technischer Überwachungsverein (Technical Supervisory Service)
TVG  Tarifvertragegesetz (Collective Bargaining Law)
UN  United Nations
UVV  Unfallverhütungsvorschrift (Accident-Prevention Regulation)
VDSI  Vereinigung der deutschen Sicherheitsingenieure (Organisation of German Safety Engineers)
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCA 1952</td>
<td>Works Constitution Act 1952 (Betriebsverfassungsgesetz 1952)</td>
</tr>
<tr>
<td>WCA 1972</td>
<td>Works Constitution Act 1972 (Betriebsverfassungsgesetz 1972)</td>
</tr>
<tr>
<td>WISOC</td>
<td>Institut für Wirtschafts- und Sozialforschung Chemnitz e.V.  (Economic and Social Research Institute Chemnitz)</td>
</tr>
<tr>
<td>WSI</td>
<td>Wirtschafts- und Sozialwissenschaftliches Institut des DGB  (Economic and Social-Scientific Institute of the German Trade Union Federation)</td>
</tr>
<tr>
<td>ZAG</td>
<td>Zentralarbeitsgemeinschaft der industriellen und gewerblichen Arbeitgeber und Arbeitnehmer Deutschlands (Central Labour Community)</td>
</tr>
</tbody>
</table>
CHAPTER ONE - PLANT-LEVEL INDUSTRIAL RELATIONS AND THE ISSUE OF OCCUPATIONAL HEALTH AND SAFETY: A GENERAL INTRODUCTION

1.1 Introduction

Industrial relations studies the relationship between employer and employee in paid employment: the ways in which employees are rewarded, motivated, trained and disciplined, together with the influence on these processes of the major institutions involved, namely managements, trade unions and the state. (Edwards 1995: 3)

This thesis concerns itself with the dynamics of this relationship between the employers and their employees at plant level\(^1\) in the Federal Republic of Germany (FRG). By examining the way in which the issue of occupational health and safety is addressed in seven companies in the metal-working industry, it attempts to draw conclusions about, and provide an explanation for, the nature of this relationship in practice.

In pursuit of this goal, this introductory chapter begins by providing the reader with an overview of the particular nature of German industrial relations. This is followed by an introduction to the works council (Betriebsrat): a statutory body, which if elected by the workforce in companies with upwards of five employees, negotiates with the employer on behalf of its electorate. The penultimate section examines the significance of the issue of occupational health and safety as an analytical tool, and the chapter closes with a brief description of the layout of the thesis as a whole.

---

\(^1\) The terms ‘plant level’ and ‘micro level’ are employed, and refer to the situation in the workplace, as opposed to ‘sectoral level’, where the industrial unions and the employers’ associations are operational.
1.2 German Industrial Relations: The Nature of the Model

With reference to three of its most striking characteristics - a high degree of juridification, or legal regulation, a dual system of interest representation, and a comparatively low propensity for industrial conflict - this section examines the wider framework within which plant-level industrial relations operate in Germany. By adopting a historical perspective, it attempts to provide an explanation for these characteristics.

As Gospel and Palmer (1993: 31) have indicated:

An understanding of industrial relations requires some knowledge of political and economic history to understand the context within which industrial relations has developed, it also requires some knowledge of business and labour history in order to understand the origins and development of the main institutions of employers and employees. It also requires some understanding of politics and labour law so as to be able to understand how government action and legislation affects the actions of the parties and determines employment rules.

1.2.1 A High Degree of Juridification

Müller-Jentsch (1995: 15) has described the state as “the third actor on the industrial relations stage” (author’s translation) in Germany, and explains that it has regularly intervened to define not only the rights and duties, but also the limits of acceptable behaviour of the industrial relations actors. The result, he continues, is a “dense network of predominantly procedural rules, and restrictions placed on industrial action.” (Müller-Jentsch 1995: 15, author’s translation)

This situation is in stark contrast to the early stages of industrialisation during the 1850s when the relative absence of labour law enabled the entrepreneurs to exploit their

---

2 The other two being the owners of capital and labour, and their respective representative bodies.
employees, who as a result of the expansion of the industrial centres at that time, were only just beginning to organise themselves (Weitbrecht and Berger 1985: 484). However, following German unification under Prussian domination in 1871, the juridification of German industrial relations - a process which has been described as a "steering mechanism" (Simitis 1984: 74, author’s translation) - began in earnest.

One of the earliest interventions by the newly unified German state in the industrial relations arena came in the form of the Socialism Law (Sozialistengesetz), which was introduced by Bismarck in 1878, in his capacity as Chancellor. This legislation served to prohibit all socialist union activity over a twelve-year period, and Bismarck justified this action by linking two assassination attempts on Kaiser Wilhelm I to the embryonic Social Democratic Party (Sozialdemokratische Partei Deutschlands, SPD). It is generally accepted that Bismarck's actions were those of a man who feared the power of the labour movement, which according to Fürstenberg (1993: 177), had its origins in the failed revolution of 1848. The Socialism Law, it has been suggested, was introduced in an attempt to attract the working classes away from the ever increasing influence of this movement (Zwingmann #38).

Before relinquishing his post in 1890, Bismarck left an indelible mark on the industrial relations arena when he introduced the world’s first social security system. Bismarck’s legislation came in three parts and served to provide employees with financial support in the event of an accident, illness or old-age. Sandwiched between a compulsory Sickness Insurance Scheme (Krankenversicherung) of 1883, and an Infirmity Insurance Law

---

3 10 per cent of the population were employed in factories by 1873, compared with a figure of just
4 per cent in 1850 (Fulbrook 1994: 123).
4 Ferdinand Lassalle's General German Workers Association (der Allgemeine Deutsche Arbeiterverein, ADAV) was the first workers' party. It was founded in 1863. Six years later, August Bebel and Wilhelm Liebknecht launched the Social Democratic Labour Party (die Sozialdemokratische Arbeiterpartei). These two merged in 1875 to form the Social Democratic Party (die Sozialdemokratische Partei Deutschlands, SPD) (Weitbrecht and Berger 1985; Fulbrook 1994).
5 Before 1871 Germany consisted of numerous sovereign states which were held together in a loose confederation. Prussia and Austria dominated.
6 The revolutionaries had demanded both national unity and social and political reforms at this time.
7 This is a reference to Interview #38 conducted during a field trip to Germany (see Appendix 1).
8 Social security has been described as the "central topic" in the late nineteenth century health and safety arena (Parmeggiani 1982: 271).
(Invaliditäts- und Altersversicherung) of 1889, was the Accident Insurance Act (Unfallversicherung) of 1884.\textsuperscript{9} Introduced to alleviate the effects of industrialisation on the working classes, the social insurance legislation was demonstrative of the welfare aspect of Dahrendorf’s description of late nineteenth century Germany as an “authoritarian welfare state” (Williams 1984: 131).

As Fulbrook (1994: 134) has indicated:

The welfare measures were not purely the result of machiavellian considerations or bread-and-circuses policies on the part of Bismarck. The depression which had started in the 1870s led to very real material distress, and growing disparities between rich and poor, which gave cause for concern to many members of German society in addition to Socialists.

However, it is not inconceivable that this legislation was similar to the Socialism Law in the sense that its main aim was to attract the working classes away from the labour movement, which had continued to gain support, albeit unofficially, during the ‘Anti-Socialist’ period.\textsuperscript{10} In essence, “while suppressing the political activities of the working class with one hand, Bismarck appeared to be buying them off through welfare provisions with the other” (Fulbrook 1994: 134).

State intervention continued throughout ‘Wilhelmine Germany’,\textsuperscript{11} and both in preparation for, and during the First World War, governments agreed to recognise the legitimacy of the unions as workforce representatives in an attempt to encourage cooperation rather than confrontation at a particularly sensitive time (Fulbrook 1994: 156-157). The introduction of the Auxiliary Service Act (Gesetz über den ‘Vaterländischen Hilfsdienst’) of 1916, which was designed to ensure the smooth running of the war economy (Weitbrecht and Berger 1985: 492), provided for the recognition of the unions and the formation of plant-level workers’ committees (betriebliche Arbeiter- und

\textsuperscript{9} This legislation was to be administered jointly by representatives of the employers and the employees, and was an attempt to bridge the gap between the two sides (Weitbrecht and Berger 1985: 488).

\textsuperscript{10} This refers to the period 1878-1890 when the Socialism Law was in force.

\textsuperscript{11} This refers to the period 1871-1918.
Angestelltenausschüsse), the latter enjoying consultative responsibilities in companies with upwards of 50 employees (Koch 1978: 13).

This enforced cooperation between the employers and the unions continued after the cessation of hostilities in 1918 as the enormity of the challenge facing the defeated nation became apparent. This cooperative approach was institutionalised in November 1918 in the form of the Central Labour Community (Zentralarbeitsgemeinschaft der industriellen und gewerblichen Arbeitgeber und Arbeitnehmer Deutschlands, ZAG), an arrangement which served to reaffirm union recognition and the acceptance of both collective agreements and the aforementioned workers' committees (Weitbrecht and Berger 1985: 494). The juridification of industrial relations continued during the parliamentary Weimar Republic, which came into being in 1919.12

Initial interventions were enshrined in the Weimar Constitution of 1919, and included the principles of freedom of association, union influence on wages and working conditions, the recognition and binding nature of free collective agreements, and the formation of workers' committees. The following year saw the introduction of the Works Council Law (Betriebsrätengesetz), which has been described as being the “breakthrough to the modern day idea of a Works Constitution” (Halbach et al. 1989: 298, author’s translation). The Works Council Law provided for the election of works councils as representative bodies of the workforce in companies with upwards of 20 employees. These representative bodies were based upon the workers' committees of the late nineteenth and early twentieth centuries, but unlike their predecessors, which had enjoyed only consultative responsibilities, the works councils of 1920 were compulsory, and were granted rights of participation at plant level.

12 As Fulbrook (1994: 155) explains, the Weimar Republic “was born out of turmoil and defeat, under near civil-war conditions; it was hampered by a harsh peace settlement, and an unstable economy; it was consistently subjected to attacks from both left and right, as large numbers of Germans rejected democracy as a form of government; and little over 14 years after its inception, the Weimar Republic was ended when Adolf Hitler, as a constitutionally appointed chancellor, inaugurated one of the worst regimes known in human history.”
The suggestion that the Works Council Law of 1920 was introduced as a reward for the employees in recognition of their contribution to the war effort is a little shallow. A more viable explanation is provided by Crouch (1993: 126), who indicated that the Communist Revolution of 1917 in Russia had raised awareness of the need to involve rather than to alienate the working classes. Further explanations make reference to the Council Movement (*Rätebewegung*) of workers and soldiers which was born out of the naval mutiny at Wilhelmshaven in 1918.\(^\text{13}\) Dahrendorf (1965: 195), for example, suggested that the Works Council Law was the Council Movement's reward for their part in bringing down the old regime. Kotthoff (1985: 66), meanwhile, claimed that the introduction of this law was in fact a defensive measure by the state, the employers and the unions against the revolutionary Council Movement. The unions, he explained, were granted supremacy at plant level, and the inclusion of an 'absolute peace obligation' in the Works Council Law, which served to prohibit strike action, reduced the potential power and influence of the Council Movement (Kotthoff 1985: 66).

The tradition of statutory intervention in the industrial relations arena was upheld throughout the period of National Socialism. Hitler disbanded the unions in May 1933, and with his Ordinance of National Labour (*Gesetz zur Ordnung der nationalen Arbeit*), placed the employers in charge of plant-level industrial relations in January 1934.

Statutory intervention has also been a permanent feature of post 1949 industrial relations in the FRG. The principles of freedom of association, free collective bargaining\(^\text{14}\) and the binding nature of collective agreements, enshrined in the constitution of the Weimar Republic, reappeared in the Basic Law (*Grundgesetz*) and the Collective Bargaining Law (*Tarifvertragsgesetz, TVG*) respectively in 1949.

\(^{13}\) The mutiny served as the catalyst for the chain of events which led to the fall of the Second German Empire in November 1918, and to the leader of the SPD, Friedrich Ebert, assuming the position of Imperial Chancellor.

\(^{14}\) Free collective bargaining is the process whereby employers' associations and industrial unions conclude collective agreements, without statutory intervention, to regulate quantitative issues such as wages and working conditions (see Subsection 1.2.2).
Works councils re-emerged even earlier than this when, in 1946, the Allied Control Council Law No.22 came into force. This legislation was implemented in different ways by the regional governments, and it was not until 1952, when the Works Constitution Act (Betriebsverfassungsgesetz, WCA 1952) came onto the statute book to regulate industrial relations in private companies with between 5 and 2000 employees, that a unified approach to employee participation, or co-determination\(^\text{15}\) (Mitbestimmung) in managerial decision-making at plant level, was adopted. The WCA 1952 was based on the Works Council Law of 1920 and provided for the election of a works council at plant level as a representative body for all employees in their dealings with their employers.

Ideas of economic democracy, which had been discussed by Naphtali (1977) towards the end of the 1920s, came to fruition in 1951 when the Montan Co-Determination Law (Montanmitbestimmungsgesetz) was passed. This legislation, which is still in force today, has its origins in an informal agreement known as the ‘Dinkelbach Model’, which provided for co-determination in the iron, coal and steel industries in the British zone of occupation as of 1947 (Lorenz 1995: 58).\(^\text{16}\)

This informal agreement was challenged in 1948 when, with the division of Germany beginning to take shape, the Western Allies introduced legislation which required that the heavy industries be dismantled. This was never realised, and by May 1950, the intention was to reorganise the iron, coal and steel industries in an attempt to reduce the concentration of power and the potential for war. Such a reorganisation would not have incorporated the principles of co-determination enshrined in the ‘Dinkelbach Model’. In response, the unions threatened strike action.

Faced with the possibility of industrial action in such key industries during the crucial period of reconstruction, the Federal Government decided to legalise the ‘Dinkelbach Model’ in the form of the Montan Law. As with its predecessor, the Montan Law

---

\(^{15}\) Co-determination is the process whereby employees participate in the running of companies. This participation takes the form of involvement either on the works council or on the supervisory board of joint-stock companies (see Subsection 1.2.2).

\(^{16}\) The unions had been campaigning for the introduction of co-determination for some time (Hirsch-Weber 1959: 87).
provided for parity co-determination\textsuperscript{17} on the supervisory board, and a protected position for the labour director\textsuperscript{18} on the management board of joint-stock companies\textsuperscript{19} in the iron, coal and steel industries.\textsuperscript{20} Meanwhile, the WCA 1952 provided the employees with just one third of seats on the supervisory boards.

The WCA 1952 was updated 20 years later, and the Works Constitution Act of 1972 (\textit{Betriebsverfassungsgesetz, WCA 1972}), which retained many of the principles of 1952 and 1920, now dominates plant-level industrial relations in the FRG. The WCA 1972 continues to grant the works councils rights of participation in managerial decision-making, varying from simple rights of information, which require the employers to inform the works councils of their plans in advance, through rights of consultation, whereby the ideas of the works councils are to be heard but must not necessarily be observed, to actual rights of co-determination, which prevent the employers from acting without at first gaining the approval of the works councils. As Marsden (1995: 6) explains, "Workplace representation has given employees powerful channels for shared control on many work-related issues." Lane (1989: 226), meanwhile, has indicated that these rights of participation enjoyed by the works councils could not have been attained without state intervention, a view which is shared by Müller-Jentsch (1995: 14).

Of further significance in this regard was the passing of the Co-Determination Law (\textit{Mitbestimmungsgesetz}) in 1976, which served to extend the principle of parity co-determination on the supervisory board beyond the Montan industries to joint-stock companies with upwards of 2000 employees. However, this legislation required that the employees' representatives on the supervisory board comprise at least one 'leading white-

\textsuperscript{17} Parity co-determination describes the situation in joint-stock companies whereby the supervisory board (\textit{Aufsichtsrat}) comprises equal numbers of representatives of the employers and the employees. The employees are also represented by a labour director on the management board (\textit{Vorstand}).

\textsuperscript{18} This protected position for the labour director ensures that this individual cannot be removed from the management board against the wishes of the employees' representatives on the supervisory board.

\textsuperscript{19} Streeck (1984a: 41) made reference to the two-tier structure of joint-stock companies with the supervisory board developing company policy and the management board, which is elected by the former, concerned with the day-to-day running of the company.

\textsuperscript{20} See also Hirsch-Weber (1959).
collar employee'. With such individuals more than likely to identify with the employer, there is little more than numerical parity on these supervisory boards in practice. Furthermore, the labour director on the management board is not granted a protected position by this legislation.

Add the Industrial Code (Gewerbeordnung, GewO) of 1869, the Reich Insurance Code (Reichsversicherungsordnung, RVO) of 1911, the Works Safety Law (Arbeitssicherheitsgesetz) of 1974 (see Chapter Five), and labour law in general to this list of legislative interventions, and a picture emerges of a highly juridified model of industrial relations. The situation in Germany stands in marked contrast to the principle of self-regulation or voluntarism, which until recently, has been the preferred mode of operation in Great Britain.

As Williams (1984: 117) has indicated, "the German [industrial relations] system has developed largely on the basis of legislation and judicial interpretation of this legislation", and in attempting to explain the German approach to industrial relations, Williams (1984: 132) suggests that the high degree of statutory intervention is a result of:

...the effects of centuries of national, social, political and economic disunity which were eventually overcome by the establishment of the German empire under absolute Prussian control in 1871. The Prussian government encapsulated feudal political and social values, promoting absolute rule of the state and employers.

Whilst the introduction of the Socialism Law and the passing of the Social Insurance legislation would support Williams' claim, the intervention of two World Wars in the twentieth century raises the question of how significant the influence of the Prussian state of the late nineteenth century can be for an explanation of the continued high degree of

---

21 The German industrial relations terminology differentiates between blue-collar employees (Arbeiter), white-collar employees (Angestellte), and leading white-collar employees (leitende Angestellte). Lane (1989: 227) uses the term "employee of managerial status" to refer to the leading white-collar employees.


23 All of these laws are of significance in the health and safety arena.
juridification of industrial relations since 1945. Crouch (1993) goes some way to providing an answer in his examination of state traditions by suggesting that, when faced with a choice, a country is more likely to retain a strategy with which it is familiar than to experiment with unknown and unaccustomed ideas (Crouch 1993: 349). He explains:

These arguments...testify to the power of continuity and help explain...the persistence of a recognisable German approach to organised interests despite the violent overthrow of three regimes and a major westward shift of geographical location of the German state during the course of the century. (Crouch 1993: 349)

Williams' explanation of the significance of the Prussian tradition becomes more credible when considered in conjunction with Crouch's idea of continuity. Of equal importance in this respect is the idea raised by Unterseher (1972), who suggested that there was a "tradition of social conservatism" in Germany, which had led to an acceptance of state intervention in the industrial relations arena (Williams 1984: 120). In other words, the Germans accept, and indeed have come to rely upon, the statutory rules and regulations.

This subsection demonstrates that the German state has continued to exercise control over industrial relations by intervening with legislation when signs of weakness have become apparent. The Works Council Law of 1920, introduced in order to prevent the alienation of the working classes, and the Montan Co-determination Law, introduced to avoid strike action during the period of reconstruction, are just two examples of the fine tuning which highlight the juridification of industrial relations.

---

24 The continuing applicability of the nineteenth century health and safety-related legislation (see Chapter Five), and the re-emergence of ideas from the Weimar Constitution after 1945, in the form of the TVG 1949 and the WCA 1952, support this theory of the power of continuity.

25 See also Hirsch-Weber (1959).
1.2.2 The Dual System of Interest Representation

Jacobi et al. (1992: 218) described the dual system of interest representation as the most important of four principles upon which the German model of industrial relations is based. The dual system describes the arrangement whereby individual employers, or their associations, and industrial unions negotiate collective agreements to regulate quantitative issues - wages and working conditions - at sectoral level, and individual employers and works councils negotiate qualitative company specific accords to implement, and occasionally to supplement, these collective agreements. As Lane (1989: 203) explains, “There is a dual system of worker representation in Germany with competences and powers clearly divided between the unions and the works council.”

This arrangement can be best explained if one imagines 16 strips of paper, joined at the top, each of which has a perforated horizontal line running through it. The 16 strips of paper represent the 16 branches of industry which correspond to the 16 unitary - politically and ideologically neutral - industrial unions, which were created in response to the ideological and political divisions of the pre-1933 union movement that had facilitated Hitler’s rise to power. The upper portion of each strip of paper - above the perforated line - corresponds to the situation at sectoral level within each branch of industry. It is at this level that the relevant industrial union - IG Metall in the metal-working industry - negotiates with the corresponding employers’ association - Gesamtmetall in the metal-working industry (see Figure 1.1). Their interaction is subject to the TVG 1949, which, as mentioned previously, enables them to conclude collective agreements to regulate wages and working conditions in their respective branches of industry.

---

26 The other three principles referred to were the “extensive juridification”, the “degree to which the institutions of collective representation encompass their constituencies”, and the “relative centralisation of collective bargaining and the coordinated policies of the bargaining parties at sectoral level” (Jacobi et al. 1992: 219).

27 Streeck (1981: 152) includes issues such as the hours of work, safety rules and regulations, employment security, and job classification amongst these qualitative matters.
The lower portion of each strip of paper - below the perforated line - represents the situation at plant level, which remains the focus for this thesis. This lower portion is divided into thousands, if not hundreds of thousands, of thinner strips, each representing an individual company. The WCA 1972 regulates industrial relations within the individual companies and provides for the election of a works council (WC) to represent the interests of all blue and the white collar employees in their dealings with their employers (E). The WCA 1972 also grants the works councils rights of participation in managerial decision-making, ranging from simple rights of information to actual rights of co-determination. As Jacobi et al. (1992: 243) explain however, "the potential for works council intervention in managerial decision-making decreases the more closely it [the issue] impinges on business policy", and as Section 1.3 explains, the right of co-determination is reserved for the regulation of social28 and personnel29 issues.

---

28 The social issues are enshrined in §§87-89 WCA 1972 and include questions of working time, health and safety and holiday arrangements.

29 The personnel issues are defined in §397 WCA 1972 and include questions of promotion, discipline and working conditions.
The dual system of interest representation is indeed one of the most notable features of the German model of industrial relations and first came into being during the Weimar Republic. Following the creation of the ZAG in 1918, and the passing of the Works Council Law in 1920, the unions' sphere of influence was considered to be at sectoral level, with the works councils operating on behalf of the employees in the workplace. Fulbrook (1994: 170) explains that the "Works Council Law laid the foundation of the German tradition of co-determination", but despite early post-war agreements on wages, working conditions and the length of the working day (Fulbrook 1994: 170), both this legislation and the ZAG began to flounder in the early 1920s as Germany struggled to meet its reparations payments.

The dual system of interest representation re-emerged after the formation of the FRG in 1949 and bore a striking resemblance to the Weimar arrangements, adding further weight to Crouch's idea of the "power of continuity" (Crouch 1993: 349). Whilst the passing of the TVG in April 1949 enabled the industrial unions and the employers, or their associations, to conclude collective agreements at sectoral level, the works councils, which had been re-introduced into the workplace by the Western Allies in 1946, were enjoying rights of participation in managerial decision-making far in advance of those enjoyed even today (Kittner 1994: 598).

The dual system was not cemented until 1952 however, when the WCA came onto the statute book (see Subsection 1.2.1). As of this date, the industrial unions and the employers' associations concluded collective agreements to regulate quantitative issues in collective bargaining at sectoral level, and the works councils and the individual employers negotiated plant agreements of a qualitative nature via co-determination in the workplace.

---

29 The personnel issues are enshrined in §§92-105 WCA 1972 and include the distribution of questionnaires.
Under the Allied Control Council Law No. 22 there had, in §7, been a provision for cooperation and interaction between the works councils and the unions, but the WCA 1952 served to drive a wedge between the employees' representative bodies by effectively excluding the industrial unions from plant-level industrial relations. In essence, the aforementioned 16 strips of paper had been torn along the perforated line, thus creating a clear distinction between the two levels.

The passing of the Works Constitution Act on July 1st 1952 was described by Lorenz (1995: 59) as a “significant defeat” for the German Trade Union Federation (Deutscher Gewerkschaftsbund, DGB) and the industrial unions, given that the latter were largely ignored by this legislation. Koopmann (1981: 32) quotes Triesch who suggested that the “WCA 1952 was the ‘Basic Law’ of partnership and cooperation at plant level, and could be celebrated throughout the world by all those opposed to the unions” (author’s translation).

According to Schmidt and Trinczek (1991: 169), this trend had been set much earlier, with the workers’ committees of the late nineteenth and early twentieth centuries designed to encourage workforce integration at the expense of the unions. Hyman (1989: 203) claimed that both the Works Council Law of 1920 and the WCA 1952 were designed to “displace potentially insurrectionary organs by the safe machinery of employee representation formally detached from the trade unions and denied the right to mobilise opposition to the employer.”

Kotthoff (1985: 66) suggested that the industrial unions were initially not too concerned about their effective exclusion from plant-level industrial relations by the WCA 1952, as they were more concerned with quantitative issues during the early post-war period.

---

30 The works councils performed a number of tasks on behalf of the unions in the early post-war period, but as the size of the workforce increased, it became apparent that the works councillors were unable to devote sufficient time to union issues. In response, IG Metall appointed employees as so-called trustees (Vertrauensmänner) within the companies to supplement the activities of the works councils (Koopmann 1981: 28).

31 The WCA 1952 was passed in the Bundestag by 195 votes to 140 with just 7 abstentions (Koopman 1981: 33).
Nevertheless, in the face of falling membership, and in an attempt to make use of the rights afforded the works councils in the WCA 1952, the industrial unions soon sought to gain a foothold at plant level. Just four months after the WCA 1952 came onto the statute book, IG Metall called upon its members in all companies to establish bodies of union stewards (*Vertrauensleutekörper*) as a counterweight to the works councils (Koopmann 1981: 34).

The resulting antagonism between the union stewards (*Vertrauensleute*) and the works councils continued throughout the 1960s and early 1970s, with the former trying to gain control of the plant-level representative bodies on behalf of IG Metall. According to Jacobi et al. (1992: 245), "the rivalry between Vertrauensleute [union stewards] and Betriebsräte [works councils] ended in victory for the works councillors....Today Vertrauensleute are expected to support rather than control the works councils' activities."  

In 1972, the WCA was revised. The WCA 1972 built upon the principles of its predecessor by extending the rights of co-determination enjoyed by the works councils. More significantly however, the WCA 1972 recognised plant-level reality by bridging the theoretical gap between the works councils and the industrial unions. The perforations across the 16 strips of paper were effectively restored with the following provisions:

- §2(2) granted the industrial union rights of access to the companies;
- §14(5) allowed the industrial union to propose candidates for election to the works councils;
- §74(3) stated that works councillors were not to be restricted in their union activities.

One continues to make reference to a dual system of interest representation in German industrial relations, with employers' associations and industrial unions addressing mainly
quantitative issues in collective bargaining at sectoral level, and the works councils and employers regulating mainly qualitative matters via co-determination at the micro level. In practice however, the two levels are functionally merged, with over 80 per cent of works councillors affiliated to an industrial union (see Table 1.1 for a portrayal of the situation in the metal-working industry), and with many of these individuals representing the latter during the collective bargaining negotiations at sectoral level. The works councils, meanwhile, depend upon the industrial unions for advice. In return, they seek to recruit new members for the unions, and ensure that the employees will support both the valid collective agreements and proposed strike action in pursuit of an improved bargaining arrangement (Schmidt and Trinczek 1991: 180; Jacobi et al. 1992: 243). Essentially, the works councils are a link between the workforce and the industrial union. As Lane (1989: 239) has indicated, the WCA 1972 and the process of co-determination have provided the industrial unions with a "Trojan horse" within the individual companies.

Table 1.1: 1994 Works Council Election Results - Metal-Working Industry

<table>
<thead>
<tr>
<th>Affiliation of Elected Works Councillors</th>
<th>Percentage of Seats Won Throughout Germany</th>
<th>Percentage of Seats Won in the Five New Federal States (Länder)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>IG Metall</td>
<td>81.1%</td>
<td>85%</td>
</tr>
<tr>
<td>DAG</td>
<td>13%</td>
<td>0.3%</td>
</tr>
<tr>
<td>CGM</td>
<td>0.4%</td>
<td>0%</td>
</tr>
<tr>
<td>Unorganised</td>
<td>17.3%</td>
<td>14.8%</td>
</tr>
</tbody>
</table>

* The Five New Federal States came into being following reunification in 1990.
Source: IG Metall, 1995d.

Whilst the value of the dual system of interest representation in Germany is recognised today, this has not always been the case. "During the 1960s and early 1970s academic socialists and union activists condemned the German industrial relations system for stifling industrial militancy and suppressing class conflict" (Jacobi et al. 1992: 219).
However, as Jacobi et al. (1992: 220) explain:

This controversy has now died down as a result of the defeats suffered by unions in neighbouring countries during the 1980s. Economic crisis and the strategies of conservative governments, and the resulting decline elsewhere in union membership and bargaining power, have made the advantages of the German dual system self-evident. It is now almost universally agreed that the system allows flexible adjustment to change, without weakening the representational strength of unions.

1.2.3 The Low Propensity for Industrial Action

As Table 1.2 demonstrates, Germany, comparatively speaking, has had one of the lowest levels of industrial conflict in terms of working days lost over recent years. In fact, the low propensity for industrial action has been a feature of industrial relations in Germany since 1949, and amongst the numerous explanations for this characteristic, Lane (1989: 214) suggests that a “combination of a clearly differentiated dual system of interest representation with a comprehensive legalisation of industrial relations has served both to keep the level of conflict low and to resolve disputes quickly when they arise.”

Streeck (1981: 153) also recognises the importance of the dual system for the stability of industrial relations in Germany, in the sense that the absence of the industrial unions from the workplace has had a “positive effect on economic performance” at this level. Consequently, the bargaining power of the industrial unions during wage negotiations at sectoral level has increased, thus reducing the potential for strike action over such issues.


**Table 1.2: Working Days Lost (000's) through Strikes\(^{34}\) and Lockouts\(^{35}\)**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>3,739.6</td>
<td>2,612.9</td>
<td>4,536.6</td>
<td>6,322.6</td>
<td>2,141.4</td>
</tr>
<tr>
<td>France(^*)</td>
<td>800.2</td>
<td>528.0</td>
<td>497.3</td>
<td>359.1</td>
<td>510.9</td>
</tr>
<tr>
<td>Germany(^{**})</td>
<td>100.4</td>
<td>363.5</td>
<td>153.6</td>
<td>1,545.3</td>
<td>593.0</td>
</tr>
<tr>
<td>Italy</td>
<td>4,436.1</td>
<td>5,181.3</td>
<td>2,985.0</td>
<td>2,737.1</td>
<td>3,411.0</td>
</tr>
<tr>
<td>Sweden</td>
<td>409.7</td>
<td>770.4</td>
<td>21.7</td>
<td>28.1</td>
<td>189.8</td>
</tr>
<tr>
<td>UK</td>
<td>4,128.0</td>
<td>1,903.0</td>
<td>761.0</td>
<td>528.0</td>
<td>649.0</td>
</tr>
</tbody>
</table>

\(^*\) Figures exclude agriculture and public administration.

\(^{**}\) 1993 figure relates to strikes and lockouts in the FRG after reunification.


Kotthoff (1985), meanwhile, refers to studies by Blume (1964) and Voigt (1962) to support his theory that the low propensity for industrial action in German industry can be explained in terms of the contribution made by the works council. He suggests that the "integrative and cooperative" (Kotthoff 1985: 69, author’s translation) stance adopted by these bodies, has resulted in peaceful industrial relations at plant level.

Whilst recognising the validity of these arguments, the contention of this thesis is that the juridification of the German model of industrial relations has also been important in this regard.\(^{36}\) On the one hand, a labour court ruling in relation to the TVG 1949, restricts the

---

\(^{34}\) The ILO (1995: 945) quotes the Fifteenth International Conference of Labour Statisticians, held in Geneva in 1993, which defined a strike as "a temporary work stoppage effected by one or more groups of workers with a view to enforcing or realising demands or expressing grievances, or supporting other workers in their demands or grievances."

\(^{35}\) The ILO (1995: 945) quotes the Fifteenth International Conference of Labour Statisticians, held in Geneva in 1993, which defined a lockout as "a total or partial temporary closure of one or more places of employment, or the hindering of the normal work activities of employees, by one or more employers with a view to enforcing or resisting demands or expressing grievances, or supporting other employers in their demands or grievances."

\(^{36}\) See also Mückenberger (1975); Erd (1978).
ease with which disagreements between the respective representatives of the employers and the employees can deteriorate into industrial conflict at sectoral level. On the other, the WCA 1972 prohibits the instigation of industrial action in the workplace with its 'absolute peace obligation'.

As far as the former is concerned, an industrial union can call a strike only if the period of validity of a collective agreement has expired, if negotiations concerning the conclusion of a new agreement break down, if arbitration then fails to reconcile the differences between the bargaining parties, and finally, if more than 75 per cent of employees declare themselves to be in favour of such action in a strike ballot. This process is demonstrated by the 'seesaws' in Figure 1.2.

A ball placed on the 'existing agreement' seesaw will roll to the left of the fulcrum during the period of validity of a collective agreement, but to the right of the fulcrum and down onto the 'negotiations' seesaw once this period of validity expires. Should the employers' association and the industrial union succeed in reaching an agreement at this second level, the ball will roll left. A breakdown of negotiations however, causes the seesaw to pivot to the right, sending the ball through the second check and down onto the third level. A pivot to the left at stage three represents the successful intervention of an arbitrator and the conclusion of a new agreement, but should the arbitrator fail to reconcile the differences between the social partners,\(^\text{37}\) the ball rolls to the right and the industrial union is then just a strike ballot away from being able to instigate industrial action. A strike can only be averted at this fourth and final level if fewer than 75 per cent of union members support such action. If this is the case the ball rolls to the left of the fulcrum and negotiations between the employers' association and the industrial union are re-started. Should the ballot indicate a willingness to strike however, the 'strike ballot' seesaw pivots to the right and strike action begins. Sooner or later the social partners return to the negotiating table in an attempt to resolve their differences.

\(^{37}\) The social partners are the employers' association and the industrial union for a particular branch of industry.
As for the legislative influence on the situation at plant level, where the employers and the works councils are permitted to conclude plant agreements, an 'absolute peace obligation', enshrined in §74(2) WCA 1972, prevents either side from instigating industrial action at any time. In the event of the works council and the employer failing to reach an agreement in relation to company-specific measures, §76 WCA 1972 provides for the creation of a plant-level arbitration committee to act as a "conflict resolution mechanism" (Weiss 1992: 134), the costs of which are borne by the employer.

Johannson (1977: 56) regarded the 'absolute peace obligation' as a means by which to nullify the oppositionary tendencies of the works councils in favour of greater cooperation at plant level.

The plant-level arbitration committee consists of equal numbers of representatives of the employer and the works council, and a neutral chairperson who is acceptable to both sides.
Whilst the works councils are unable to resort to strike action, Lane (1989: 203) and Lorenz (1995: 58) have indicated that, by refusing to cooperate whenever they do enjoy a right of co-determination in managerial decision-making, they can force the employers to make significant sacrifices. As Weltz (1976: 114-115) has indicated, the plant-level arrangements represent "a style of industrial relations based on a system of sanctions and gratification by means of which both sides can exert pressure on the good conduct of the other side...good conduct is the advantage offered and the price paid by both sides." Both the peace obligation, which operates at sectoral level during the period of validity of a collective agreement, and the ‘absolute peace obligation’ at plant level, which is enshrined in the WCA 1972, came into being during the Weimar Republic, as did one further legislative explanation for this low propensity for industrial action at plant level. The Works Council Law of 1920 required the employees’ representative body to support the employer in promoting the welfare of the company, as well as representing the interests of the employees. This dual function, or social partnership ethos, was recreated in the WCA 1952, and is now enshrined in §2(1) WCA 1972, which states that the works councils should cooperate with the employers and the relevant industrial union “in a spirit of mutual trust for the good of the employees and of the establishment” (Jacobi et al. 1992: 242).

Of further significance as far as the low propensity for industrial action in German industry is concerned, is the fact that the early post-war period was characterised by a collective desire to rebuild industry and the economy. Until the 1960s the ‘economic miracle’ (Wirtschaftswunder) resulted in rising wages and little cause for industrial conflict, and as the boom years drew to a close, there was a period of tripartite concertation (Konzertierte Aktion) between the government, the industrial unions and the employers’ associations. In

---

40 Streeck (1981: 159) suggests that works councils regularly threaten to use their veto on overtime to force the employers to negotiate with them on issues where they do not enjoy a right of co-determination.  
41 Marsden (1995: 6) argues that the regulation of the contentious quantitative issues in collective bargaining at sectoral level reduces the need to trade rights and exert pressure at plant level.  
42 According to Williams (1988: 37), the early works councils ignored this idea of cooperation, preferring to operate as pure representatives of workforce interests.
an attempt to stabilise both prices and income distribution (Jacobi et al. 1992: 239), the industrial unions were encouraged to show wage restraint in return for “an expansion of the welfare state and greater influence within the political process” (Jacobi et al. 1992: 239). This corporatist approach\(^{43}\) to industrial relations helped to maintain industrial peace during a potentially difficult period, but the period of concertation eventually collapsed in 1977 when the industrial unions pulled out in protest at the failure of the other contracting parties to deliver their part of the bargain. Nevertheless, the continuous upward trend in the German ‘social market’ economy has served to keep industrial conflict to a minimum.

The importance of industrial unionism should also be emphasised, as this arrangement serves to ensure that strike action would be expensive for the employers if either collective bargaining or arbitration failed to reconcile the differences between the employers’ associations and the industrial unions (Lane 1989: 215). With the majority of all unionised employees in any one company affiliated to the same industrial union, strike action in any one industry is likely to have a more crippling effect than in Great Britain where the unions are occupationally based.\(^{44}\)

Whilst the ‘absolute peace obligation’ is the principle guarantor of harmony at plant level, there are other factors which help to explain the preference for cooperative industrial relations in the workplace. Fürstenberg (1993: 189) emphasises the importance of co-determination, which he describes as “a form of conflict management [which provides] for the discussion of major issues and problems for the workforce before final decisions are taken.” Simitis (1984: 98) shares this view and suggests that the ‘absolute peace obligation’ was the price that the works councillors had to pay in exchange for their rights of co-determination in managerial decision-making. There is also a clear dislike of third-party intervention in plant-level industrial relations, with the costs of arbitration an unnecessary and an unwelcome expense for the employers.\(^{45}\)

\(^{43}\) The corporatist approach to industrial relations is discussed in Section 2.6.

\(^{44}\) See also Jacobi et al. (1992); Müller-Jentsch (1995).

\(^{45}\) If arbitration fails to reconcile the differences, the matter goes before a regional labour court which is made up of representatives of both the employers and the industrial unions, and a judge (Williams 1988: 28). The labour court’s decision is final, and is binding upon the plant-level actors.
Finally, this thesis contends that the low level of industrial conflict in Germany can, in part, be explained by the disastrous consequences of disunity in modern German political and social history. The cooperative approach to industrial relations has been greatly influenced by the upheavals of this period, with labour having been involved in wartime planning and in periods of reconstruction on two occasions during the twentieth century alone. This is a sentiment shared by Lorenz (1995: 58) who stated that:

...one cannot help being struck by the evolution from a situation of almost internecine conflict in Weimar to one of relative industrial peace after World War Two. This evolution in attitudes and behaviour is often presented as a response to the tragic events of the interwar period, to a new pragmatism and moderation on the part of both unions and employers born of their conviction that the overt conflicts of the Weimar Republic contributed to the rise of the Nazi dictatorship.

Historical predispositions should therefore not be underestimated when attempting to explain such characteristics. The decision by certain employers not to recognise the unions during the latter stages of the Weimar Republic, and the subsequent cessation of collective bargaining, helped to create the instability which Hitler was able to exploit to his advantage. Furthermore, many works councils began to ignore the 'absolute peace obligation' in the Works Council Law towards the end of the 1920s. The consequences of such actions are well documented, and such events serve as a warning to those contemporary industrial relations actors who would wish to 'rock the boat'. The benefits of peaceful industrial relations, which include a successful economy, could not be clearer.

1.2.4 Summary

Marsden (1995: 5) summarises the post-war history of the German model of industrial relations as follows:

Fifty years ago, the Nazi dictatorship was overthrown, and workers, their unions, and their employers were again free to reconstruct a system of industrial relations. At the time, the Allies offered advice, and much more, based on their respective models. Today, of these four models, the Soviet one has collapsed, and US unions now bargain for a fraction of the workers they represented in the late 1940s. In
Britain, less than half of the workforce is now covered by collective agreements, and in France, although coverage of agreements remains high, it is widely argued that this is so because employers find them relatively unconstraining. Today, it is the 'German model' which attracts admirers from many parts of the industrialised world keen to learn the secrets of relatively peaceful industrial relations, cooperative and flexible working practices, a highly effective vocational training system, and a powerful system of employee voice.

The West German model of industrial relations exceeded all expectations over a forty-year period from 1949, but the transplantation of the West German "legal, institutional and organisational framework of industrial relations" (Jacobi et al. 1992: 225) to the territory of the former East Germany (German Democratic Republic, GDR),⁴⁶ which was realised via the Unification Treaty (Einigungsvertrag) of October 3rd 1990, and which was testimony to the high regard in which this model was held throughout the world, will provide it with its sternest test to date. As Jacobi et al. (1992: 265) explain:

...the demands arising from German unification have put the established system under considerable stress. It is true that the transfer of institutions and the extension of organizational domains from the West to the East proceeded with less friction than expected. But industrial relations practice cannot be so easily transferred; it requires a long learning process. The handling of industrial disputes (in terms of the development of case law and conflict management) demands experience and skills which were rarely able to develop under the authoritarian communist regime.

These fears appear to have materialised in practice:

The transfer of the West German industrial relations institutions to the former East Germany has not led to the development of a comparable dual system of industrial relations there. Instead, there is a process of institutionalisation that is specific to former East Germany that reinforces a system of workplace oriented industrial relations (Verbetrieblichung)...This can be explained by the crisis of transition, especially the economic difficulties of east German firms, and by the revival of enterprise oriented models of industrial relations from the past in the East. (Mense-Petermann 1996: 65)

⁴⁶ The aforementioned co-determination legislation and the health and safety-related Works Safety Law (see Section 5.6) were implemented with one or two temporary amendments, but both the TVG 1949 and the WCA 1972 were introduced in their existing form.
1.3 Plant-Level Industrial Relations: The Role of the Works Council

The previous section has traced the development of the Works Constitution (Betriebsverfassung) in Germany, and has highlighted both the relationship between the industrial unions and the works councils, and the contribution made by the most recent version of this legislation, the WCA 1972, to the maintenance of industrial peace at plant level. The aim here is to explain, in detail, the legally defined role of the works council.

[The works council is a participative institution], the theoretical function of which is to promote labour-management cooperation with the goal of increasing the size of the economic pie, and to foster forward-looking behaviour on the part of the workers. (Addison et al. 1995: 29)

The WCA 1972 is the rule book of plant-level industrial relations and regulates the relationship between the owners of capital and labour at the workplace. §1 provides for the election of a works council in companies with at least five employees aged 18 years or over, and according to §2(1), this body is required to cooperate with the employer for the good of both the employees and the company. §8(1) states that only those employees who have been with the company for six months or more, and who have passed their eighteenth birthday, are entitled to stand for election to this body.

The size of the works council is dependent upon the size of the company, and §9 details these arrangements in tabulated form. The election of a works council now takes place every four years (§13), having been held once every three years prior to an amendment to the WCA 1972 in 1988. Once elected, the members of the works council are required, under §26(1), to select both a chairman and a deputy chairman, and in companies with upwards of 300 employees, §38 provides for a certain number of works councillors to be

47 The election of a works council is not compulsory, but should take place if the employees so desire.

48 Only 1 works councillor is to be elected in companies with between 5 and 20 employees, 9 works councillors constitute this forum in companies with between 301 and 600 employees, and a works council in a company with between 1001 and 2000 employees has a membership of 15.
released from their normal duties so that they may concentrate on fulfilling the requirements of this and other legislative provisions.\(^{49}\)

The WCA 1972 permits the works councils to hold a meeting of its members (§30), and to arrange consultation periods during normal working hours (§39(1)), although the time and place of the latter are to be agreed upon in advance with the employer. In addition, §43(1) requires the works councils to hold a works assembly once every three months, during which they are obliged to report on their activities to the workforce.

Section Four of the WCA 1972 comprises §§74-113 and includes details of the general duties required of the works councils and the rights of participation which these bodies enjoy in managerial decision-making. §74(1) states that the works council should meet with the employer at least once every month, and should negotiate "with a serious desire to reach agreement" (Jacobi et al. 1992: 242). §74(2) prohibits the instigation of industrial action by either the employer or the works council. §76(1) provides for the formation of the plant-level arbitration committee, on which, according to §76(2), the employees and the employer are represented in equal numbers together with a neutral chairperson. Should this committee fail to resolve differences of opinion, the decision of a regional labour court becomes legally binding. §77(2) enables the works council and the employer to conclude plant agreements to regulate workplace specific matters, although §77(3) prohibits such agreements from regulating issues addressed in collective bargaining, unless the collective agreements permit such action.

As far as the general duties of the works councils are concerned, §80(1) requires these bodies to:

- observe that the laws, ordinances, safety regulations, collective labor agreements, and works agreements made in the interest of the employees are carried out;

\(^{49}\) In companies employing between 300 and 600 employees, 1 works councillor is to be released, and in those companies with between 3001 and 4000 employees, 5 works councillors are free to concentrate upon works council work.
apply to the employer for measures that serve the interests of the works and the staff;
receive suggestions by employees and the youth representation and, if they appear warranted, to confer with the employer to have the matter settled; the works council will inform the employees concerned of the progress and result of deliberations;
to further the integration of the invalids and other people who need special protection;
to prepare and carry out the election of the youth representation and to cooperate closely in furthering the interests of the juvenile employees; the works council can ask the youth representation to make suggestions and put forth its point of view;
to further the employment of older employees in the works;
to further the integration of foreign employees in the works and strengthen a loyal understanding between them and the German employees. (Peltzer 1972: 171-173)

The works councils' rights of participation in managerial decision-making are qualified by §2(1) and §74(2). The former requires the employer and the works council to work together for the benefit of both the employees and the company within which they are operational, whilst the latter prohibits either the employer or the works council from instigating industrial action. The weakest of these rights, those of information and consultation, are granted in relation to financial matters, whilst the strongest, those of co-determination, relate mainly to social, but also to personnel issues. In the latter case the employer is unable to take a decision without first seeking the consent of the works council, but when the works council enjoys only rights to information or of consultation, the employer is not obliged to respect the wishes of this body.

§87(1) details the social issues on which the works councils enjoy a right of co-determination.\(^50\) These are as follows:

- questions of order in the works and the conduct of employees therein;
- beginning and ending of daily working time and recesses as well as the allocation of the working hours to the week days (including Saturdays);
- temporary shortening or extension of the usual working hours at the works;
- time, place and manner of payment of wages and salaries;

\(^{50}\) This right of co-determination only comes into effect if these social issues have not been addressed either in legislation or by a collective agreement.
establishment of general principles governing vacations and the scheduling thereof as well as fixing periods of vacation for individual employees, if no agreement can be reached between the employer and the employees concerned;

- introduction and application of technical apparatus serving to check the conduct or the efficiency of employees;

- regulations concerning the prevention of industrial accidents and occupational illnesses, and the protection of health within the scope of the legal provisions or the safety regulations;

- form, arrangement and administration of social welfare services that are limited to the operations of the works, the plant or the concern;

- allocation and termination of housing which is rented to the employees on the basis of the employment relationship as well as the general fixing of conditions for use;

- questions pertaining to the wage framework, especially the setting up of principles of remuneration and the institution and application of new methods of remuneration as well as their alteration;

- fixing of piece-work pay and premiums and comparable performance-based remuneration including the financial factor;

- principles concerning the suggestion procedure. (Peltzer 1972: 185-187)

As Section 4.2 demonstrates, the works council has been the subject of numerous research initiatives, and descriptions of its role in practice do vary. Halbach et al. (1991: 317) regard the works councils as the representatives of the employees in the workplace. Hall et al. (1992: 237) refer to Kotthoff's claim that the works councils are more than just bodies of interest representation, and are instead, “social integrators” of the workforce. Müller-Jentsch (1995: 14) is also reluctant to categorise these bodies as “pure representatives” (author's translation) of the employees, and regards the works councils as “intermediaries” (author's translation) at plant level.51

A challenge for both the Works Constitution and its statutory bodies of interest representation came in 1989 with the fall of the Berlin Wall. Works councils soon started to appear in the GDR, and these early experiments with the West German councils were monitored closely by a number of researchers at the ‘Economic and Social Research Institute’ (Institut für Wirtschafts- und Sozialforschung Chemnitz e.V., WISOC) in Chemnitz.

51 The author's appraisal of the role performed by the works council in practice is presented in Subsection 8.10.1.
These dramatic events enabled the East German employees to elect representative bodies democratically at plant level for the first time in over 40 years (Ermischer and Preusche 1992: 3). Kreißig and Schreiber (1990: 3) have indicated that the elections of the first works councils were often instigated by the employers, the employees, or the former communist-style plant-level representative bodies (Betriebsgewerkschaftsleitungen). As Kreißig et al. (1990: 4) explained, there appeared to be a widespread belief that any idea coming from the West was worth adopting. Consequently, works councils were readily accepted in the GDR, and the almost instantaneous rejection of the plant-level institutions of the communist regime resulted in a power vacuum in many workplaces (Ermischer and Preusche 1992: 5). The works councils were therefore presented with an ideal opportunity. As was the case during the period of occupation in 1945-1949, the embryonic works councils in the GDR were able to establish rights of participation in managerial decision-making far in advance of their established counterparts in the West (Ermischer and Preusche 1992: 5). With no legal basis for works council activity (Kreißig et al. 1990: 10), the majority of rights were secured with relatively little opposition and were enshrined in plant agreements. Following the collapse of the old regime, many senior positions in the majority of companies had been vacated, and they were filled by those who were both willing and able to stand for election. As the new hierarchy owed their elevated position to the workforce, the power relationship at plant level was therefore somewhat different to the situation in the FRG (Ermischer and Preusche 1992: 6).

The implementation of the ‘Economic and Currency Union’ (Wirtschafts- und Währungsunion) in July 1990 however, resulted in the adoption of the WCA 1972 in the GDR. This put an end to the plethora of informal plant agreements which had given several works councils far reaching rights of participation, and with this development, the initial optimism which had accompanied the fall of the Berlin Wall slowly began to evaporate. Redundancies followed, and were initially accepted by many works councils as little more than a temporary set-back. Western investment, it was hoped, would help to refloat the economy (Kreißig et al. 1990: 6). By the end of 1990 however, general feelings within society were being reflected within industry, and it was evident that these initial
redundancies would soon be followed by more severe cut-backs. Employees in the West were beginning to feel threatened by the reservoir of cheap labour that was now available in the East, and the help and advice that many East German firms had initially received from companies based in West Germany was no longer forthcoming (Ermischer and Preusche 1992: 13).

Although the embryonic works councils in the GDR were able to redefine the role of this statutory body temporarily, by securing themselves far-reaching rights of co-determination, many of the privatised companies that survived the early 'post-wall' period soon settled into a more recognisable pattern of industrial relations, with the employers controlling activities at plant level to a greater extent than initially had been the case. Essentially, a more traditional power relationship began to take shape (Ermischer and Preusche 1992: 21).

1.4 Occupational Health and Safety: An Analytical Tool

Having highlighted both the development and the particular nature of the German model of industrial relations, and having summarised the legally prescribed role of the works council, the thesis now introduces the issue of occupational health and safety into the equation. This issue will be used as an analytical tool in this thesis to identify the operation of plant-level industrial relations and the role of the works council in particular.

The issue of occupational health and safety has been selected to demonstrate the operation of plant-level industrial relations in Germany both for economic and for legal reasons. On the one hand, the occurrence of occupational accidents and the outbreak of industrial illness and disease cost the German economy somewhere in the region of DM 100 billion annually (Lißner 1995: 80). On the other, and perhaps most significantly, the WCA 1972 grants the works councils a right of co-determination - the strongest of its rights of participation in managerial decision-making - in questions of a health and safety-related
nature, and thus enables an examination of the operation of these statutory bodies at the limit of their capabilities.

Whilst the legal aspects of health and safety, and the rights and duties of the individual actors and agencies in particular, are considered in detail in Chapters Five, Six and Seven, this section clarifies the particular nature of the subject matter, and highlights the extent of the problem facing the aforementioned personnel in their attempts to improve health and safety at plant level in the German metal-working industry.

1.4.1 Aspects of Occupational Health and Safety Defined

This thesis makes frequent use of the term ‘occupational health and safety’, but it is worthwhile to point out at this juncture that the author’s interest lies with the technical rather than the medical aspect of this discipline, and in particular, with the occurrence and the prevention of occupational accidents.52

The majority of figures quoted throughout this thesis refer to ‘reportable occupational accidents’, which describe those accidents that occur both at work and either on the way to, or back from, the workplace, and which result in more than three days absence.53 Such accidents are reported to the professional associations with which all employers are obliged to register their companies. The employers are required to insure their employees, and therefore pay an accident insurance premium to these bodies.54 In return, the professional association provides the employees with compensation and rehabilitation in

---

52 Occupational accidents were preferred as a measure of performance of the health and safety activities of the case-study companies, as they are generally considered to be more accurate than those relating to illness and disease (Kittner 1994: 365). For example, whilst reportable occupational accidents are usually registered with a professional association (Berufsgenossenschaft) within three days to one week of their occurrence (see Chapter Six), it can take several years for the effects of exposure to harmful substances to become apparent, and to be included in the official statistics.

53 The term ‘occupational accident’ is also used, and includes all accidents at work and either on the way to, or back from, the workplace, irrespective of whether the employee requires time off work.

54 Unlike sickness, unemployment and old age insurance contributions, which are split equally between the employers and those insured, the employers are required to pay the entire accident insurance premium on behalf of all their employees.
the event of a reportable occupational accident, or the outbreak of an occupational illness (see Subsection 6.2.2).

Reference is also made to accident rates, and these figures are important in so far as they enabled a comparison to be made between the seven companies where case studies were carried out. The accident rate refers to the number of reportable occupational accidents per 1000 employees and is calculated in the following way:

\[
\frac{\text{Number of reportable occupational accidents}}{\text{Size of workforce}} \times 1000
\]

Whilst the German occupational health and safety structures are held in high regard throughout the world, and the system within which they operate is considered by many to have been the model upon which recent European developments were based, problems still remain. For example, every 21 seconds an employee is involved in an occupational accident in Germany (Maschmann 1995: 146). In 1993, the 36.3 million employees suffered approximately 2.2 million occupational accidents, 1.9 million of which resulted in over three days absence from the workplace (BMA 1994: 3-7). Once every four hours, an employee dies as a result of the effects of an occupational accident (Maschmann 1995: 146), and in 1993, there were over 2800 fatalities (BMA 1994: 3). Only 34 per cent of employees remain in full-time employment until the age of 65 (Lißner 1995: 80), with one in three of these employees forced to seek early retirement on health grounds (BAU 1988: 5). Of concern in this respect is that by the year 2030, it is estimated that between 30-40 per cent of the German population will be aged over 50, compared with a figure of just 25 per cent in recent years (Willsch 1993: 97). Each year, the equivalent of some 108 000 working years are lost as a result of occupational accidents in Germany (Thiehoff 1994: 85). Thiehoff (1994: 85) suggests that if one were also to take into consideration the days lost as a result of illness, the figure would be as high as 1.7 million working years. Lißner (1995: 80) has indicated that these absences cost the German economy somewhere in the

\[55\] Figures published in 1992 suggested that over 30 per cent of employees in what were then the 12 member states of the European Union considered their health to be at risk and feared for their safety at their place of work (Bailey 1994: 9).
region of DM 90 billion per annum when one takes both the direct and the indirect costs of absenteeism into account.\textsuperscript{56}

Table 1.3: Accidents and Illness in the German Metal-Working Industry

<table>
<thead>
<tr>
<th>Year</th>
<th>Employees\textsuperscript{*}</th>
<th>Reportable Occupational Accidents\textsuperscript{*}</th>
<th>Accident Rate</th>
<th>Suspected Cases of Occupational Disease\textsuperscript{*}</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>3,090,862</td>
<td>703,905</td>
<td>227.7</td>
<td>5215</td>
</tr>
<tr>
<td>1970</td>
<td>3,646,107</td>
<td>643,498</td>
<td>176.5</td>
<td>4214</td>
</tr>
<tr>
<td>1980</td>
<td>3,464,291</td>
<td>436,167</td>
<td>125.9</td>
<td>11,515</td>
</tr>
<tr>
<td>1990</td>
<td>3,797,657</td>
<td>320,869</td>
<td>84.5</td>
<td>9986</td>
</tr>
<tr>
<td>1994</td>
<td>3,795,531</td>
<td>286,864</td>
<td>75.6</td>
<td>15,891</td>
</tr>
</tbody>
</table>

\* Absolute figure.

Source: HVBG, 1995.

Of greater significance for this thesis is the fact that, in 1994, the 3.8 million employees in the German metal-working industry\textsuperscript{57} suffered almost 300,000 reportable occupational accidents, and reported some 15,891 suspected cases of occupational disease to the professional associations (HVBG 1995). Table 1.3 highlights the development of the occupational health and safety statistics in the German metal-working industry as of 1960, and demonstrates that the absolute number of reportable occupational accidents has been falling steadily ever since, as has the accident rate (see Section 5.6). In contrast, the suspected cases of occupational disease have shown a negative trend as the professional

\textsuperscript{56} Brody et al. (1990: 94) have described indirect costs as those which are not insured and which are borne by the employer. Heinrich (1959), meanwhile, referred to an iceberg to describe the relationship between direct and indirect costs. He considered the former to be just the tip of the iceberg, above the waterline, and suggested that the uninsured or invisible costs were as much as four times higher. Although the iceberg analogy has come in for much criticism, Laufer (1987: 305) explained that Heinrich’s ratio is still widely used.

\textsuperscript{57} For a detailed explanation of why the metal-working industry was selected as the focus for this study, see Section 3.2.
associations have added more ailments to their list of recognised illnesses and diseases. Of particular significance has been the inclusion of musculo-skeletal disorders, as well as the provision for the recognition of occupational diseases which were recognised in the former GDR, providing the illness was contracted before January 1992 (HVBG 1995: 6).

Whilst occupational accidents and diseases most obviously affect the employees and their dependants in terms of pain, suffering, reduced income, and even invalidity and death, these occurrences are also of detriment to the companies in which the workers are employed. Research carried out by Schneider (1984) on behalf of the Federal Institute for Occupational Health and Safety (Bundesanstalt für Arbeitsschutz, BAU) for example, calculated the cost of each day's absence as a result of an occupational accident in the metal-working industry to be, on average, DM 1004. This included the costs associated with a disturbed production run, damage to the machinery, the failure to meet deadlines, the need to hire and to train replacement labour, an increased accident insurance premium, continued payment of remuneration (Lohnfortzahlung), and a poor reputation.

Accidents increase the cost of production (Siller and Schliephacke 1989: 9), and whilst larger companies can carry the odd absentee without too much difficulty, such a scenario can threaten the existence of the many smaller companies, which, as Table 1.4 demonstrates, predominate in the German metal-working industry. The benefits of good

---

58 Wood (1995: 6) explains that musculo-skeletal disorders include "a wide variety of sprains and over-use, affecting the body's muscles and joints. The back, neck shoulders and upper limbs are particularly at risk." 59 A telephone conversation with Dr Hermann Schneider in April 1996 revealed that early indications from a follow-up study to the 1984 research initiative calculated the cost of each day's absence as a result of an occupational accident in the metal-working industry to be, on average, in the region of DM 1100. Given that this figure was little more than an estimate at the time the thesis was submitted, the aforementioned figure of DM 1004 is preferred. 60 The insurance premium payable to the professional association can be annually adjusted as it is partly based on the number of occupational accidents which have occurred in the company over a twelve-month period (see Subsection 6.2.2).

61 As Siller (1989a: 30) has commented, occupational accidents are also detrimental to a company's reputation, a factor which is of vital importance in the current economic climate.

62 Oi (1974: 688) identified a negative correlation between company size and accident rates. Reasons why the larger companies had better accident records included the aforementioned ability to carry absentees, their low labour turnover rates, their ability to substitute capital for labour where necessary, and the probability of there being a higher percentage of white-collar employees.
health and safety on the other hand can include reduced absenteeism, increased efficiency, and improved industrial relations at plant level (Stranks 1994a: 7). As Tegtmeier (1991: 9) has argued, the maintenance of the productive capacity, the motivation, the creativity, and the health of the workforce, is a sound piece of investment.

### Table 1.4: Distribution of Companies by Size - Metal-Working Industry 1994

<table>
<thead>
<tr>
<th>Branch of Industry</th>
<th>1-19 employees</th>
<th>20-199 employees</th>
<th>200-999 employees</th>
<th>1000+ employees</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metal-Working</td>
<td>108,231</td>
<td>25,035</td>
<td>2,281</td>
<td>390</td>
<td>135,935</td>
</tr>
<tr>
<td>All Branches</td>
<td>2,523,597</td>
<td>179,316</td>
<td>13,829</td>
<td>2,089</td>
<td>2,718,831</td>
</tr>
</tbody>
</table>

Source: HVBG, 1995.

Employers have traditionally been reluctant to pay much attention to health and safety. As Chapter Five explains, there were few effective mechanisms in place during the nineteenth and early twentieth centuries with which to force the employers to give health and safety issues any consideration, and whilst this deficiency has long since been addressed in the form of legislation, including the provision for plant-level co-determination on questions of a health and safety-related nature, and the introduction of agents of enforcement, there is little incentive for the employers to do more than the minimum required under this legislation.63 As Buchholz (1994b: 68) has explained, the relationship between investments and improvements in health and safety is not linear, with employers needing to invest heavily before they see any return.

The statistics demonstrate that the occurrence of occupational accidents and the outbreak of occupational disease are detrimental to the employees, to the companies in which they are employed, and to the economy as a whole. In response, governments throughout the

---

63 Maximum fines of DM 20 000 can be imposed on employers found to have contravened the health and safety regulations intentionally.
world have passed legislation and have introduced actors and agencies in an attempt to prevent such occurrences. The German response is considered in Chapters Five, Six and Seven, and its efficacy tested in Chapter Eight.

1.5 Outline of the Thesis

In realising its objectives, the remainder of this thesis is divided into eight chapters. Chapter Two assesses the merits of the various theoretical approaches to industrial relations, and presents a theoretical framework for the study which follows.

The third chapter highlights the research methodology, and explains the reasons behind the selection of both the metal-working industry as the area of investigation and a case-study approach for the data collection. It also provides the reader with an insight into how the case-study companies were chosen and contacted, and summarises the techniques which were adopted in order to uncover the required information.

Chapter Four, the literature review, begins by evaluating a number of research initiatives which have concerned themselves with the role of the works council. There then follows an assessment of a number of studies which have examined the occupational health and safety structures in German industry, and the chapter closes with a review of general health and safety-related investigations.

The purpose of Chapter Five is to trace the development of health and safety awareness in German industry from the early nineteenth century to the present day, in order to identify the extent to which the past events have influenced the present-day health and safety structures. The chapter itself is divided into five sections, each of which concerns itself with a specific time interval. The first examines Germany's period of transition from a confederation of independent agrarian states to a unified industrial nation, whilst the second explores the epoch 1878-1933, arguably one of the most significant periods as far as health and safety issues were concerned. There then follows a brief insight into the 12
years of National Socialism, and Hitler's influence upon the health and safety arena. The penultimate section looks at the early post-war period when little was done in this regard, but which, nevertheless, was of immense importance. The historical journey draws to a close with an assessment of the period 1961-1995.

The activities of both the macro- and the plant-level health and safety-related actors and agencies are addressed in Chapters Six and Seven respectively. Divided into three sections - legislators, enforcers and educators - Chapter Six highlights the actors and agencies involved, and identifies the extent of this involvement in these three disciplines. Chapter Seven, meanwhile, explains the intended roles of the plant-level actors, as laid down in the relevant legislative provisions.

Before drawing any empirical or theoretical conclusions about the operation of plant-level industrial relations in practice, the penultimate chapter reveals the findings of the empirical research. Taking each case-study company in turn, the findings are presented in five similar sections, in order to facilitate the drawing of comparisons between the different companies. Following a general introduction, the sections highlight the actors involved and the nature of their involvement, reveal how information is communicated throughout the companies, as well as seeking to identify a nucleus of health and safety activity in each case, and examine the way in which health and safety measures are developed, monitored and implemented at plant level. Finally, the chapter closes with an overall assessment of the plant-level health and safety structures, and offers one or two generalisations from the findings uncovered.
CHAPTER TWO - THEORETICAL DISCUSSION: THE DEVELOPMENT OF A FRAMEWORK FOR THE STUDY OF PLANT-LEVEL INDUSTRIAL RELATIONS IN THE GERMAN METAL-WORKING INDUSTRY

2.1 Introduction

Having sketched the pattern of plant-level industrial relations on a historical basis, and the role of the works council in particular, the aim in this chapter is to discuss the significance of various frames of reference for an understanding of the particular nature of plant-level industrial relations in Germany. Beginning with an evaluation of the unitary approach, each section summarises the principles and assesses the validity of a different frame of reference. The chapter then concludes by presenting an explanatory framework, the validity of which will be tested by the findings from the questionnaire survey conducted in seven companies in the German metal-working industry (see Chapter Three).

2.2 Unitary Approach

The unitary frame of reference portrays a desirable arrangement at plant level, with on the one hand, industrial conflict prohibited, and on the other, much weight attached to the principle of a communality of interest between the industrial relations actors. The unitary theorists regard individual companies as being “analogous to a team” (Fox 1966: 2), with the employer, not unlike the manager of the team, the only “source of authority” and the single “focus of loyalty” (Fox 1966: 3) at plant level. They reject the idea of employee involvement in managerial decision-making, with unions, which are deemed to present a challenge to managerial authority (Fox 1966: 11), regarded as an unnecessary and an unwanted obstacle in pursuit of a cooperative arrangement. Consequently, there is no place for collective bargaining in the unitary frame of reference. As Salamon (1992: 31)
explained, the unitary theorists regard the industrial organisation as "an integrated group of people with a single authority/loyalty structure and a set of common values, interests and objectives shared by all members of the organisation."

In assessing the significance of the unitary approach for an understanding of German plant-level industrial relations, one can begin by rejecting the suggestion that, in German companies there is a single "focus of authority" (Fox 1966: 3), with the employer the legitimate and accepted decision-maker (Salamon 1992; 31), and the employees unable to interfere in this process (Batstone 1988: 11; Farnham and Pimlott 1995: 45) in any way whatsoever. The thesis contends that this is an inaccurate portrayal of plant-level industrial relations. Whilst the balance of power undoubtedly remains with the employer at the micro level, the provision in the WCA 1972 for the election of a works council, which enjoys rights of participation in managerial decision-making, ensures that authority is shared by the employer and the works council, whenever the latter enjoys the right of co-determination. Furthermore, the existence of a works council at plant level, as the elected representative body of the blue and white-collar employees, invalidates the idea of there being a single "focus of loyalty" (Fox 1966: 3) in the workplace.

Those who subscribe to the unitary frame of reference see no place for the unions in plant-level industrial relations. They regard their presence as an "intrusion" (Fox 1966: 11), as the union, it is suggested, "competes illegitimately for control over, and the loyalty of, the employees" (Fox 1966: 11). The validity of this aspect of the unitary approach must also be rejected, as the unions, under the WCA 1972, are granted rights of access to the individual companies, without being permitted to negotiate at this level. Prior to 1972 however, the unions were legally prohibited from entering the workplace by the WCA 1952. Nevertheless, union members were elected onto the works councils as of this date, and when the Works Constitution was re-defined in 1972, the legislators decided to recognise the situation at plant level.

Whilst it is easy both to be critical of the unitary approach and to dismiss it as inapplicable for an understanding of the particular nature of plant-level industrial relations in Germany,
Edwards (1995: 11) has indicated that whilst "a unitary view does not describe organisational reality, there are features of it which any serious analysis of industrial relations has to recognise."

For example, at the centre of the unitary frame of reference is the rejection of the legitimacy of conflict, which is regarded as being "unnecessary and exceptional" (Salamon 1992: 31), and "morally indefensible" (Fox 1966: 12). Fox (1966: 12) explained that conflict was:

...either (a) merely frictional, e.g. due to incompatible personalities or 'things go wrong', or (b) caused by faulty 'communications', e.g. 'misunderstanding' about aims or methods, or (c) the result of stupidity in the form of failure to grasp the communality of interest, or (d) the work of agitators inciting the supine majority who would otherwise be content.

The illegitimacy of conflict, in the sense of strike action or a lockout, is of significance in this context as the WCA 1972 contains an 'absolute peace obligation', thus prohibiting the instigation of industrial action from within the workplace. However, the inevitability of disagreements arising between the employer and the works council is recognised, with the WCA 1972 providing for both the formation and the intervention of a plant-level arbitration committee, and failing this, for disagreements to be settled by the binding decision of a labour court. The absence of conflict lends credence to the unitary frame of reference, although it is worth emphasising that this absence is to be explained by its prohibition rather than by any concerted effort on the part of the employers and the works councils.

The unitary theorists also emphasise the idea of a harmony of interest in the workplace as part of their "professional football team" (Fox 1966: 2) analogy. Whilst the single source of authority and single focus of loyalty aspects of this analogy have been rejected, the suggestion that there is a harmony of interest is of greater relevance. For instance, §2(1) WCA 1972 obliges the employer and the works council to cooperate on behalf of the employees and the company, the idea being that all concerned stand to prosper if the
company is successful. As Batstone (1988: 11) has indicated, "a communality of interest exists, for the wages of the worker depend upon the profitability of the plant."

Finally, the unitary frame of reference rejects the existence of "oppositionary groups or factions" (Fox 1966: 3) in the workplace, an idea which, to a limited extent, portrays the situation at the micro level in German industry. Whilst the works councils are the elected representatives of the employees, and negotiate with the employers on behalf of their constituents, they are bound by the requirement in §2(1) WCA 1972 to work with, rather than against, the employers. In essence, the WCA 1972 ensures that they are partners rather than opponents at plant level.

### 2.3 Pluralist Approach

The proponents of the pluralist frame of reference recognise the existence of rival sources of authority and loyalty in the workplace, and in doing so recognise the potential for, if not the inevitability of, industrial conflict (Fox 1966: 4; Salamon 1992: 34). The pluralists also recognise the need to manage the differences of opinion which inevitably emerge between the divergent interest groups. They therefore accept, and indeed welcome, the unions in their capacity as regulators of such disputes via collective bargaining. The pattern which emerges is one of negotiations taking place between representatives of the divergent interest groups, with deals and compromises often resulting.

Whilst many of the pluralist ideas are of relevance to an understanding of plant-level industrial relations in Germany, there are fundamental weaknesses in the argument. For example, the unions are not the "legitimate representatives of employee interests" (Farnham and Pimlott 1995: 48), and collective bargaining is not the "preferred method of negotiation" (Clegg 1976: 96) in the workplace. Instead, as the early part of this chapter demonstrated, it is the works councils rather than the unions which negotiate on behalf of the employees at this level, and they do so via co-determination and a series of weaker rights of participation in managerial decision-making rather than in collective bargaining.
One final point of contention surrounds the suggestion that there is a balance of power between the owners of capital and labour (Batstone 1988: 13). Whilst the WCA 1972 does grant the works councils rights of co-determination in managerial decision-making, it does not do so on all issues (see Section 1.3), thus ensuring that the employers remain in control at the workplace.

The relevant aspects of the pluralist frame of reference, meanwhile, include the acceptance of the existence of rival sources of authority and loyalty (Fox 1966: 4) in the workplace. One could argue that the works councils are the manifestation of this rivalry. Furthermore, the pluralists are sceptical of the unitary idea of a communality of interest at plant level, but do accept that there is a grey area where the interests of the employers and their employees overlap (Fox 1966: 4), albeit in the long term. The contention of this thesis is that this grey area does exist, and is a reflection of the interest that all concerned have in the survival of the company within which they are employed.

The pluralist analogy put forward by Fox (1966: 2) in describing the industrial organisation as a “miniature democratic state composed of sectional groups with divergent interests over which the government tries to maintain some kind of dynamic equilibrium” is also of relevance. This highlights perfectly the relationship between the employer and the works council under the controlling influence of the statutory WCA 1972 at plant level.

Finally, unlike the unitary theorists, the pluralists recognise the inevitability of conflict in the workplace and realise that mechanisms need to be established to ensure that it is contained. Whilst conflict in the sense of industrial action is prohibited by the ‘absolute peace obligation’ in the WCA 1972, there is sufficient evidence to suggest that differences of opinion do occur at plant level.

Finally, Farnham and Pimlott (1995: 49) differentiate between “hard” and “soft” pluralism. The former they associate with conflicts and collective bargaining, the latter with
disagreements and joint consultation. Whilst the pattern of ‘hard’ pluralism must be rejected for reasons already elucidated, ‘soft’ pluralism is more applicable given both the nature of the disagreements and the preferred method for their resolution within the workplace.

2.4 Marxist Approach

The cornerstone of Marxist analysis is the identification of the class relationship between capital and labour as the major determinant of social relations, the major explanation of why social actors behave the way they do or why particular institutions exist. (Crouch 1982: 28-29)

A Marxist approach to industrial relations, as developed by later Marxist writers64 rather than by Marx himself (Farnham and Pimlott 1995: 53), stresses the irreconcilable conflict of interest between the owners of capital and labour, and as the quotation suggests, the disputes within industry, as with those within society, are to be explained in terms of class conflict.

Given the existence of the ‘absolute peace obligation’ at plant level, and both the provision for the formation of the plant-level arbitration committee and the intervention of the labour court if disagreements cannot be resolved internally, one can reject the idea that there is an irreconcilable conflict of interest at plant level, and that the disagreements which arise are the result of class divisions. Instead, the argument of this thesis is that many of the divisions which do exist at plant level are occupationally based rather than determined by class, as the WCA 1972 provides for only one rival source of authority, the works council, to represent the interests of all the blue and the white-collar employees, but not those of the “employees of managerial status” (Lane 1989: 227).

Whilst the Marxist approach is clearly of little relevance for an understanding of the operation of plant-level industrial relations in the late twentieth century, one can argue that

64 See also Hyman (1975).
this particular frame of reference was instrumental during the formative years of industrialisation in Germany. For example, the threat of class conflict encouraged the formation of the early workers’ committees, and ultimately, the provision for works councils under the Works Council Law of 1920. It has been suggested that these fora, the forerunners to the works councils which were introduced after 1945, were created in an attempt to bind the employees to the companies within which they were employed (Schmidt and Trinczek 1991: 169), to prevent the rise of insurrectionaries (Hyman 1989: 203), and to avoid a repeat of the Russian Revolution on German soil (Crouch 1993: 126). The thesis contends, therefore, that the current pattern of plant-level industrial relations in Germany has its origins in attempts to prevent the rise of class conflict, which was, and continues to be, contained by works councils which integrate the divergent interests of the employees.

2.5 Social Action Approach

Whilst Dunlop (1958) sought to explain the behaviour of the industrial relations actors in terms of the legal or the structural constraints within which they operate with his systems theory, the social action theorists argue that the behaviour of these individuals can be explained by their responses to the situations with which they are faced. For example, Silverman (1970) suggested that the unions and the employers come together because, “for a while at least, their differing ends may be served by the same means” (Farnham and Pimlott 1995: 49).

This is an unlikely portrayal of plant-level reality, as firstly, it is the works council and not the industrial union which operates at this level on behalf of the employees, and secondly, the employers and the works councils come together as their interaction is required under the terms of the WCA 1972, rather than it being a voluntary process. In fact, given the importance of the WCA 1972 in Germany, one argument is that the social

---

65 This is not to say that the industrial unions do not have a presence at plant level. On the one hand, as Table 1.1 indicates, the majority of works councillors are unionised. On the other, the industrial unions are usually represented by union stewards (see Section 7.8).
action approach is of little relevance to an understanding of plant-level industrial relations, as the behaviour of the individual actors is, to such a large extent, pre-determined by the requirements of this legislation and not by their individual responses to particular situations.

Finally, the social action theorists also subscribe to the validity of collective bargaining as the desired method of conflict resolution (Schienstock 1982: 174), an idea which sits uneasily in the German context, as co-determination is the recognised process at plant level.

2.6 Corporatist Approach

Corporatism can be defined as a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports. (Schmitter 1979: 13)

In defining corporatism in this way, Schmitter has, albeit unintentionally, provided a detailed description of the German model of industrial relations. The idea that the representative bodies are 'noncompetitive', 'hierarchically ordered', 'functionally differentiated' and 'granted a deliberate representational monopoly' explains the particular nature of the dual system of interest representation, with the employers' associations and the industrial unions operating under the TVG 1949 and concentrating on quantitative issues in collective bargaining at sectoral level, whilst the WCA 1972 oversees the interaction of the individual employers and works councils in the workplace, where more qualitative issues are addressed. This dual system is, as Schmitter suggested, a statutory creation, with the rights and duties enjoyed by these representative bodies enshrined in labour legislation. In return, whilst the actors at sectoral level are restricted in their ability
to resort to industrial action, with the prohibition of political strikes a further constraint, an ‘absolute peace obligation’ operates in the workplace.

The relevance of Schmitter’s definition was also recognised by Streeck (1981: 156):

The German system of industrial relations corresponds in its basic features to Schmitter’s structural definition of ‘corporatism’ as an institutional mechanism of interest representation. The number of organised units representing separate interest constituencies is ‘limited’ in Germany, unlike that in ‘pluralist’ systems - with the result that units are broad and internally heterogeneous - and there is little if any ‘competition’ between organisations appealing to identical constituencies. Furthermore, the ‘type or scope’ of the interests represented by and within different interest-political actors - such as works councils and trade unions - are not ‘self-determined’, but to a considerable extent, regulated by legislation; the result is a high degree of ‘functional differentiation’. Compulsory membership - another characteristic of corporatist systems as defined by Schmitter - exists in the statutory representation system at the plant level and is extended latently and informally into parts of the voluntary system. Moreover, arenas of interest politics are hierarchically ordered, with workplace bargaining being subordinate to industry-wide bargaining, and the latter being subject to regulation by law. Finally, there are a number of (latent) mechanisms of state ‘licensing’ of interest associations. One of them is the works councils system which favours broad-based industrial unions over sectional unions and supports them in their attempts to gain a ‘representational monopoly within their respective categories’.

The corporatist frame of reference therefore presupposes a central role for the state and a preference for cooperation over confrontation in the industrial relations arena, both of which are in evidence in Germany. On the one hand, the state ‘holds the ring’ in industrial relations.66 Its central role manifests itself in the high degree of juridification of both the employment relationship in general, as shown in Chapter One, and the health and safety arena in particular, as explained in Chapter Five. As Crouch and Dore (1990: 13) have indicated, “Germans...have an extensive state which shares its role with those organised interests that it accepts as co-operating with it, and excludes from participation those that it does not accept.” On the other hand, the desire to “replace conflict and competition with

---

66 The state ‘holds the ring’ in the sense that whilst statutory legislation dominates the industrial relations arena, the state does not involve itself directly on a daily basis. At sectoral level, the employers’ associations and the industrial unions are free to negotiate collective agreements under the auspices of the TVG 1949. At plant level, the individual employers and the works councils operate under the influence of the WCA 1972.
consensus and cooperation in the furtherance of the common good" (Dabscheck 1989: 147) was demonstrated by the period of tripartite concertation between the government, the employers' associations and the unions, which began in the late 1960s, and by §2(1) WCA 1972, with its requirement of the employer and the works council to cooperate for the good of the employees and for the company within which they operate. In the words of Crouch and Dore (1990: 5), "Corporatist arrangements are designed for...situations...where the collective good does require a restraint, an exercise of discipline, which private benefit calculations would not themselves produce."^{67}

As Crouch (1982: 40) has indicated however, the existence of "a purely corporatist arrangement...whereby a peace obligation and a disciplinary role are undertaken in exchange for no concessions" is rarely in evidence in an industrial society. The German example is no exception, and the concessions are enforced by the WCA 1972, which grants the works councils rights of participation in managerial decision-making in return for their commitment to industrial peace.

2.7 Explanatory Framework

Whilst the corporatist approach comes close, no single frame of reference is capable on its own of explaining the particular nature of plant-level industrial relations in Germany. Instead, several theoretical approaches offer ideas which are of relevance to an understanding of the prevalent arrangements. The unitary approach is applicable in the sense that it stresses the illegitimacy of conflict, the existence of a harmony of interest, and the absence of oppositionary groups in the industrial organisation. The pluralist acceptance of the inevitability of conflict, albeit in the form of disagreements, and the need to establish a conflict resolution mechanism, is relevant, as is the recognition of the existence of rival sources of authority and loyalty in the workplace. The social action approach and the Marxist analysis are of less significance, but the importance of class conflict for an

---

^{67} This was the case in the late nineteenth century when Bismarck introduced his social security legislation.
explanation of the evolution of the existing plant-level arrangements should not be ignored.

The processes and structures which characterise plant-level industrial relations in Germany, are, to a large extent, the product of statutory legislation, and of the WCA 1972 in particular. Its provisions have prohibited industrial conflict, have imposed the idea of a harmony of interest, and have prevented the appearance of oppositionary groups. At the same time however, the WCA 1972 has sanctioned the formation of a rival source of authority and loyalty for the employers at plant level, in the form of a representative body which enjoys rights of participation in managerial decision-making.

With the employers and their employees cooperating under the auspices of the statutory WCA 1972, and the emphasis on both industrial peace and the furtherance of the common good, the contention of this thesis is that plant-level industrial relations in Germany demonstrate corporatist, or more accurately, micro-corporatist traits.

As Jacobi et al. (1992: 262-263) have indicated, “micro-corporatist arrangements or productivity coalitions have gained in importance in the 1980s. Relatively stable alliances have developed at establishment level between works councils and management which further the complementary interests of both sides.”

This trend is continuing in the 1990s. Whilst corporatist arrangements may well be in decline at sectoral level, with union membership falling, as unemployment reaches its highest level since the end of the Weimar Republic, and employers’ associations representing the interests of fewer employers, they continue to flourish at plant level. Here, an ever-increasing number of issues are being addressed by employers and works councils under the auspices of the WCA 1972. Consequently, there is talk of a decentralisation of industrial relations in Germany (Kotthoff 1994: 34), and as Keller (1993: 59) explains, this trend is accelerated by processes such as the introduction of new technology, which needs to be tailored to the conditions prevailing in individual workplaces.
The argument of this thesis, therefore, is that plant-level industrial relations in Germany are characterised by a pattern of state-induced cooperation. The inducements are enshrined in the WCA 1972. They include guaranteed industrial peace for the employers on the one hand and rights of participation in managerial decision-making for the works councils on the other.

With reference to the way in which the issue of occupational health and safety is addressed in seven case-study companies in the German metal-working industry, this thesis will therefore demonstrate that corporatism is alive and well at the micro level. As Crouch and Dore (1990: 22-24) have suggested:

Answers to three questions are needed to determine whether an institution is a corporatist arrangement....First, an institution must make use of representatives of the interests whose behaviour is involved....Second, for an institution to be corporatist it must have the power to constrain and sanction, either through its own resources or by effectively co-opting those of its constituent representative bodies....Finally, to speak of corporatism we need some notion of orientation to a public interest.

This definition will be utilised to demonstrate that corporatist arrangements prevail at plant level in German industry.
CHAPTER THREE - RESEARCH METHODOLOGY

3.1 Introduction

Divided into three subsequent sections, this chapter explains the thinking behind the choice of both the metal-working industry as the focus of the study, and the case-study approach as the preferred method of investigation. It also details the process of selection of the case-study companies, and highlights the way in which the empirical evidence was both collected and interpreted.

3.2 Formulating the Approach

The original intention of this industrial relations research initiative was to identify explanations for the way in which occupational health and safety issues are addressed at plant level in Germany and Great Britain. The research continued in this vein for much of the first 12 months, before the conclusion was reached that the complexity of the legislative and organisational arrangements in Germany deserved greater attention than could have been guaranteed within a cross-national comparative framework. It was therefore decided to concentrate on the situation in Germany, and the metal-working industry was selected as the area of study for a variety of reasons.

Firstly, with the exception of commerce and administration, the metal-working industry was the largest employer in Germany in 1992, with over 4.2 million employees (HVBG 1993: 12). Secondly, IG Metall, the metal workers' union, was, and still is, the largest industrial union, not only in Germany but also the world. Within Germany itself, IG Metall is therefore the most influential of the 16 industrial unions, and usually sets a precedent for the other 15 in the annual round of wage bargaining. Thirdly, this branch of industry has

---

68 The 1992 figures are quoted as these were the most recent at the time the decision was taken to concentrate on the metal-working industry.
traditionally had one of the worst occupational accident rates (see Table 3.1). Finally, it was envisaged that established contacts between the University of Surrey and IG Metall would facilitate the realisation of the field work, which is described in detail below.

Table 3.1: Full-Time Employment and Accident Rates 1992

<table>
<thead>
<tr>
<th>Branch of Industry</th>
<th>Full-Time Employees*</th>
<th>Reportable Occupational Accidents per 1000 Employees</th>
<th>Reportable Commuting Accidents per 1000 Employees**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>2,917,555</td>
<td>124</td>
<td>5.1</td>
</tr>
<tr>
<td>Wood</td>
<td>632,721</td>
<td>121</td>
<td>5.5</td>
</tr>
<tr>
<td>Pit and Quarry</td>
<td>437,413</td>
<td>85</td>
<td>5.4</td>
</tr>
<tr>
<td>Metal-Working</td>
<td>4,225,763</td>
<td>80</td>
<td>6.7</td>
</tr>
<tr>
<td>Mining</td>
<td>237,910</td>
<td>77</td>
<td>5.8</td>
</tr>
<tr>
<td>Foods</td>
<td>2,166,322</td>
<td>70</td>
<td>4.4</td>
</tr>
<tr>
<td>Transport</td>
<td>1,345,291</td>
<td>59</td>
<td>4.3</td>
</tr>
<tr>
<td>Paper and Printing</td>
<td>686,775</td>
<td>47</td>
<td>5.2</td>
</tr>
<tr>
<td>Leather and Textiles</td>
<td>763,798</td>
<td>38</td>
<td>7.1</td>
</tr>
<tr>
<td>Gas and Water</td>
<td>174,213</td>
<td>34</td>
<td>4.7</td>
</tr>
<tr>
<td>Chemicals</td>
<td>1,092,877</td>
<td>32</td>
<td>5.9</td>
</tr>
<tr>
<td>Commerce and Administration</td>
<td>10,245,615</td>
<td>31</td>
<td>6.8</td>
</tr>
<tr>
<td>Health Service</td>
<td>2,415,258</td>
<td>28</td>
<td>5.5</td>
</tr>
<tr>
<td>Light and Electrical Engineering</td>
<td>2,624,519</td>
<td>27</td>
<td>5.2</td>
</tr>
</tbody>
</table>

* A full-time employee was deemed to work 1620 hours in 1992.

** For a definition of commuting accidents, see Section 5.3.

Source: HVBG, 1993.

69 The 1992 figures are quoted as these were the most recent at the time the decision was taken to concentrate on the metal-working industry.
Having selected the metal-working industry as the focus for the empirical research, the next task was to decide upon the approach best suited to collating the information required. A review of previous research initiatives, many of which are referred to in the following chapter, revealed a variety of research methods, with postal surveys (Pröll and Sczesny 1991) and case studies (Diekershoff 1979; Kühn 1982) most frequently cited. The idea of a postal survey was rejected, both for reasons of cost and for the lack of information it would yield. Given that there was an interest in developing a profile of a number of companies, the case-study approach was preferred. It was decided that a series of similar profiles would enable the author to compare and contrast the health and safety structures in companies of varying size, a factor which is particularly important when one considers that the occupational health and safety legislation affects different sized companies in different ways (see Section 7.5).

Having decided upon a case-study approach, a number of methods of data elicitation were considered. The original intention was to produce questionnaires for the employers, the works councillors and the employees, which would be distributed in all of the chosen companies. However, a pilot study served to highlight several weaknesses in this approach.

The pilot study was carried out at Zulu AG, a producer of fork-lift trucks in northern Germany, during the second of four field trips to Germany. The first of these four visits lasted two weeks, and the time was spent establishing contacts with IG Metall, and both identifying and researching primary sources of information. During the second visit, which lasted three weeks, 50 questionnaires were distributed to management, works councillors and employees at Zulu AG, with a total of 23 being returned. The pilot study identified weaknesses in the formulation of a number of questions, and whilst these inadequacies were easily rectified with the assistance of a native speaker, the most significant finding

---

70 The name of this and the final seven case-study companies have been changed.
71 Copies of the final questionnaires are to be found in Appendices 2-4.
was the unsuitability of the questionnaire approach as far as senior managers and the works councillors were concerned.

It was evident that the information provided by these individuals in a questionnaire survey represented only a minute fraction of what could have been generated in a single interview. With this in mind, a series of structured interviews were drawn up to be carried out with senior management, those members of the works council dealing specifically with health and safety, and the health and safety experts.

The interviews were divided into three sections. In the first, the interviewees were asked to evaluate the prevalent organisational structures, highlighting the advantages and disadvantages of these arrangements for addressing the question of health and safety. They were then presented with a series of questions designed to identify the profile which health and safety issues enjoyed within their company. The interview concluded with an evaluation of the plant-level interrelationships.

It was therefore decided to combine a questionnaire survey, which has the advantage of being a simple, cost-effective and well-understood method of data elicitation, a series of structured interviews, which enable the respondents greater freedom to express themselves, and observations of plant-level reality, in order to develop a profile of the case-study companies.

3.3 The Search for the Case-Study Companies

Contact with the case-study companies was established in a variety of ways, with initial attempts to identify suitable workplaces, made during a short field trip to Germany in January 1995. Several union secretaries were interviewed at the offices of IG Metall in Hamburg, Hanover, Dortmund, Stuttgart and Frankfurt am Main, and in each location the union secretary was asked to recommend as many companies as possible.
Within four weeks, five companies had expressed an initial interest in participating in the survey. In addition, the works council at Zulu AG had indicated that it would be prepared to participate. Of these six, only two, Alpha Iron & Steelworks GmbH and Echo AG, were among the final list of seven case-study companies. Two of the four employers who declined to participate did so on the grounds that their employees had only recently completed a series of similar surveys. The third, Zulu AG, raised an objection to the wording of the re-drafted questionnaires.\(^\text{72}\)

The one remaining candidate, Delta AG, was itself unsuitable for the survey, given that it was a holding company for a number of manufacturing operations, rather than a manufacturing plant itself. Nevertheless, the labour director, who displayed a keen interest in the survey, suggested that contact be established with one of the companies under the control of Delta AG. The company in question, Beta GmbH, agreed to support this undertaking.

The other four companies were contacted following the author’s arrival in Germany in March 1995 to carry out the field work. The first was identified during an initial visit to Echo AG, one of the largest private sector employers in Germany. The chairman of the health and safety sub-committee of the works council suggested that his counterpart at another branch of Echo AG would be interested. Permission to carry out the survey at this second location was duly granted.\(^\text{73}\) Contact with the remaining three companies, Foxtrot GmbH, Tango-Roger Steel AG and Gamma Transportation Technology GmbH was established by letter, following a search for suitable participants in a business directory.

\(^{72}\) The personnel manager informed the author that although union stewards were active in the company, they were not officially recognised. Access would only have been granted had the word 'Vertrauensleute' been removed from all questionnaires. As they had already been printed, and as the author was interested in the contribution made by these individuals, the personnel manager’s offer was rejected. The chairman of the works council at Zulu AG, who had previously pledged his support, was subsequently unavailable for comment.

\(^{73}\) The first branch is referred to as Echo AG - ‘Branch A’, and the second as Echo AG - ‘Branch B’.
3.4 Field Work

The field work was carried out over a three-month period in the Spring of 1995. In each company the survey was executed in a similar fashion, with several visits made to all seven companies over the three-month period. The questionnaires were distributed by, and returned to, the works council following an initial visit, and were collected on returning to the companies to conduct the structured interviews (see Table 3.2). There were a total of 46 interviews in the seven companies (see Appendix 1), each lasting between one and three hours. With one exception - Interview #86 - all interviewees agreed to the use of a dictaphone to record the discussion, the details of which were then transcribed the same evening.

Table 3.2: Questionnaire Survey Response Rates

<table>
<thead>
<tr>
<th>Company</th>
<th>Questionnaires Distributed</th>
<th>Questionnaires Returned</th>
<th>Response Rate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Iron &amp; Steelworks GmbH</td>
<td>310</td>
<td>145</td>
<td>46.8%</td>
</tr>
<tr>
<td>Beta GmbH</td>
<td>150</td>
<td>57</td>
<td>29.3%</td>
</tr>
<tr>
<td>Foxtrot GmbH</td>
<td>50</td>
<td>36</td>
<td>72%</td>
</tr>
<tr>
<td>Echo AG - 'Branch A'</td>
<td>100</td>
<td>30</td>
<td>30%</td>
</tr>
<tr>
<td>Echo AG - 'Branch B'</td>
<td>50</td>
<td>17</td>
<td>34%</td>
</tr>
<tr>
<td>Tango-Roger Steel AG</td>
<td>1200</td>
<td>188</td>
<td>16.1%</td>
</tr>
<tr>
<td>GTT GmbH</td>
<td>700</td>
<td>113</td>
<td>15.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2560</strong></td>
<td><strong>586</strong></td>
<td><strong>22.9%</strong></td>
</tr>
</tbody>
</table>

* An explanation for the differences in the response rate is offered in Section 9.3.

74 During the initial discussions in each company, the author requested that the relevant questionnaires be distributed to all employees. Whilst all works councillors received a copy of their particular questionnaire in each company, the distribution of workforce and line management questionnaires was often limited to particular sections of the companies at the request of either the employer or the works council.
In each company, the author gathered yet more information by making general observations, whilst accompanying a member of the works council on a tour of the workplace. In addition, at Gamma Transportation Technology GmbH and at Tango-Roger Steel AG, meetings of the prevalent health and safety committees were attended. Finally, a check list of general information was compiled on each company, and a copy of the accident statistics, and both the minutes and reports of the various health and safety committee meetings were also acquired.

The information gleaned from the questionnaire surveys was analysed using the 'Statistical Package for the Social Sciences' (SPSS), and whilst the data presented in Chapter Eight is mainly a comparison of frequencies, correlations were also applied in the final analysis.

In compiling this thesis an extensive review of industrial relations and health and safety-related literature has been carried out both here and in Germany, with previous empirical research initiatives providing the central focus. There was also a review of official occupational health and safety statistics which are produced annually by both the Federal Government and the professional associations. Finally, a series of unstructured interviews, which were designed to generate a wealth of general information, were conducted with academics, government officials, union secretaries, health and safety inspectors and members of the professional associations (see Appendix 1).\(^{75}\)

\(^{75}\) For an assessment of the research methodology adopted, see Section 9.3.
CHAPTER FOUR - THE WORKS COUNCIL AND THE ISSUE OF OCCUPATIONAL HEALTH AND SAFETY: A REVIEW OF RELATED RESEARCH INITIATIVES

4.1 Introduction

This fourth chapter is divided into three main sections. The first provides an assessment of a number of studies concerned with the operation of the works council. There then follows an evaluation of the major empirical research initiatives which have examined the occupational health and safety structures in German industry. The third reviews a number of general health and safety-related studies.

4.2 Empirical Research Review: The Works Council

In 1964, Blume published the findings of his study of the operation of the WCA 1952. He was particularly interested in identifying both the way in which the works councils coped with the dual function of representing the interests of the employees, whilst not endangering the survival of the company, and the reception afforded the works councils by the individual employers. To this end, Blume observed the performance of the works council in 491 companies, each of which employed upwards of 200 employees. The companies were spread across six branches of industry, and the findings were based on the results of a questionnaire survey and a series of unstructured interviews.

Blume (1964: 209) found that many employers were opposed to the provisions of the WCA 1952, and that this law was violated with greater frequency as the size of the companies decreased. These violations included the election of insufficient works councillors, and the infrequency with which works assemblies were convened. As far as the social partnership ethos was concerned, there was evidence to suggest that a
cooperative relationship between the works council and the employer was the dominant pattern (Blume 1964: 143).

Whilst both the subject matter and the findings of his survey are outdated, Blume’s work remains a study of great importance as it was one of the first of its kind. The width of the sample is to be applauded, as is the decision to examine the situation in eight Federal States. Consequently, Blume was able to account for any regional disparities that may have remained from the days of the Allied Control Council Law No.22.

In a survey of seven companies with between 400 and 15,000 employees across a variety of industries, Weltz (1976) examined the way in which both new work processes and new technologies were introduced at plant level. Of particular interest was the way in which conflicts associated with such changes were resolved within the workplace. All seven companies had successfully introduced new technologies just prior to the survey, and Weltz found that potential misunderstandings in this respect between the works councils and the employers had been avoided, as the former were kept in regular contact with technological developments (Weltz 1976: 65).

Weltz (1976: 114) concluded that a process of “cooperative conflict resolution” was operational at plant level, with the employer and the chairman of the works council often addressing potential points of conflict without recourse to the WCA 1972. He suggested that this preference for cooperation was a result of:

- the collective desire to rebuild the economy after the Second World War;
- the recognition that the relationship between the works council and the employer was an on-going association;
- the call for cooperation in §2(1) WCA 1972;
- the recognition that rationalisation measures were necessary so long as the negative consequences of such changes for the employees could be minimised.

76 In 1968, IG Metall and Gesamtmetall signed a Rationalisation Protection Agreement which served to ensure that employers would inform works councils in advance of any rationalisation measures.
Confrontation was the exception rather than the rule in the seven companies, and Weltz (1976: 130) suggested that the relationship between the employers and the works councils was “a tightrope walk between confrontation and cooperation.”

On a similar technological note, Altmann (1992a) examined the problems facing the works councils in a number of metal-working companies, as they attempted to come to terms with the implementation of new technologies. He discovered that the works councillors were underqualified and overstretched in their attempts to negate the harmful effects of these new technologies upon the workforce. According to Altmann (1992a: 398), the existing legislation was unable to cope with the problems raised by the new technologies, with the WCA 1972 failing to give the works councils sufficient power to influence such developments. For example, the works council enjoyed a right of co-determination concerning the introduction of new technologies only if it could prove that the scientific findings relating to work design had been violated (Altmann 1992a: 398).\(^{77}\)

In the late 1970s, Kotthoff (1981) surveyed 63 companies of varying size across a number of industrial sectors. His intention was to identify the prevalent organisational structures, with the employees’ representative body at plant level providing the central focus. Kotthoff identified six ‘types’ of works council:\(^{78}\)

- The “ignored works council” (author’s translation) was to be found in the smallest companies, where the employers enjoyed a close, personal relationship with the employees. These close links ensured that the latter had little need for a representative body, and although they had been elected, they were of little significance in practice;

- Kotthoff’s “isolated works council” (author’s translation) was to be found mainly in those companies employing between 200 and 600 employees. The employers regularly ignored both the labour law provisions and the collective agreements, and although the

\(^{77}\) This right is enshrined in §91 WCA 1972 and is closely linked to §90 WCA 1972.

\(^{78}\) Only 30 per cent of Kotthoff’s works councils were found to be as cooperative as those that Weltz (1976) had identified (Kotthoff 1985: 72-73).
works councils were permitted to realise some of their duties, a lack of trust and open aggression characterised the relationship between the social partners;

- The “works council as an organ of management” (author’s translation) represented Kotthoff’s third and final example of a deficient form of interest representation at plant level. These works councils were operational, but were found to be carrying out tasks on behalf of the employers;

- As for the effective bodies of interest representation, Kotthoff initially identified the “co-operative works council as a countervailing power” (author’s translation). These works councils were regularly involved in company planning, with their chairmen enjoying a position of trust in the workplace. In essence, these works councils represented the employees’ interests, but were often accused by the latter of taking a management-oriented stance;

- The “works council which is respected by management, but which is committed to representing the interests of the employees” (author’s translation), was Kotthoff’s fifth example. Conflict between these works councils and the employers was always a possibility as the former were committed to realising the interests of the workforce;

- His final type of works council, the strongest form of interest representation, was also respected by the employers, but found itself in limbo between the workforce and management. These works councils had also established close links with the industrial unions.

Approximately two thirds of the 63 companies had one of the deficient forms of interest representation, and Kotthoff (1981: 30) attributed this finding to the employers’ rejection of the WCA 1972, on the grounds that the extended rights of participation in

---

79 The deficient forms of interest representation were the first three types of works councils he identified.
managerial decision-making, enjoyed by the works councils under this legislation, was likely to make plant-level industrial relations expensive.\(^{80}\)

Kotthoff concluded that the degree of influence that the works councils were permitted to exert at plant level was dependent upon the following variables:

- the stance adopted by the employers;
- company size;
- form of ownership;
- union density.

The author recognises that Kotthoff’s study is a seminal work in German industrial relations, but suggests that, as no two works councils are identical, the idea of subdividing these bodies of interest representation is misleading. The contention is that there could be greater similarities between the ‘types’ than there actually are within them.

Having highlighted the plant-level structures in 63 workplaces in his 1981 study, Kotthoff (1994) returned to the same companies in the late 1980s in order to identify, and account for, any changes in the forms of interest representation.\(^{81}\) In particular, Kotthoff wanted to establish whether any of the deficient works councils had evolved into effective representative bodies. He was therefore concerning himself with the dynamics of plant-level industrial relations.

Kotthoff (1994: 29) reached the conclusion that only one third of the companies had a deficient form of interest representation in the late 1980s, compared with a figure of approximately 66 per cent in 1975. He suggested that this development could be partly explained by the employers’ realisation that the provisions for works council participation in managerial decision-making had not imposed the financial burden that had initially been feared (Kotthoff 1994: 30-31). The works councils were also found to be realistic in their

\(^{80}\) For a discussion of the cost of the WCA 1972, see Niedenhoff 1994.

\(^{81}\) Fifty-five of these companies were still operational in the late 1980s.
demands, appearing to appreciate the need to consider the company’s financial position during negotiations with the employer (Kotthoff 1994: 42). Furthermore, they recognised that modernisation was a necessary development if the company was to remain competitive, and if jobs were to be saved (Kotthoff 1994: 42). The period during which the new technologies had been introduced had therefore seen the works councils perfecting a damage limitation exercise (Kotthoff 1994: 43).

In seeking to explain the transition from an inefficient to an effective form of interest representation, Kotthoff suggested that change was brought about by:

- a group of employees standing for election to the works council in order to initiate change;
- a new employee with experience of an effective works council;
- an individual with a strong personality;
- desire for change on both sides.

In the mid 1970s, Kluge et al. (1981) visited eight provincial companies across four branches of industry. Each employed between 200 and 2500 employees. By observing plant-level behaviour, and carrying out a series of interviews over a period of several weeks, Kluge et al. were interested in identifying the way in which the employees’ interests were being represented in the eight workplaces.

Their findings identified the chairman of the works council as a key player in plant-level industrial relations, with the relationship between these individuals and the employers deemed to be of crucial importance. Unlike Kotthoff (1981), the authors were unable to identify a positive correlation between union density and the efficacy of the works council, and suggested instead that the presence of an industrial union at plant level actually had a detrimental effect upon the relationship between the employers and the works councils (Kluge et al. 1981: 59).
In 1985, Birke et al. published the findings of a study which examined the role played by the works council during the introduction of measures designed to humanise the workplace. They found that these bodies tended to concentrate on addressing individual deficiencies, such as accident prevention and noise abatement, rather than developing an overall strategy to improve the working conditions as a whole. They also identified a preference amongst the works councillors for addressing quantitative rather than qualitative measures.

A study of the causes of conflict and the means for its resolution in German industry took Williams (1984) to 10 companies of varying size in the metal-working industry. Her focus on the relationship between the employers and the works councils in both a series of interviews and a questionnaire survey revealed a general acceptance of the WCA 1972 and its provisions, although the extent of this acceptance appeared to be influenced by company size, managerial attitudes and the nature of ownership.

As far as company size was concerned, Williams (1984: 94) found that the WCA 1972 was very much a ceiling of rights in the smaller establishments, but little more than a basic floor of rights in the larger companies. She also suggested that the WCA 1972 had the potential both to cause and to prevent conflict at plant level, with the rights of participation enjoyed by the works councils in managerial decision-making the decisive factors (Williams 1984: 94).

Towards the end of the 1980s, Kotthoff and Reindl (1990) carried out a series of interviews in 52 companies, each employing fewer than 500 employees, in order to shed some light on the social structure of these smaller organisations. Spread across four branches of industry, and located in six Federal States, the 52 companies, 30 of which had a works council, were independent family-owned operations.

Whilst not the focus of their research, Kotthoff and Reindl did refer to the works council in their findings. They suggested that the performance of this body was dependent upon:
• the influence of the prevalent regional culture;
• the personality of the chairman of the works council;
• the influence exerted by the employer.

The combination of these three variables, it was argued, had a major bearing upon the nature and the performance of the works councils (Kotthoff and Reindl 1990: 349).

Finally, Kotthoff and Reindl (1990: 350) warned against expecting too much of the works councils in these smaller companies. They were in no position to establish elaborate networks of interest representation, and were described as "reactive bodies" (Kotthoff and Reindl 1990: 350, author's translation) which were heavily influenced by the requirement in §2(1) WCA 1972 to consider the interests of the company as well as those of their electorate (Kotthoff and Reindl 1990: 352).

In an attempt to highlight the structures and the operation of plant-level industrial relations, and the micro-level influence of the industrial union, IG Metall, Streeck (1984a; 1984b) carried out a study of the car giant Volkswagen.

Despite the legal demarcation, Streeck (1984a: 141) identified close links between the bodies of interest representation - the works council and the industrial union - at Volkswagen, and suggested that IG Metall was dictating to the works council which, in turn, was exerting a controlling influence upon the union stewards. The situation at Volkswagen highlighted the extent to which the industrial unions can exploit the WCA 1972, and therefore influence plant-level industrial relations as a whole.

Streeck also discovered that the works council was able to use the WCA 1972 to cause management numerous problems. For example, it was found to be trading its stronger rights of participation in managerial decision-making for concessions by management on issues where its influence was more restricted (Streeck 1984a: 65). Streeck therefore concluded that management had an interest in establishing a good working relationship with the works council.
Rosenbaum (1982) displayed an interest in determining the efficacy of labour law regulations in plant-level industrial relations. He aimed to identify:

- whether the works councils fulfilled the social partnership ethos or merely worked on behalf of the employees;
- whether aspects of labour law had improved the bargaining position of the employees and their representatives in their dealings with their employers.

The main conclusion reached by Rosenbaum (1982: 404) was that informal norms dominated plant-level industrial relations. He suggested that labour law was ineffective in small and medium-sized companies, as the works councillors were underqualified and isolated from the industrial unions. They therefore lacked the necessary know-how to enforce the legislation. As far as the WCA 1972 was concerned, he found that this law served as a point of reference for the plant-level actors. Its provisions, he continued, were mainly used as bargaining tools to manage the works councils' relationship with management (Rosenbaum 1982: 413).

Rosenbaum also described how the works councils used their rights of participation in the area of health and safety to gain benefits for their members elsewhere. The works councils apparently tolerated certain violations of the health and safety legislation, but demanded concessions from the employer in return. He further found that management was able to ignore the works councils' rights to co-determination in the area of overtime. This was possible, even if the works councils threatened to 'work to rule' on health and safety issues, as management knew that the employees were always prepared to sacrifice health and safety for the financial rewards linked to overtime (Rosenbaum 1980: 415).

The research initiatives that have been assessed in this section have aimed to elucidate the activities of the works council in relation to a number of factors. There have been attempts to identify different types of works council (Kotthoff 1981), to evaluate the performance of the works councils in the industrial provinces (Kluge et al. 1981), to explain the
particular situation in union-dominated plants (Streeck 1984a/1984b), to describe the role of the works council in resolving conflicts (Weltz 1976; Williams 1984), to consider the effect of labour law on the performance of this body (Rosenbaum 1982), and to examine the way in which the works councils are affected by the new technologies (Altmann 1992a). The various research initiatives suggest that the following variables influence the performance of the works council at plant level:

- Company size (Blume 1964; Kotthoff 1981; Williams 1984);
- The nature of ownership (Kotthoff 1981; Williams 1984);
- Management attitudes (Kotthoff 1981; Kluge et al. 1981; Williams 1984);
- Union density (Kotthoff 1981; Kluge et al. 1981);

4.3 Empirical Research Review: Health and Safety in German Industry

One of the most comprehensive studies of the occupational health and safety structures in Germany was commissioned by the Federal Minister for Labour and Social Affairs and carried out by the BAU in the late 1970s. Published in five volumes in 1980, the study concerned itself with the macro-level health and safety structures, and both the legislative process and the existing legislative provisions, all of which were to be evaluated by the labour inspectors and the health and safety-related actors at plant level. The study investigated claims that there were overlaps in the legislation, that the statutory labour inspectors and the technical inspectors of the professional associations were performing similar functions, that the statutory labour inspectors were more concerned with environmental issues, and that certain employees were not covered by the existing legislative provisions (Deppe et al. 1980: 21). The entire undertaking was a "stock-taking" exercise (Büntgen et al. 1980a: 720, author's translation), with the central task being that of identifying whether the prevalent structures met the needs of the employees.
To achieve these aims, questionnaires were sent out to all statutory labour and technical inspectors, and supplementary interviews were carried out with both the inspectors and a number of plant-level health and safety experts. Finally, in order to evaluate the efficacy of these arrangements from a micro-level perspective, case studies were made of 51 companies.

The findings revealed that both inspectorates were understaffed and were therefore hampered in their attempts to make regular visits to the companies. The shortages were found to be most severe in the Statutory Labour Inspectorates (Gewerbeaufsichtsämter), and it was here that the inspectors were also found to be spending a great deal of their time completing administrative tasks (Büntgen et al. 1980b: 1083-1084) and addressing environmental issues.

The statutory inspectors considered themselves to be advisors rather than inspectors (Büntgen et al. 1980a: 721), but the plant-level actors appeared to know very little about the activities of either this or the technical inspectorate, with most respondents regarding the statutory body as an environmental watchdog (Büntgen et al. 1980b: 1080). There was a lack of cooperation between the two inspectorates, despite the introduction in 1977 of a General Ordinance for the Cooperation of the Professional Associations and the Statutory Labour Inspectorates (Allgemeine Verwaltungsvorschrift über das Zusammenwirken der Träger der Unfallversicherung und der Gewerbeaufsichtsbehörden), which had been designed to address this deficiency. There was also a suggestion that the inspectors tended to concentrate their efforts on larger companies.

The research also highlighted the legislative complexity in the health and safety arena and identified more than 100 different domestic and international bodies issuing legislation (Deppe et al. 1980: 378). Consequently, there were a number of legislative overlaps, and

---

82 Approximately 52 per cent of all statutory labour inspectors and as many as 73.4 per cent of all technical inspectors participated (Mertens 1980: 177).
83 Whilst the majority of works councillors and health and safety personnel interviewed expressed a wish for more frequent visits, their employers disagreed (Büntgen et al. 1980b: 1082).
84 Büntgen et al. (1980a: 720) indicated that they devoted as much as 40 per cent of their time to environmental issues.
when asked, many works councillors and employers were apparently unfamiliar with the complex network of provisions. Whilst the employers bemoaned this complexity, the employees’ representatives stressed the importance of these provisions for an improvement in health and safety at plant level (Büntgen et al. 1980b: 1081).

On the whole, the study was critical of the inspection and enforcement arrangements, and the plethora of rules and regulations was regarded as incomprehensible (Büntgen et al. 1980b: 1081). The health and safety structures were also criticised for not having kept pace with technological change, and it was suggested that both the legislative and the enforcement arrangements were in need of modernisation if they were to contribute effectively to an improvement in working conditions (Büntgen et al. 1980b: 1104).

In 1984, the results of a research initiative, carried out in Germany over a five-week period, were published by the International Labour Office (ILO). Similar studies had been carried out by the ILO in a number of industrialised countries, and were intended to identify the way in which health and safety legislation was enforced by the labour inspectorates in the various countries. One of the aims of the entire programme was to encourage the state and the social partners to give health and safety issues greater consideration, and to this end the research was carried out by a representative from each of the three groups. They visited a number of companies across a variety of industrial branches and interviewed both statutory labour and technical inspectors, as well as representatives of both the industrial unions and the employers’ associations.

As with the BAU study, the researchers identified a complex legislative framework, with the statutory and the autonomous provisions addressing similar issues. They also referred to the “excessive quantity and detail of the legislative provisions” (ILO 1984: 15), although they found no evidence of a desire to re-organise the legislative process.

As for the inspectorates, the tripartite body85 uncovered a lack of cooperation between the statutory labour and the technical inspectors (ILO 1984: 76), and whilst it was not

---

85 The body comprised representatives of the state and the social partners.
opposed to the inspectors preference to advise rather than to prosecute, the researchers did suggest that there should have been more frequent prosecutions to ensure that the threat of punitive measures was taken seriously by the employers (ILO 1984: 60).\footnote{This problem is still in evidence today. Of the 26 000 safety deficiencies uncovered by the Statutory Labour Inspectorates in 1993, fewer than one in three resulted in an administrative fine (BMA 1994: 73).}

Further deficiencies uncovered included the inapplicability of the Works Safety Law to large sections of the working population employed in smaller companies (ILO 1984: 73), and the opportunity for employers to delegate health and safety responsibilities to lower levels of the management chain, thus relegating the importance of such issues at plant level (ILO 1984: 74). Furthermore, both employers and works councillors suggested that the costs of many health and safety measures were unrealistically high in relation to the improvements that they could be expected to produce. Investments were therefore discouraged (ILO 1984: 25). The ILO praised the idea of self-administration in the professional associations however, describing the arrangement as "an important piece of democracy and a way of achieving cooperation between the social partners" (ILO 1984: 7). It commended the time and effort spent on health and safety issues by a wide range of actors, and was particularly impressed with the training facilities, the range of educational courses and the quality of the information handouts (ILO 1984: 124).

The subsequent recommendations made by the ILO representatives included the call for a simplification of the legislative arrangements and provisions, the need both for greater cooperation between the two inspectorates and for a revision of inspection arrangements, with the latter including the suggestion that there should be more unplanned visits (ILO 1984: 127-129).\footnote{The obvious disadvantage of a pre-planned visit is that the plant-level actors have advanced warning, and can therefore ensure that the rules and regulations are being observed at the time of the visit. Findings from the qualitative interviews conducted for this thesis revealed that the technical inspectors prefer to give advanced warning as they need to ensure that the works councillors and the health and safety personnel will be on site at the time of the visit, in order to assist them with their inspection (Frener #46; Bächner #51).} In essence, the ILO study uncovered few, if any, new findings, and there were many similarities between this initiative and the research carried out by the BAU in the late 1970s. Many of the recommendations made by the latter had apparently
not been acted upon, and a comparison of the findings from the two research initiatives suggests that the health and safety structures had changed little between 1980 and 1984.

Whilst the two previous studies were concerned with the health and structures as a whole, and the macro-level arrangements in particular, a number of initiatives have concentrated upon the arrangements at plant level. One such undertaking was carried out by Hauß, Kühn and Rosenbrock in the period 1978-1979, and examined the contribution to an improvement in working conditions made by the employees, their representative bodies, and the health and safety personnel. Their study attempted to identify the extent to which the legislative developments of the 1970s had affected plant-level health and safety.

The information was gathered in a variety of different ways, but essentially involved an initial review of secondary sources, followed by a questionnaire survey, group discussions, and a series of interviews at a union training centre. These interviews were carried out with a wide spectrum of plant-level health and safety actors, as well as a number of representatives from the professional associations, the industrial unions and the employers’ associations. A total of 1400 people, employed in 380 different companies, and affiliated to a variety of unions, were either interviewed or completed a questionnaire.

The findings revealed that the employees, who had difficulty in identifying potential sources of danger in the workplace, were given little opportunity to influence developments in the health and safety arena (Kühn 1982: 82). The employees who were perceived to be exposed to the greatest danger were found to be most concerned about an improvement in their working conditions, and 62 per cent indicated that they would be prepared to accept less pay in return for safer working conditions (Hauß et al. 1980b: 575), compared with an overall figure of just 37 per cent (Hauß et al. 1980a: 14). The employees were found to rely heavily upon the works councils to represent their interests in the health and safety arena (Hauß et al. 1980a: 10), and when asked who had dealt with their health and safety-related problems on the last occasion, 35 per cent referred to either the works council or the union stewards. 52 per cent also suggested that they would
approach their representative body if such problems arose in the future (Hauß et al. 1980a: 17).

The works councils were found to have a more significant role to play in the area of health and safety as the size of the company decreased, with health and safety personnel the dominant actors in the larger companies (Kühn 1982: 135). For example, in companies with fewer than 100 employees, the works council was named as the source of health and safety-related information in 32.9 per cent of cases, compared with a figure of just 5.9 per cent in companies employing upwards of 1000. Where they were active, the works councillors were criticised for concentrating upon the removal of individual problems, rather than attempting to develop an overall strategy for a general improvement in working conditions (Kühn 1982: 172).

The interviews revealed that health and safety issues appeared to be addressed by the works councils in one of three ways. The first involved just one works councillor dealing with such questions, whilst the second saw new and inexperienced works councillors required both to concern themselves with health and safety and to represent this body on the statutory industrial health and safety committee. In the third case, health and safety issues were addressed by a small but competent committee of works councillors (Kühn 1982: 95).

The works councils were regarded as part-time assistants to the health and safety personnel (Kühn 1982: 137), as the former often lacked both the time and the knowledge to deal with such issues alone (Kühn 1982: 172). However, the contribution made by the works council was also seen to increase as the working conditions deteriorated (Kühn 1982: 138). Furthermore, those works councils which were able to rely upon the support of a conflict-oriented workforce, and both an established and active network of union stewards, were deemed to be more effective in pushing for improvements in health and safety (Kühn 1982: 173). The interviews also suggested that it was not an uncommon

---

88 The works councillors were more active in the smaller workplaces as these companies were not obliged to appoint full-time health and safety experts.
occurrence to find works councillors simultaneously performing the duties of safety representatives, and even those of health and safety experts, on a part-time basis (Kühn 1982: 94). The former arrangement was found to be most prevalent in larger companies in the metal-working industry (Kühn 1982: 93).

Of the 380 companies represented, those with an established and active body of union stewards, which concerned itself with health and safety, were found to call on the inspectors with greater frequency. The authors accounted for this by suggesting that the union stewards in such companies were more likely to bring deficiencies to the attention of the works councils (Kühn 1982: 166), who would then invoke their right to call in the inspectors if such problems could not be resolved internally.

As far as the health and safety personnel were concerned, they were found to be absent from many of the small and medium-sized companies (Hauß et al. 1980a: 18). It was suggested that the larger companies were more likely to comply with the requirements of the Works Safety Law as a result of pressure applied by the works councils (Hauß et al. 1980a: 21). Part-time health and safety personnel, who were mainly to be found in smaller companies, were criticised for being both management-oriented and under-qualified (Hauß et al. 1980a: 19), and it was suggested that given both their social standing and educational background, many health and safety experts and works doctors were more inclined to side with the employers (Hauß et al. 1980a: 8). There was also evidence that one third of eligible companies had failed to establish an industrial health and safety committee, with this forum convened less frequently than the required four times annually in 28 per cent of companies where it did exist (Hauß et al. 1980b: 578). Kühn (1982: 146) also identified a positive relationship between the frequency of meetings of the industrial health and safety committee and the conclusion of health and safety-related plant agreements.

The study concluded that there appeared to be a positive correlation between the level of health and safety and union activity on the one hand (Kühn 1982: 14), and the influence of the works council on the other (Hauß et al. 1980b: 573). In addition, the labour market
situation, the structure of the workforce, and the degree of interest shown by the employees for such issues, were considered to be influential in determining the profile of health and safety at plant level. The authors did not consider the branch of industry to be a factor of any significance, and the size of the company was seen to be little more than slightly influential (Hauß et al. 1980a: 4), this despite constant comparisons between the situation in the small and medium-sized companies and that in larger organisations. Finally, they discovered that those actors concerned with health and safety devoted most of their time to questions of accident prevention and employee behaviour (Hauß et al. 1980b: 572).

A study by Diekershoff, carried out on behalf of the BAU, and published in 1979, was designed to analyse the efficacy of safety representatives at plant level. The aim was to identify whether they actually made a contribution to an improvement in health and safety, and accident prevention in particular, within the individual companies. Diekershoff looked at the situation in eight large companies, as he was of the opinion that the presence of full-time health and safety experts would bring the best out of the safety representatives. He carried out a series of structured interviews with health and safety experts, and with those works councillors who addressed health and safety questions, and conducted approximately 400 unstructured interviews with safety representatives, as well as almost 300 short discussions with their supervisors.

The survey revealed that the safety representatives spent most of their time trying to encourage the employees to observe the health and safety regulations, rather than seeking to identify safety deficiencies (Diekershoff 1979: vi). There was also evidence to suggest that the safety representatives were rarely informed about the potential sources of danger in their areas of responsibility (Diekershoff 1979: v). However, Diekershoff did discover that, in many cases, the safety representatives were given time off from their normal duties in order to attend to health and safety matters, but concluded that their supervisors had only released them because they considered that the safety representatives would relieve them of their own responsibilities in this respect (Diekershoff 1979: 180). Diekershoff also found that many safety representatives were simultaneously union stewards, and that it
was not uncommon for union work to be given a higher priority (Diekershoff 1979: v). Furthermore, contrary to recommendations made by the professional associations, approximately 40 per cent of the safety representatives interviewed were also line managers (Diekershoff 1979: 33).

Diekershoff concluded by suggesting that the safety representatives should be given the opportunity to exert a greater influence upon plant-level health and safety. He suggested that they had more to offer in this regard than many of those involved in the decision-making process, as they themselves were exposed to, and were consequently aware of, the prevalent dangers (Diekershoff 1979: 181). Failing this, he recommended that the duties performed by the safety representatives be assumed by either the works council or the health and safety experts (Diekershoff 1979: viii), as their involvement in the industrial health and safety committee for example, would ensure that the information from the shop-floor would be taken into consideration.

In 1982, the findings of a study by Brötz et al., which examined the problems facing the works councils in their attempts to improve working conditions at plant level, were published. The survey had been carried out in the period 1978-1980 and involved case studies of 49 companies from eight branches of industry. Each of the companies employed between 20 and 800 employees.

The authors found that the works councils were unable to realise their duties in many of the companies, as they lacked the necessary information, the knowledge, and the time to do so (Brötz et al. 1982: 297). They suggested that the works councils relied upon the advice of the industrial unions and the assistance of the union stewards (Brötz et al. 1982: 299), and that the works councils’ contribution to an improvement in health and safety was therefore at its best in those companies where the union density was highest (Brötz et al. 1982: 297). Furthermore, the works councils’ task was apparently much easier in those companies where the employer was committed to improving the working conditions, but the authors discovered that the latter was reluctant to do so unless there was evidence that
such measures would reduce the potential for conflict at plant level, and most importantly, would lead to an increase in productivity (Brötz et al. 1982: 298).

As with Hauß, Kühn and Rosenbrock before them, Brötz et al. discovered that the employees were given little opportunity to exert an influence upon their working conditions, but suggested that these individuals were in fact reluctant to involve themselves in the health and safety arena for one of two reasons. Either they feared reprisals from their employer for suggesting health and safety measures which may well have been needed, but which would have proved costly to implement, or they recognised the financial benefits associated with risk-taking, and were therefore prepared to work in hazardous conditions (Brötz et al. 1982: 300). There was also evidence to suggest that some employees had either become accustomed to the hazardous working conditions, or were simply unaware of the prevalent dangers at their work stations (Brötz et al. 1982: 300). Finally, the authors recommended that the employees be given the opportunity to influence developments in the health and safety arena, and suggested that the works councillors in small and medium-sized companies, where releases from normal duties were not so widespread, be given more time to realise their health and safety-related duties, as laid down in the various legislative provisions (Brötz et al. 1982: 303).

As part of a wider project under the supervision of the Social Research Centre (Sozialforschungsstelle) in Dortmund, and financed by the Federal Government’s ‘Work and Technology’ (Arbeit und Technik, AuT) programme, Pröll and Sczesny (1991) carried out a written survey of health and safety experts in 1990, in order to identify the role performed by these individuals in practice. They were interested in their duties, their relationships with other plant-level actors, and the extent of their participation in both the health and safety committees and the other discussion groups in the workplace. Approximately 1100 health and safety experts from a variety of industrial branches participated in the survey, and although they had no idea if any of these individuals was

---

89 It is commonplace for employees to receive extra payments if they are prepared to work in hazardous conditions. The level of this payment is usually negotiated by the works council. The employees welcome the extra remuneration whilst the employers are saved from having to invest in what could prove to be costly safety measures.
employed in the same company, Pröll and Sczesny were aware that almost 80 per cent were employed in companies with upwards of 500 employees.

The findings revealed that the majority of health and safety experts devoted much of their time to accident prevention and to addressing questions of a technical nature (Pröll and Sczesny, 1991: 61). They were also found to cooperate most frequently with either the health and safety representatives on the works council, or the chairman of this representative body (Pröll and Sczesny, 1991: 38). As for the health and safety committees at plant level, almost 50 per cent of those surveyed indicated that the company in which they were employed had established at least one health and safety-related forum, and approximately 75 per cent reported that their industrial health and safety committee met on four occasions each year (Pröll and Sczesny 1991: 60). This forum was held in high regard by the overwhelming majority of health and safety experts, and was praised both for improving the flow of information at plant level and for enabling the works council and the health and safety personnel to pressurise the employer into taking such issues seriously (Pröll and Sczesny, 1991: 64).

With the support of the Social Research Centre, Fromm et al. (1995) carried out research in the period 1992-1994 into the role of the works council in preventive health and safety at plant level. A series of case studies, which included a period of observation followed by discussions with the works councillors, enabled the researchers to uncover the following information.

They found that health and safety issues were increasingly addressed in a very bureaucratic fashion as the size of the companies increased, with the works councillors forced to spend much of their time in a series of committees and other forms of group discussion (Fromm et al. 1995: 123). The advantages of such arrangements were that the works councillors were able to put their ideas to the employer on a regular basis and were thus always involved in the decision-making process (Fromm et al. 1995: 124). The authors also drew attention to the dilemma facing the health and safety representatives on the works council. Those who were not released from their normal duties were found to be most
knowledgeable, as they themselves were exposed to the dangers in the workplace. However, as they were not released, they had little time in which to address the deficiencies which they themselves had identified (Fromm et al. 1995: 124).

Finally, they found that the works councils and the other plant-level health and safety actors were more concerned with addressing individual deficiencies than with tackling the health and safety question as a whole. They suggested that a more effective policy for all concerned would be one which saw health and safety issues being taken into account when new production processes were being introduced, rather than when deficiencies became apparent (Fromm et al. 1995: 127).

Fromm et al. (1995: 129) concluded that the works councils had a difficult task in addressing health and safety as this topic was often an issue of only minor importance at plant level (Fromm et al. 1995: 129).

In an attempt to identify the roles performed by both the health and safety experts and the works councils, Thon-Jacobi (1989) observed the activities of these individuals over a two-week period in three different branches of industry. He observed the health and safety representatives on the works council in the mining industry, and the health and safety experts in both a steel and a chemical plant. His decision to concentrate on large companies was influenced by the fact that the representatives on these works councils were more likely to be released from their normal duties, and it was probable that the health and safety experts would be employed in this capacity on a full-time basis. To supplement his observations, Thon-Jacobi carried out a number of discussions with a variety of other actors in the three companies.

His research led him to the conclusion that both the works councillors and the health and safety experts concentrated most of their efforts on accident prevention (Thon-Jacobi 1989: 167). However, he, like others before him, found that the works councillors had insufficient time at their disposal and were under-qualified to deal with such issues (Thon-Jacobi 1989: 173). The works councillors were therefore reliant upon the assistance of the
health and safety actors at plant level, and he suggested that the safety representatives, many of whom were simultaneously union stewards, had most contact with the works councillors in this respect (Thon-Jacobi 1989: 171). Thon-Jacobi concluded that the activities of both the works councillors and the health and safety experts were fairly similar in practice (Thon-Jacobi 1989: 179).

Whilst there have been many other studies which have concerned themselves with the occupational health and safety structures at plant level, the author regards those reviewed above as having been the most significant. However, this section concludes by briefly highlighting the findings from a handful of other research initiatives.

Schulz (1987a; 1987b) carried out a written survey amongst approximately 1000 health and safety experts across four branches of industry in the mid-1980s, in an attempt to identify their role in practice. All of the health and safety experts were employed in companies with upwards of 100 employees, and he discovered that only 37.6 per cent of those who replied were employed as health and safety experts on a full-time basis (Schulz 1987a: 573). Of those who were employed on a part-time basis, 29 were simultaneously members of a works council, and 57 were senior managers (Schulz 1987b: 669). The health and safety experts were also found to be devoting the majority of their time to questions of accident and fire prevention, and the removal of hazardous substances (Schulz 1987b: 670).

Meyer-Falcke and Postler (1993) concerned themselves with the health and safety structures in companies with fewer than 200 employees, as part of a wider project carried out by the Ministry for Labour, Health and Social Affairs (Ministerium für Arbeit, Gesundheit und Soziales, MAGS) in North Rhine-Westphalia (NRW) in 1992. They surveyed 3616 companies in the region, covering a wide range of activities in the process. They found that almost half the companies surveyed had no health and safety institution of any description, whilst almost one in three had one such institution, but no works council (Meyer-Falcke and Postler 1993: 38-39).
A survey carried out by the IMU Institute in Nuremberg was designed to identify the extent of the plant-level actors' knowledge of hazardous substances. It was conducted in 57 companies in the metal-working industry in and around Nuremberg. Not only did they discover that many of the employees and the works councillors knew little about such dangers, they also found that the latter were prepared to allow employers to issue protective clothing and equipment, rather than insist upon the complete removal of such hazards (IG Metall 1995a: 4).

In 1990, Windhoff-Heritier et al. published the findings of a survey which had examined plant-level health and safety structures in nine companies with between 120 and 1900 employees, all of which were situated in NRW. They found that the health and safety experts spent much of their time addressing administrative or organisational questions, leaving them little opportunity to attend training courses, to advise the employees, or to participate in safety tours and inspections (Windhoff-Heritier et al. 1990: 127). They reached the conclusion that the safety representatives had a key role to play in the health and safety arena, and that such issues enjoyed a higher profile on those works councils where some of the members were simultaneously safety representatives (Windhoff-Heritier et al. 1990: 129). Furthermore, suggestion schemes were found to be central to the plant-level health and safety structures, but there was evidence to indicate that those suggestions which were rejected by the decision-making bodies were done so on cost grounds (Windhoff-Heritier et al. 1990: 125). 90

Finally, Arnold and Satzer (1986a) reviewed a number of empirical works which were carried out by various union bodies. Two are of interest here. The first, a DGB study in 1979, examined the aftermath of the implementation of the Works Safety Law. A survey of 44 works councils in Tübingen revealed that many of the works doctors (see Section 7.5) appointed after 1974 were already past retirement age, and one in four works councillors were unaware of whether these medical representatives were fulfilling the requirements of the Works Safety Law. The second also focused upon the implementation

90 The following section reviews a number of studies which have concerned themselves with this apparent conflict between safety and profit.
of this legislation. It was carried out by IG Metall in 1977. A questionnaire survey amongst 138 works councillors revealed that some employers had failed to appoint health and safety experts and medical representatives. Furthermore, safety representatives, which an amendment to the RVO had provided for in 1963 (see Section 7.6), were also absent from a number of workplaces. Only 50 per cent of all companies were reported to have created an industrial health and safety committee, with few, if any, meetings of those involved in addressing health and safety issues taking place in the remaining plants (Arnold and Satzer 1986a: 159).

The German health and safety-related research initiatives reviewed above have concerned themselves with a variety of issues. There have been attempts to identify the macro-level health and safety structures (Büntgen et al. 1980b; Mertens 1980), to evaluate the efficacy of the inspection and enforcement arrangements (ILO 1984), and to assess the contribution made by the various plant-level actors to an improvement in working conditions (Diekershoff 1979; Hauß et al. 1980a/1980b; Brötz et al. 1982; Kühn 1982; Thon-Jacobi 1989; Pröll and Sczesny 1991; Fromm et al. 1995).

At the macro level, the authors criticised the lack of cooperation between the inspectorates (Büntgen et al. 1980; ILO 1984), the legislative complexity (Deppe et al. 1980; ILO 1984), and the shortage of agents of enforcement of this legislation (Mertens 1980). On a more positive note, the idea of self-administration in the professional associations was praised (ILO 1984).

Meanwhile, at plant level, the researchers were critical of the absence of employee involvement in the health and safety arena (Brötz et al. 1982; Kühn 1982), the concentration on individual issues such as accident prevention (Thon-Jacobi 1989; Pröll and Sczesny 1991), and the apparent inability of the works councillors to address health and safety issues (Brötz et al. 1982; Thon-Jacobi 1989). Finally, of most concern was the frequency with which the legislative provisions were violated at plant level (Hauß et al. 1980b; Kühn 1982).
4.4 Empirical Research Review: General Health and Safety

A study by McKelvey in 1973 identified an interesting relationship between financial disincentives and employee behaviour (Peters 1991: 59). Under laboratory conditions, employees were required to operate machinery under different payment systems. Those on piece-rate pay were more productive than employees on an hourly wage, but the former were also found to have more accidents. The frequency of accidents decreased however, following the imposition of a five minute no-work penalty for every unsafe act. This penalty prevented them from producing, and therefore from earning. McKelvey reached the conclusion that economic penalties were needed if performance-related pay was not to have a detrimental effect upon safety.  

In their 1972 publication, Hale and Hale concluded that there was an inherent conflict between safety and production. They referred to Schlag-Rey et al. (1961) who had suggested that the majority of employees that they had surveyed, had considered the safety regulations to increase the degree of difficulty of their work (Hale and Hale 1972: 58).  

According to Schlag-Rey et al. (1961), the employees were more concerned with pay than with safety, as occupational accidents were only infrequent occurrences (Hale and Hale 1972: 58). As Hale and Hale (1972: 59) have stated:

Some safety measures directly affect the speed of work and hence remuneration. Some safety regulations impose lengthy methods of work. Workers are expected to welcome the increase in safety as full compensation for the loss of pay, which is surely unreasonable.

Hale and Hale also refer to studies which have examined the influence of employee involvement on health and safety at plant level. Fugal (1950) found no significant relationship between employee involvement in safety discussions and improved safety.

---

91 Bacow (1980: 9) found that employees on piece-rate pay would oppose safety rules and regulations which impaired productivity to a greater extent than those on an hourly wage.  

92 A similar question was posed in the workforce questionnaire distributed in the seven case-study companies. The responses are portrayed in Appendix 5.
performances, whereas Cesa-Bianchi (1967) concluded that such involvement was indeed beneficial in this regard (Hale and Hale 1972: 72).

A comparison between two motor vehicle assembly plants, one in France and the other in Great Britain, led Grunberg (1983) to the conclusion that there was a conflict between safety and production, but that where labour was both strong and well-organised, it was more able to resist demands for an increase in productivity. The result was a lower accident rate (Grunberg 1983: 631).

Moore (1991) referred to research which had been conducted by the Statistical Services Unit of the Health and Safety Executive in Great Britain. The suggestion here was that the workforce in companies with fewer than 50 employees was 20 per cent more likely than their counterparts in larger plants to be involved in a serious occupational accident (Moore 1991: 7). Moore made reference to Tye (1989) who had suggested that one of the reasons for this was that the employers in the smaller companies were under little pressure to put safety before profit as they were less likely to receive a visit from the health and safety inspectors (Moore 1991: 8).

Cronin (1971) carried out a survey into accident causation in several factories belonging to the same company in the late 1960s. The conclusion he reached was that variables such as factory size, the nature of the operation, and the demographics of the workforce had little, if any effect upon the accident rates in the individual factories (Cronin 1971: 103). There was also little evidence to suggest that the degree to which the employees observed the health and safety legislation had any effect upon the level of occupational accidents (Cronin 1971: 106). Instead, Cronin offered an explanation which had been postulated by Revans in 1958. Survey results led Revans to conclude that the morale of the employees had a significant effect upon the accident rate, and that this variable also influenced the extent to which plant-level communication took place between the various actors. The suggestion was that an absence of communication could result in the occurrence of occupational accidents (Cronin 1972: 106).
In 1971, Powell et al. published the findings from an evaluation of over 2000 occupational accidents, which had occurred in just four workplaces over a two-year period. They identified a degree of apathy amongst the workforce towards health and safety issues (Powell et al. 1971: 5). Similar findings were produced by the Robens Committee which, between May 1970 and June 1972, sought to identify weaknesses in the health and safety system in Great Britain. The Committee criticised the complex network of rules and regulations, the manpower shortages in the inspectorates, and a lack of relevant statistical information (Robens 1972), and concluded that the large volume of legislation had had the effect of convincing the workforce that its health and safety had been taken care of. In short, the employees had become apathetic, and this was considered to be the major cause of occupational accidents. Many of the recommendations made by the Robens Committee were included in the ‘Health and Safety at Work etc. Act’ which was implemented in Great Britain in 1974.

Nichols and Armstrong (1973), who were extremely critical of many of the findings of the Robens Committee, and the suggestion that apathy was to blame for the majority of occupational accidents in particular, agreed with the Committee’s assessment of the role performed by the foremen at plant level. Both recognised the importance of these individuals in relation to safety, as it was they who were responsible to the employers for preventing accidents and maintaining production (Nichols and Armstrong 1973: 28). They suggested that, faced with this dilemma, foremen would not insist upon safe behaviour if unsafe acts maintained production levels and did not result in occupational accidents (Nichols and Armstrong 1973: 29).

Finally, the participation of both workplace unions and works councils in health and safety management in the private and the public sector in Great Britain and Germany provided the focus for research carried out by Olsen (1993) in the early 1990s. Case studies were carried out in one private and one public sector workplace in each country, and involved a questionnaire survey, interviews and the observation of plant-level reality.
Olsen identified the attitudes displayed by the employers to be significant in determining the importance attached to health and safety in the workplace, and also concluded that these issues suffered, as they were deemed not to be as important as the quantitative demands, such as pay. There was also evidence to suggest that the individual works councils had difficulty in representing the diverse interests of the employees, with the financial conflict of interest between protecting jobs and promoting health and safety proving particularly problematic. Finally, Olsen’s findings revealed a clear preference amongst the works councils to settle points of contention internally with the employers.

4.5 Summary

The main findings to emerge from the works council-related research initiatives included the identification of a preference for cooperation, and the avoidance of conflict, in the relationship between these representative bodies and the employers (Blume 1964; Weltz 1976).

As far as the Works Constitution is concerned, there was evidence to suggest that this legislation was not always observed in practice. Violations of its provisions were found to be more widespread in smaller workplaces (Blume 1964), and it was considered to be little more than a basic floor of rights in larger companies (Williams 1984). There were also suggestions that workplace industrial relations were governed by informal norms, rather than by the statutory legislation, with the works councils also trading their rights of participation for gains in other areas on a regular basis (Rosenbaum 1982; Streeck 1984a/1984b).

The performance of the works councils was found to be influenced by a number of variables, with union density cited most frequently (Kotthoff 1981; Kluge et al. 1981; Streeck 1984a/1984b). Streeck (1984a/1984b) identified a unionisation of the works councils, and Kluge et al. (1981) suggested that the presence of an industrial union at plant level had a detrimental effect upon the relationship between the works council and
the employer. Finally, the works council chairperson was identified more than once as the key individual on these representative bodies (Kluge et al. 1981; Kotthoff and Reindl 1990), and the overall conclusion which can be drawn is that the works councils are far from being homogenous bodies of interest representation.

The empirical investigations which concerned themselves with the health and safety arena, have produced a wealth of information. The ILO (1984) and the five-volume BAU study, published in 1980, uncovered severe shortages in the statutory labour and the technical inspectorates at the macro level, with both a lack of cooperation between these bodies and the legislative complexity identified as further weaknesses in the system of safety regulation.

Several studies focused on the situation at plant level, and the success enjoyed in the health and safety arena was found to be dependent upon variables such as company size (Moore 1991), workforce morale (Cronin 1971) and the attitudes displayed by the employers (Brötz et al. 1982; Olsen 1993). As far as the latter is concerned, it was suggested that those employers who could be convinced of the financial benefits associated with an improvement in safety, were more likely to intervene (Brötz et al. 1982). However, senior managers were found to be delegating their health and safety responsibilities further down the management chain (ILO 1984), with line managers, who were regarded as key individuals in this respect (Nichols and Armstrong 1973), taking over on their behalf.

It was generally recognised that the works councils lacked both the time and the necessary expertise to address health and safety issues (Kühn 1982; Brötz et al. 1982; Thon-Jacobi 1989; Altmann 1992a), although these bodies were found to be more involved in smaller workplaces (Kühn 1982), and to be more effective in the more densely-unionised companies (Kühn 1982; Brötz et al. 1982).
As a result of their educational background, the health and safety experts were criticised for being management-oriented. They were also found to be more effective in the larger workplaces (Hauß et al. 1980a).

Safety representatives were identified as performing dual functions at plant level, and whilst some combined this role with that of a line manager, many were simultaneously union stewards (Diekershoff 1979).

The industrial health and safety committee was identified as the key institution in the workplace (Pröll and Sczesny 1991), but certain studies found that this forum was convened less frequently than required by the Works Safety Law (Hauß et al. 1980b; Pröll and Sczesny 1991).

As far as the employees were concerned, the consensus was that these individuals were given little opportunity to influence developments in the health and safety arena (Kühn 1982; Brötz et al. 1982). The employees, it was suggested, have become accustomed to working in unsatisfactory conditions, resulting in a certain degree of apathy towards health and safety (Powell et al. 1971; Brötz et al. 1982).

Finally, a criticism levelled at all plant-level actors concerned their reluctance to address health and safety issues as a whole, preferring instead to concentrate on individual measures such as accident prevention (Hauß et al. 1980a/1980b; Kühn 1982; Schulz 1987a/1987b; Thon-Jacobi 1989; Pröll and Sczesny 1991; Fromm et al. 1995). In essence, health and safety was not a priority issue at plant level.

Many of the studies reviewed reach similar conclusions about the nature and, in particular, the deficiencies of both plant level industrial relations and the way in which health and safety issues are addressed. Without pre-empting the empirical research too much, it suffices to say that many of these characteristics were in evidence in the seven case-study companies (see Chapter Eight).
CHAPTER FIVE - THE DEVELOPMENT OF HEALTH AND SAFETY AWARENESS IN GERMANY

5.1 Introduction

Within the highly juridified German industrial relations system, there is a plethora of legislation designed to protect the health and safety of the working population. Although there are only two sources of relevant primary legislation at the macro level, with the state issuing laws and ordinances as public labour law on the one hand, and the self-administrating professional associations producing accident-prevention regulations as social insurance legislation on the other, this is supplemented by a complex web of secondary legislation, some of which is agreed upon within the individual companies. IG Metall (1990a: 25) has estimated that both the Federal Government and the individual Federal States have produced over 40 health and safety-related laws and ordinances since 1949, whilst the professional associations have been responsible for almost 3000 accident-prevention regulations. Whilst this legislative complexity is advantageous, in the sense that it enables the individual actors to highlight both their rights and duties in moments of discord, it does on occasion, discourage even the most determined reader. Many actors, including the employees, are therefore unaware of their rights embedded in this legislation. The smallest companies suffer most in this regard (Schlummer #32), as until recently, they have not been required to appoint health and safety personnel (see Section 7.5). In defence of this high degree of juridification however, it has been suggested that the legislation is required by the individual actors who prefer to know what they can and cannot do (Salani #10).

To facilitate an understanding of the way in which occupational health and safety issues are addressed at plant level in the German metal-working industry, this chapter traces the
historical evolution of health and safety awareness in Germany\textsuperscript{93} from the early nineteenth century to the present day, focusing in particular upon the development of the large volume of health and safety-related legislation. Beginning in 1828, Section 5.2 covers a period of 50 years and highlights the initial moves to address the issue of occupational health and safety before, during, and after the onset of industrialisation. The second period runs from 1878 until the end of the Weimar Republic in 1933, and assesses the influence on health and safety of both the rise of the German labour movement and the First World War, as well as examining the inter-war period. There then follows a brief insight into the 12 years of Nazi dictatorship, which initially saw positive developments in the health and safety arena. Section 5.5 addresses both the period of occupation until 1949 and the embryonic years of the emerging West German state, whilst the penultimate section covers the period 1961-1995 during which time there has been intense legislative activity. Finally, whilst each section closes with a brief summary of the significant developments of the period, the chapter concludes by summarising the significance of these legislative developments for an explanation of the way in which occupational health and safety issues are addressed at plant level.

5.2 1828-1878: The Embryonic Years

Contemporary German health and safety legislation has its origins in the Prussian labour regulations of the early nineteenth century, which were initially concerned with the protection of the weaker groups in society and with questions of working time.\textsuperscript{94} In 1802, legislation was passed in England to regulate the widespread exploitation of child labour, and by the late 1820s this issue was also causing concern in Germany.

Germany became an industrialised nation much later than many of its European neighbours and was still very much an agrarian society when the aforementioned legislation was

\textsuperscript{93} Before unification in 1871, Germany was little more than a loose confederation of states. The Prussian and Austrian states dominated the so-called 'German Confederation'. To avoid confusion, the generic term 'Germany', as opposed to 'German Confederation', is preferred.

\textsuperscript{94} As Oppolzer (1994: 41) has indicated, the extent to which hazardous working conditions affect the employees' health and safety depends upon the length of time they spend at the workplace.
passed in England at the turn of the nineteenth century. The mining industry was well established in Germany by this time however, and given their size, children had been employed for some time in the appalling conditions prevailing in the mines.

Towards the end of the 1820s there was an increasing amount of concern surrounding the future security of Prussia, after an official report had drawn attention to the physical unsuitability of many of the new recruits called up to join the Prussian army. Having spent much of their young lives in the mines, these individuals were of little use as a defensive force. A law was subsequently passed in 1839 which set the minimum working age at nine years both in mining, which remained at the forefront of industry throughout the nineteenth century, and in the ever increasing number of factories. Furthermore, for those aged between 9 and 16 years, the working day was not to exceed 10 hours (Milles and Reuhl 1985: 344).

It was around 1850 that Germany started to experience the first stages of industrialisation, and as the demand for labour grew, there was an increasing awareness of the need to protect the health and safety of the working population. This process of industrialisation had been facilitated by the expansion of the rail network, the creation of a customs' union in the 1830s, and a population increase. With the exception of the 1839 regulation however, there was an absence of labour legislation with which to keep the employers in check, and the working conditions were therefore far from satisfactory during this initial phase of industrial activity. For example, it was not uncommon for men, women and children to toil for anything between 12 and 18 hours each day, very often in appalling conditions. Out of necessity, many were also forced to sleep on the factory floor.

The child labour legislation of 1839 had been largely unsuccessful, and many children continued to work long hours, either to supplement the family income, or to support parents incapacitated by the atrocious working conditions. The failure of this initial statutory provision can be attributed to the absence of any authority to ensure its

---

95 The customs union, which provided for the free movement of goods, was established under Prussian control in 1834. All German states, with the exception of Austria, participated.
implementation, but this deficiency was addressed in 1853 when the Factory Inspectors Law (*Fabrikinspektorengesetz*) came onto the statute book.  

By the 1860s it was the working conditions in the mines which were once again causing concern. An amendment to the Mining Law in 1865 assigned responsibility for safety to the mine owners, who traditionally had shown little or no interest in such measures. On their authority, shifts were regularly extended in a bid to increase productivity, with workers receiving bonus payments if they used less wood for roof supports in the mine shafts.

In the increasing number of factories meanwhile, it soon became evident that dangers were associated with the new machinery. By industrialising later than many of its European neighbours, Germany had acquired the latest equipment, thus enabling her to re-gain much of the lost ground on many of her rivals in a relatively short period of time. However, the workers were expected to make use of the latest machinery with little or no thought given either to training or to safety provisions.

Protection was needed and was eventually provided in the form of the Industrial Code (*Gewerbeordnung für den Norddeutschen Bund*) in 1869. This law obliged the employers to design their workplaces in such a way so as to protect the health and safety of their employees, and held the former responsible if the employees came to any harm. In the event of an occupational accident however, the law laid the onus on the employees to prove that their employer had been at fault (IG Metall 1990b: 16). The significance behind the introduction of the Industrial Code was the suggestion that the state had a role to play in the field of occupational health and safety, and it was a signal to the employers that the welfare of their employees was very much their responsibility.

The Industrial Code was introduced at a time when the working classes were starting to organise themselves. The first groups had appeared during the 1860s (see Subsection 1.2.1), and Crouch (1993: 68) suggested that both the employers and the employees were

---

96 With the passing of this legislation, the Statutory Labour Inspectorate was born.
well organised by the end of the 1870s. German unity under Prussian control was eventually realised in 1871, and the Industrial Code (*Gewerbeordnung, GewO*) was subsequently adopted by the German Empire, of which Otto von Bismarck became Chancellor.

Whilst Germany was still experiencing the effects of industrialisation at the end of this fifty-year period, the recently unified nation was on the verge of becoming a major industrial power. It had become clear during this period however, that the employers could not be relied upon to provide adequate protection for the labour which they employed, and the rudimentary measures provided for in the Factory Inspectors Law were an early recognition of the need for external enforcement. Finally, by recognising the relationship between working time on the one hand, and the health and physical fitness of the workers on the other, the child labour legislation had set an important precedent, despite having been introduced for military as opposed to humanitarian reasons.

5.3 1878-1933: Anti-Socialism to Anti-Semitism

In 1878, following two assassination attempts on Kaiser Wilhelm I, Bismarck introduced the Socialism Law (see Subsection 1.2.1). This attempt to prohibit all socialist union activity failed during its initial two-year period of validity, and was extended in September 1880 for a further four years. Bismarck explored alternative methods of deterring the workers from supporting the labour movement, and the issue of health and safety provided him with an opportunity.

Bismarck made his major contribution to the health and safety arena during the 1880s with the introduction of the world's first social security system. His legislation came in three parts:

- Compulsory Sickness Insurance Scheme of 1883;
- Accident Insurance Act of 1884.
Infirmity Insurance Law of 1889;

To help administer this legislation, trade courts and arbitration tribunals were established, and the Organisation of Professional Associations (Verband der deutschen Berufsgenossenschaften) was founded in 1887 to oversee the implementation of the Accident Insurance Act in particular. The professional associations were administrated autonomously by representatives of capital and labour, and were required to supervise the accident insurance system which the legislation of 1884 had created. They were also entrusted with handling insurance claims from injured workers, as well as actively promoting accident prevention within the individual companies (HVBG 1989: 9).

The Socialism Law was extended for further periods in 1884, 1886, and for a final two-year period in 1888. This final extension followed the death of Wilhelm I in March 1888, and it was his successor, Kaiser Wilhelm II, who initiated a second phase of social legislation, which culminated in an amendment being made to the GewO in 1891. Whilst this amendment included provisions concerning working time, the most significant development was the inclusion of §120a. Still in force today, it reads as follows:

§120a Workplace Safety
(1) Owners are bound to arrange and maintain work-rooms, appliances, machinery and tools and to regulate the working in such a way as to protect the workers from dangers to life and health so far as the nature of the business allows. (author’s italics)
(2) In particular, attention must be paid to the provision of sufficient light, ample air space and ventilation and to the removal of dust arising from the work, of vapours and gases thereby developed and of refuse incidental to it.
(3) Similarly, those arrangements must be provided which are necessary for the protection of workers against dangerous contact with machinery or parts of machinery, or against other dangers lying in the nature of the workplace and particularly against the dangers which might arise from fire. (Shadwell 1909)

The insertion of §120a in the GewO in 1891 was significant, in so far as it represented a clear indication of the responsibility which the employers had for the health and safety of their employees. This was also the first legislative provision to address the question of

---

97 Bismarck’s resignation was accepted by Kaiser Wilhelm II in 1890.
health and safety without discriminating in terms of age or sex, as had been the case with the working-time legislation. However, the decision to anchor these requirements in the GewO limited their applicability to industrial companies (Häckert et al. 1994: 19), and the requirement to protect the employees’ health and safety ‘so far as the nature of the business allows’, introduced a financial loophole for the employers.

Despite these developments there was little sign of any improvement at plant level, with women and children continuing to work long hours in appalling conditions. Towards the end of the nineteenth century for example, accidents were a daily occurrence in the mines, and the safety inspectorate in the mining industry had proved itself to be largely inefficient. There was a distinct shortage of qualified safety inspectors as the number of pits and the size of the workforce continued to increase, and as each inspector had many mines to cover, the time spent in each pit was greatly reduced. The inspectors struggled both to keep an eye on the dangers and to oversee the implementation of the health and safety regulations, and it often took major disasters to force the state to intervene.

For example, following the Carolinenglück explosion near Bochum in 1898, in which 116 miners were killed, the Prussian Trade Minister tried unsuccessfully to implement legislation which would have provided for the recruitment of workers to the position of assistant inspectors. As the number of mining-related deaths continued to rise in the following years however, there were a number of experiments with this method, many of which were successful, as the employees trusted their representatives. It took a further explosion in 1908, in which 348 people were killed, to convince the government that a radical change in the system of safety inspection was necessary. Legislation soon followed and provided for both an advisory workers committee and a number of safety officers (Sicherheitsmänner). Together with a state official, these safety officers were required to inspect their section of the mine every fortnight to ensure that all the necessary safety measures were being observed.

The next significant development saw the introduction of the Reich Insurance Code (Reichsversicherungsordnung, RVO) in 1911. The RVO served to unify the social
insurance legislation of the 1880s (Weiss 1992: 24) and was concerned in the main, with accident prevention. It assigned responsibilities for such activities to the professional associations, which, to reiterate, had been created in 1887 to supervise the Accident Insurance Act. §708 RVO enabled the professional associations to issue accident-prevention regulations, which required the employers to take specified measures to prevent occupational accidents in the workplace.

By 1914, the state had long since come to recognise the influence of the labour movement, which found itself drawn into industrial relations and economic negotiations on a regular basis during the First World War. Furthermore, the rise to power of the SPD, the political wing of the labour movement, in the Weimar Republic at the end of the Great War, suggested that occupational health and safety issues would receive even greater attention in the immediate post-war period.

A general improvement in working conditions was not forthcoming after 1918 however, and it was the spiralling accident rate which finally put health and safety issues on the agenda.98 The rising accident levels were the price that was paid for economic success during the early years of Weimar, and were partly the result of a failure by the professional associations to realise effectively their responsibilities under the RVO. In response, an attempt was made to increase the role of the Statutory Labour Inspectorate.

In 1925, the Ordinance on Occupational Illnesses (Berufskrankheitenverordnung) was introduced, and for the first time provided insurance for employees suffering from a recognised occupational illness.99 In the same year, so-called commuting accidents (Wegeunfälle) were included in the list of those occurrences which the professional associations were responsible for preventing,100 and a year later the first attempt was made to streamline the health and safety legislation, which thus far had been introduced in a

98 There was a 43.5 per cent rise in occupational accidents between 1923 and 1924, and a further 32 per cent rise in 1925 with 653 000 accidents recorded (Bauerdick 1994: 87).
99 A list of around a dozen illnesses accompanied this legislation. To receive compensation, the employee had to be suffering from one of the illnesses listed.
100 Commuting accidents were those which an employee suffered either on the way to, or back from, the workplace.
piecemeal fashion. The Labour Ministry produced a relevant bill in 1926, but a combination of political instability and the onset of the depression relegated the importance of this issue. The economic crisis, high unemployment, divisions in the labour movement and the political instability were the undoing of the Weimar Republic and eventually paved the way for Adolf Hitler to assume the position of Chancellor of the Reich on January 30th 1933.

It was during this period from the late nineteenth century to Hitler's rise to power in 1933 that many of the present day health and safety structures appeared in Germany. The dual systems of regulation and inspection came into being as the state ceded competence to the professional associations without relinquishing its own authority in this respect (Bauerdick 1994: 18). The appointment of safety officers in the mining industry set an important precedent, but the situation regarding safety in the mines was typical of the reactive way in which health and safety issues would continue to be addressed for much of the twentieth century. As IG Metall (1990b: 11) has indicated, "The well is covered after the child has fallen in."

Finally, the inclusion of the financial qualification in §120a GewO, obliging the employers to implement only those measures which the company could reasonably afford, signalled the start of a conflict of interest between safety and profit, and the failure to unify the health and safety legislation in the 1920s can also be attributed to this wider conflict of interest, with the importance of health and safety issues relegated, as the economic situation worsened.

---

101 The idea was eventually dropped in 1930 following one of the frequent dissolutions of the Reichstag at that time.
5.4 1933-1945: The Hitler Years

With the exception of a restriction placed on the self-administration of the professional associations, the health and safety-related legislation initially suffered little at the hands of the National Socialists, who had disbanded the unions and the political parties within months of Hitler's rise to power. In fact, one or two advances were made, and between 1933 and 1935 a series of health and safety-related ordinances were passed, the most important of which addressed home work (Heimarbeit)\(^{102}\) and working time.\(^{103}\) In 1934, an ordinance was passed providing for the appointment of accident trustees (Unfallvertrauensmänner). As with the safety officers in the mining industry at the start of the century, these individuals were required to participate in safety inspections, and were seen as an important link between the workforce and the employer in the individual companies (Diekershoff 1979: 2).

Whilst these legislative provisions were initially regarded as a sign of progress, they were soon to be forgotten as Hitler sought to re-arm Germany as of 1935. Nevertheless, between 1935 and the outbreak of war just four years later, there were further legislative interventions. In 1936, accident insurance was extended to cover more cases of occupational illness, and in 1939, the issue of hazardous substances was addressed.

In examining this period, one can identify similarities between the motives of Hitler and the Prussian state of the early nineteenth century, as both recognised the harmful effects of industrial activity on the physical well-being of the working population. The most likely explanation for these interventions in the more recent example however, is that these advances in the health and safety arena were nothing more than an attempt to achieve stability (Kaudelka 1995: 147), and to gain recognition for the National Socialist German Workers’ Party (Nationalsozialistische Deutsche Arbeiter Partei), its policies, and its leader.

---

\(^{102}\) This ordinance was of relevance to those individuals who plied their trade from home.

\(^{103}\) The Working Time Ordinance (Arbeitszeitordnung) regulated the length of the working day for employees of all ages for the first time. It remained in force until the 1990s.
5.5 1945-1960: Occupational Accidents - The Price of Economic Recovery

In contrast with the preceding time intervals, the period 1945-1960 was one of relative inactivity as far as occupational health and safety legislation was concerned. With much of the country having been raised to the ground, the need to improve working conditions within German industry was not the most pressing concern in the immediate post-war period.

Having agreed on very little at their conferences in Teheran, Yalta and Potsdam, save for the need to de-militarise, de-nazify, and administratively decentralise the country, the Allies decided to divide Germany into zones of occupation.\textsuperscript{104} The currency reform of June 1948 paved the way for the introduction of the market economy in the three western zones, and by 1949 the Western Allies were looking to establish the necessary political bodies to facilitate the successful implementation of this economic system. German representatives began drawing up a constitutional document to regulate all aspects of society, and on May 23rd 1949, the Basic Law (\textit{Grundgesetz}) was introduced, signalling the birth of the FRG. With the proclamation of the constitution of the GDR in the Soviet zone of occupation just seven days later, the division of Germany was complete.

In an attempt to prevent the rise of potentially strong governments, the framers of the Basic Law developed a strong constitutional document and a political system based on federal lines, with regional representation at national level made possible by dividing the country into a number of self-governing Federal States. The Basic Law also addressed the issue of occupational health and safety, albeit indirectly, stating in §1(1) that the dignity of man was inviolable, and that to respect and protect this was the duty of the state. In §2(2) there was reference to the bodily inviolability of every citizen, whilst §74.12 consigned

\textsuperscript{104} Whilst there were initially just three zones, a fourth was created and placed under French supervision at the request of Britain and the United States.
health and safety matters to the area of concurrent legislation.\textsuperscript{105} These provisions served to complement the requirements of both the GewO and the RVO, which had since been re-introduced. In addition, the Statutory Labour Inspectorate and the professional associations had re-appeared.

Other developments of direct significance came in 1951, when both the Federal Institute for Occupational Health and Safety (\textit{Bundesinstitut für Arbeitsschutz}) was founded in Koblenz, and legislation was finally implemented to provide for an equal number of representatives of employers and employees on the management board (\textit{Vorstand}) and in the representative assembly (\textit{Vertreterversammlung}) of the self-administrating professional associations.\textsuperscript{104} This provision for parity within the professional associations reflected the spirit of democracy and cooperation that was evident in the immediate post-war period.

Of further significance was the passing of the WCA 1952. As far as occupational health and safety was concerned however, only §58 WCA 1952 was of direct relevance. In essence, it required the works councils to tackle the dangers prevailing at the workplace, and also required them to support both the statutory labour inspectors and the technical inspectors of the professional associations in their attempts to improve working conditions.

Of equal importance had been the passing of the TVG in 1949, which provided the industrial unions with the opportunity to push for an improvement in occupational health and safety provisions at plant level in the form of collective agreements concluded with representatives of the employers. However, the industrial unions became entangled in the general desire to re-build industry and to re-float the economy, and their demands were therefore quantitative rather than qualitative in the embryonic years of the FRG.\textsuperscript{107}

\textsuperscript{105} In the concurrent sphere, the Federal States can legislate whenever the Federal Government chooses not to. Given the need for uniformity in health and safety legislation, the Federal Government usually legislates.
\textsuperscript{106} Initial attempts to realise these arrangements had failed towards the end of the Weimar Republic, and further moves in this direction had been thwarted by the Western Allies during the period of occupation.
\textsuperscript{107} There are currently no collective agreements in force in the metal-working industry to address the question of occupational health and safety directly.
When industrial production finally got underway towards the end of the 1940s, little consideration was given to the health and safety of the workforce. There was a need for a combined effort from all concerned to re-build the country as soon as possible, and the emphasis was therefore on high productivity in the early post-war period. Accident levels began to rise and approximately one million occupational and commuting accidents were registered in 1950 alone (HVBG 1994b: 14). This situation was compounded by other factors.

For example, Germany, like many of the warring nations, had emerged from the Second World War with its workforce depleted. Once its labour market began to show signs of stagnation, Germany looked to several Mediterranean countries for available labour. Altmann (1992b: 362) has explained that these guest workers (Gastarbeiter) and the indigenous working population were more interested in quantitative rewards in the early post-war period and were therefore prepared to tolerate poor working conditions in return for extra pay. A study by Leichsenring (1972: 37) revealed that the language barrier was a cause of many occupational accidents involving these guest workers, who were found to be most susceptible to such occurrences during the early stages of their stay.

One further contributory factor in relation to the rising accident rate concerned the machinery that was introduced by the ‘Marshall Plan for the Economic Recovery of Western Europe’ as of 1947. Given the distinct shortage of trained and experienced operators, much of this equipment was as potentially dangerous at this point in time as that which had been introduced during the industrial revolution. It was being implemented without any prior thought having been given to the safety of the workforce. Whilst the operators attempted to adapt themselves to the machinery, what little health and safety legislation that had been passed to protect them, was being under-enforced due to a scarcity of qualified inspectors.

By 1955, the absolute number of reportable occupational accidents - those resulting in at least three days work incapacity - was approaching the two million mark (HVBG 1994b:}
This figure represented a 43.4 per cent rise in the accident rate compared with 1950. By 1960, there had been a further 31.4 per cent rise in absolute terms, with the accident rate having reached 140.6, compared with a figure of 123.5 just five years earlier. As had been the case during the Weimar Republic, the rising accident levels served as a catalyst for subsequent legislative activity.

**Figure 5.1: Reportable Occupational Accidents in the FRG 1950-1994**

Source: HVBG, 1995.

Despite the upheavals of the period 1933-1945, many of the occupational health and safety structures re-established themselves relatively quickly during the early post-war years. The duty of the individual employers to protect the health and safety of their employees was confirmed with the re-appearance of the GewO, and in 1949, the Basic

---

108 Occupational accidents are defined in §548 RVO as those which an insured person suffers performing a task laid down in §§539, 540 and §§543-545 RVO. The term 'occupational accident' also includes commuting accidents. Furthermore, an employee who is injured in the process of making an initial cash withdrawal from a financial institution each month is deemed to have suffered an occupational accident.

109 In 1960 there were 703 905 reportable occupational accidents in the metal-working industry alone. This represented an accident rate of 227.6.
Law outlined a protective role for the state. A further opportunity to streamline the increasing volume of health and safety-related legislation was missed however, and the fragmented rules and regulations which re-emerged after the war, continued to be supplemented by yet more provisions. Despite the presence of this legislation, all attempts to improve working conditions during this period were hampered by the desire, and indeed the need, to rebuild the country and its economy in the shortest time possible. As compliance with this legislation was monitored by an insufficient, under-qualified and fragmented system of inspection, the accident rate continued to rise (see Figure 5.1).

5.6 1961-1995: Acknowledging and Addressing the Problem

The 1960s were a watershed in the development of health and safety awareness in the FRG. It was during this decade that the post-war economic recovery slowed, that the industrial unions, employers and the state were regularly involved in tripartite negotiations, that the SPD finally came to power, and that a number of studies were published highlighting the financial implications of occupational accidents.

The first attempt to address the spiralling accident rate involved the introduction of the Law Revising Accident Insurance (Unfallversicherungs-Neuregelungsgesetz) in April 1963. Under this law, §719 was inserted into the RVO and provided for the appointment of safety representatives (Sicherheitsbeauftragte) in companies with upwards of 20 employees (see Section 7.6). These safety representatives were similar to the accident trustees, who had appeared in 1934, and were charged with supporting the employer in all questions of accident prevention.

To provide further assistance for the employers, many of whom were struggling to come to terms with the complexity of the new technologies and their implications for health and safety, the Machine Safety Law (Maschinenschutzgesetz) was introduced in 1968. The law required the manufacturers and importers of machinery and other equipment to ensure that their products complied with the accident-prevention regulations issued by the
professional associations, so as to ensure that those operating the machinery could not come to any harm. The law was renamed Equipment Safety Act (Gerätesicherheitsgesetz) in 1980.

The two most significant developments came within two years of each other. In January 1972 an updated WCA came into being, and this was followed in December 1974 by the implementation of the Works Safety Law.

As far as the WCA 1972 was concerned, §§80, 81 and §§87-91 detailed the extent of the works council's involvement in the health and safety arena (see Section 7.4). Whilst all of these health and safety-related provisions were of extreme importance, it was §87 which represented the most significant progress. §87(1)7 afforded the works councils a right of co-determination on matters relating to the prevention of both occupational accidents and illness, although this right of co-determination was only applicable where primary legislation was not prescriptive, thus allowing for more specific regulation at plant level. With much of the primary legislation being very general in nature, this represents a considerable role for the employees' representative body.

The Works Safety Law provided for the appointment of health and safety personnel of a technical and medical nature at plant level to assist the employers in implementing the health and safety legislation (see Section 7.5). There had been concern surrounding the ability of the employers to realise this task alone, and the appointment of expert personnel in an advisory capacity was therefore the obvious solution. Drawn up with larger companies in mind, the legislation was eventually required to be implemented in companies with upwards of 30 employees, but by the early 1990s, only 55 per cent of all industrial employees were covered by the requirements of the Works Safety Law (HVBG 1994a: 46).

---

110 The accident-prevention regulations in particular are very general in nature.
111 Given that the dangers vary so much between companies, the primary legislation tends not to be prescriptive. One can therefore argue that the issue of occupational health and safety is very decentralised. This reflects a wider trend towards decentralisation in the industrial relations arena, a process which Jacobi et al. (1992: 263) regard as being inevitable.
Opinions differ concerning the thinking behind this legislation. Some (Kittner 1994: 353; Bieneck and Rückert 1993: 2) have suggested that it was introduced to provide expert assistance for the inspectors, who had always found it difficult to maintain regular contact with the companies. Others (BAU 1988: 61) maintain that the infrequency of the safety inspections made it impossible for the inspectors to familiarise themselves with the dangers prevailing in the companies. Bauerdick (1994: 109), meanwhile, claimed that it had become a necessity, given the inactivity of both the industrial unions and the employers' associations.

Whatever the reasons for its introduction, the Works Safety Law served to institutionalise occupational health and safety at plant level, and although it has been criticised for giving employers the impression that the appointment of such experts relieves them of their duties in this area (Schulte and Riese 1987: 27), it was one of the reasons for the sustained improvement in the accident statistics in the 1970s (see Figure 5.1).

The statistics show that since the record year in 1961, the occupational accident rate has been falling steadily, and German employees were apparently 40 per cent less likely to suffer an occupational accident in 1994 than they were in 1961 (Süddeutsche Metall-Berufsgenossenschaft 1994: 26). As well as the legislative programme of the previous 25 years, other explanations for this encouraging trend include the advances made in medical care (Bridgford and Stirling 1994: 232). Changes in the economy have also been significant, as has the fact that the number of workers in the traditionally dangerous occupations, such as mining, has fallen. Safer technology has removed many dangers by reducing the frequency of direct contact with the tools of production, whilst sophisticated protective clothing serves to guard the workforce against those hazards that remain. In addition, the introduction of safety representatives, the involvement of the works council, and the implementation of a series of other legislative provisions, as described in this chapter, have introduced new actors at plant level to assist the employers in addressing the question of occupational health and safety.
Although the automation of industry has taken many workers out of the danger zone, with the machinery often being operated from a computer terminal at a safe distance, new problems such as stress and musculo-skeletal disorders have arisen.\textsuperscript{112} These less traditional hazards were associated with the new technologies that were introduced during the periods of modernisation which followed the recessions of the early 1970s and 1980s. In an attempt to address these new hazards, the social democratic and liberal coalition government established the Humanisation of Working Life \textit{(Humanisierung der Arbeitswelt, Hda)} initiative in 1974. According to Altmann (1992b: 363), the aims of the programme were as follows:

- establishment of a scientific basis for a humane and productive design of work;
- development of models for a humane design of technology and organisation;
- dissemination of pertinent knowledge in the companies.

The Hda initiative funded a number of research projects, but was eventually replaced by the AuT programme, which, in the words of Altmann (1992b: 364), is aimed at "mastering innovation in the production process." It is claimed however, that little has changed as far as the content of AuT is concerned (Bieneck #55).

One further problem was addressed in 1980 when the Chemical Law \textit{(Chemikaliengesetz)} came onto the statute book. The post-war period had seen an increase in the use of chemical substances in industry, and the unforeseen dangers and side effects had resulted in a rise in the frequency of occupational disease. The legislation required the testing and registration of all new chemicals before they could be introduced into the workplace.

In recent years there has been a renewed effort to streamline the health and safety regulations. It was hoped that this could be realised in the form of a Health and Safety Framework Law \textit{(Arbeitsschutzrahmengesetz, ASRG)}, which would also serve to implement the legislation emanating from the European Union (EU).\textsuperscript{113} The ASRG was

\begin{itemize}
  \item \textsuperscript{112} Such burdens find their way into the occupational illness statistics. Although they will not be considered in detail in this thesis, it is worth pointing out that the falling occupational accident statistics are therefore not as impressive as they may initially appear.
  \item \textsuperscript{113} See Appendix 6.
\end{itemize}
not intended to change fundamentally the dynamics of the system, but shortly before the parliamentary elections in the autumn of 1994, the ASRG was dropped from the Federal Government’s legislative programme.\textsuperscript{114} The Free Democrats (FDP) have been held responsible for its failure, and it has been suggested that they opposed the legislation on the grounds that it would prove too costly for the employers in small and medium-sized companies.\textsuperscript{115} Consequently, Germany has once again missed an excellent opportunity to streamline the health and safety legislation and is, in addition, at odds with Brussels, as the deadline for implementing EU health and safety legislation into national law, which the ASRG was intended to realise, has long since expired.

In defence of this reluctance to implement the EU legislation, it has been suggested that much of what was required of Germany is already in place (Bieneck #55). Germany is not alone in stalling over the implementation of this legislation, but there can be no doubt that the cumbersome nature of the legislative process within a federal system has hampered German attempts to comply with Brussels.

5.7 Summary

Occupational health and safety legislation has been introduced in a piecemeal fashion in Germany since the early nineteenth century. Both the statutory and the autonomous provisions have been implemented on a regular basis in response to the changing nature of the workplace, but outdated and obsolete legislation has rarely been repealed. The result is a complex network of rules and regulations which many actors find extremely difficult to negotiate,\textsuperscript{116} and which was described by Kittner (1993: 401) as:

\textsuperscript{114} Following the failure of the ASRG, the Social Democrats have put forward the idea of a Health and Safety Law Book (\textit{Arbeitsschutzgesetzbuch}) to unify the legislation in this area.
\textsuperscript{115} These individuals are regarded as the supporters of the FDP (Meyer-Falcke #78).
\textsuperscript{116} This legislative complexity was advantageous however, in the sense that it was partly responsible for the introduction of the Works Safety Law, and therefore the health and safety personnel, in the mid-1970s. The latter have assisted the employers and the works councils in their attempts to address health and safety.
...a mixture of regulations with no centrally binding theme from the early days of capitalism and the national socialist period, together with a series of individual laws, ordinances, and regulations issued by the Federal Government, the Federal States and the professional associations. (author’s translation)

However, it is this juridification which ensures that occupational health and safety is an ideal issue with which to examine the operation of plant-level industrial relations in Germany, and the role of the works council in particular.
CHAPTER SIX - HEALTH AND SAFETY STRUCTURES: THE MACRO-LEVEL ARRANGEMENTS

6.1 Introduction

Having traced the development of health and safety awareness in Germany, the aim of the next two chapters is to highlight the contribution made by the actors and agencies at both the macro and the micro levels to an improvement in working conditions. Beginning with the macro level, this chapter is divided into four subsequent sections.

The first, Section 6.2, examines the legislators, focusing in particular upon the state and the professional associations. The second concerns itself with the enforcers of this legislation and makes reference to official statistics in order to highlight a problem that has characterised these arrangements for some time. Section 6.4 identifies the institutions providing health and safety training for the plant-level actors, and the chapter concludes with an assessment of the efficacy of these arrangements for an improvement in working conditions.

6.2 The Legislators

As the previous chapter has demonstrated, the German health and safety arena is characterised by a dual system of regulation at the macro level. On the one hand, there are the statutory provisions issued by the Federal Government, on the other, the autonomous legislation in the form of the accident-prevention regulations of the professional associations. Whilst concentrating on the contribution made by both the state and the professional associations, this first section also refers to both the industrial unions and the

\[117\] For a diagrammatic overview of the German health and safety arena, see Appendix 7.
employers, or their associations, who, according to §1(1) of the TVG 1949, can conclude free and binding collective agreements to regulate working conditions.

6.2.1 The State

Throughout the nineteenth and twentieth centuries, the German state has intervened in the industrial relations arena in order to protect the health and safety of its citizens. Having initially done so to address questions of working time and inspection arrangements in the early nineteenth century, subsequent statutory interventions were designed to alleviate the effects of industrialisation on the working population. The Basic Law of 1949 served to confirm the role which the state has in protecting the welfare of its citizens, assigning the issue of health and safety to the sphere of concurrent legislation. As of this date, and increasingly so since the mid-1960s, the Federal Government has exercised its right to legislate in this field, with responsibility for the drafting of these provisions falling to the Federal Ministry for Labour and Social Affairs (Bundesministerium für Arbeit und Sozialordnung, BMA) in Bonn. The BMA works closely with the umbrella organisations of both the 16 industrial unions and the employers - the German Trade Union Federation (Deutscher Gewerkschaftsbund, DGB) and the Federal Employers' Association (Bundesvereinigung der Deutschen Arbeitgeberverbände, BDA) respectively - with the individual labour ministries in the Federal States, who are charged with implementing the statutory legislation, and maintains regular contact with the Central Federation of Industrial Professional Associations (Hauptverband der gewerblichen Berufsgenossenschaften, HVBG) and a series of other bodies, including the Organisation of German Safety Engineers (Vereinigung der deutschen Sicherheitsingenieure, VDSI), with which the health and safety experts are registered.

When new statutory legislation is required, it is normal practice for the BMA to produce an internal bill, which is initially discussed by a number of advisory committees comprising

---

118 The BMA addresses questions of a health and safety-related nature on behalf of the Federal Government.
representatives from the aforementioned organisations. From here, the bill passes to other ministries which may be affected by its implementation, and if it successfully negotiates this stage, it is then passed on to the Federal Cabinet, before being forwarded to the President of the Lower House of the German Parliament (Bundestag). The bill is then discussed by the parliamentary committees before receiving its first reading in the Lower House. From here, it passes to the Upper House of the German Parliament (Bundesrat), where the Federal States are represented, and if successful, returns to the Lower House for a second reading before coming onto the statute book.

Much of the information which the BMA receives regarding health and safety emanates from the BAU, which, since 1972, has been based in Dortmund. The BAU is completely impartial in its activities and cooperates with both the professional associations and the Statutory Labour Inspectorates, as well as being a constant source of technical advice for the BMA. Its most significant role however, involves raising public awareness for occupational health and safety, and to this end, the BAU constantly produces informative material, based on the results of its research, and regularly organises a variety of educational seminars. In November 1993, the BAU also opened an interactive exhibition centre in Dortmund, which is intended to teach visitors of all ages to recognise the dangers prevailing in the workplace.

Whilst the BAU advises the BMA on matters of a technical nature, the Federal Institute for Occupational Medicine (Bundesanstalt für Arbeitsmedizin, BAfAM) in Berlin provides the BMA with the very latest medical information. As with the BAU, the BAfAM runs a number of seminars and exhibitions designed both to raise public awareness and to improve the knowledge of those directly affected.

119 §139b GewO obliges each Federal State to establish a Statutory Labour Inspectorate.
6.2.2 The Professional Associations

Founded in 1887 to administer the Accident Insurance Act of 1884, the professional associations have survived the upheavals of modern German history and are now one of the central institutions in the health and safety arena. Financed by their member companies, the professional associations have two main roles: compensation and rehabilitation on the one hand, accident prevention on the other.\footnote{\textsection 547 RVO details the employees' entitlements from the professional associations in the event of an occupational accident (see Appendix 8).}

The majority of the 35 industrial professional associations\footnote{There are 110 accident insurers in total. In addition to the 35 industrial professional associations, which are of interest in this thesis, there are 54 accident insurers in the public sector and 21 agricultural professional associations.} are organised on a branch specific basis, with all companies required to register with the professional association most closely associated with its end product (Schliephacke 1989c: 152). The arrangements for the metal-working companies are slightly different, in the sense that there are five such professional associations organised on a regional basis. Over 2.7 million companies were affiliated to one of the 35 industrial professional associations in 1994, with some 29 million employees insured in the event of an accident, illness, invalidity or death (HVBG 1995: 8).

Each industrial professional association consists of a management board and a representative assembly, both of which are composed of equal numbers of employers' and employees' representatives.\footnote{The industrial professional associations have been described as an aspect of co-determination at the macro level (Schultze et al. 1991:533): a reference to the way in which they are administered. Ever since their conception in the late nineteenth century, the professional associations have been run by representatives of capital and labour, but since the early 1950s there has been parity on both the representative assembly and on the management board of these organisations. Whilst the employers are normally represented by members of an employers' association, the majority of employee representatives are either works councillors or representatives of the industrial unions most closely associated with each particular professional association (Peter #45; Büchner #51).}
and 60 on the representative assembly (Maschinenbau- und Metall-Berufsgenossenschaft 1994: 46-47). The representative assembly is the professional association’s parliament (Hoffmann 1991: 23), and its members issue the accident-prevention regulations, determine danger tariffs, and re-elect the management board every six years.

§708 RVO empowers the professional associations to issue accident-prevention regulations, which stipulate the measures to be taken by the employer, and the behaviour expected of the employees, to prevent occupational accidents. These regulations also serve to qualify the framework provisions laid down in the Works Safety Law, and are formulated in expert committees which are normally composed of employers, union representatives, industrial experts and both technical and statutory inspectors (Peter #45). The BMA approves the accident-prevention regulations and must ensure that they do not duplicate any statutory provisions, and that they comply with the requirements of the European legislation.

Much importance is attached to the accident-prevention regulations, as they are seen to reflect past experience in each particular branch of industry, whilst stipulating only minimum standards which can then be supplemented more specifically within the individual companies (Spinnarke 1994: 105). This flexibility is important as no two companies are exposed to the same dangers, and as Bacow (1980: 5) has indicated, “the challenge of regulation is to design a regulatory policy that responds effectively to the diverse conditions encountered among diverse employment situations.” The accident-prevention regulations meet this requirement, and are also advantageous in the sense that they are agreed upon by the social partners, and are more easily amended than the statutory laws and ordinances (ILO 1984: 22) which must negotiate the lengthy legislative process laid down in §§76-78 of the Basic Law (see Appendix 9).

---

123 Danger tariffs are assigned to different departmental activities. For example, the danger tariff for administrative staff is much lower than that for a furnace worker in a steelworks.
124 Of the DM 1024 million spent on accident prevention in 1994, almost DM 13 million was used to produce the accident-prevention regulations and associated informative material (HVBG 1995: 62).
125 The BMA always consults the Federal States before approving these regulations.
Table 6.1: Expenditure of the Industrial Professional Associations 1950-94

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure on Compensation*</th>
<th>Expenditure on Rehabilitation*</th>
<th>Expenditure on Accident Prevention*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>388,700</td>
<td>53,928</td>
<td>11,748</td>
</tr>
<tr>
<td>1960</td>
<td>1,284,484</td>
<td>250,019</td>
<td>33,688</td>
</tr>
<tr>
<td>1970</td>
<td>3,036,156</td>
<td>840,234</td>
<td>101,623</td>
</tr>
<tr>
<td>1980</td>
<td>6,957,951</td>
<td>1,744,223</td>
<td>315,764</td>
</tr>
<tr>
<td>1990</td>
<td>9,197,310</td>
<td>2,546,908</td>
<td>620,066</td>
</tr>
<tr>
<td>1994</td>
<td>13,440,669</td>
<td>3,998,817</td>
<td>1,024,304</td>
</tr>
</tbody>
</table>

* Figures in DM 1000
Source: HVBG, 1995.

The activities of the professional associations are financed by the member companies who must pay an annual insurance premium. §725 RVO allows the professional associations to vary these contributions, and the premiums are therefore calculated according to a system of danger tariffs, the size of the workforce, and/or the number and severity of accidents in the previous 12 months. Although the method of calculation varies between the professional associations, each essentially operates an incentive scheme whereby their members, the individual companies, can obtain a rebate at the end of the financial year if their accident rate falls below the average for that specific professional association. The professional associations appear to set an acceptable level of occupational accidents, with those companies that exceed this level required to pay more. Table 6.1 details how the contributions have been spent since 1950.

126 For every DM 100,- paid by the employers to their employees in 1993, only DM 1,44 went to the professional association, compared with a figure of DM 1,70 back in 1950 (HVBG 1994c: 36). The lower the premium, the safer the workplace.
127 The Hütten- und Walzwerks-Professional Association operates a points system. 80 per cent of the premium is fixed, with the remaining 20 per cent dependent upon the severity of accidents. With each point costing DM 500,-, accidents resulting in 4-7 days absence are valued at 1 point, 8-14 days at 4 points, 15-21 days at 8 points, with every additional day costing a further DM 500,-. A fatal accident incurs 180 points with a pensionable accident incurring 150 points (Frener #46).
Table 6.2: Accident Insurance Premiums as a Percentage of Turnover 1994

<table>
<thead>
<tr>
<th>Company</th>
<th>Accident Insurance Premium</th>
<th>Turnover</th>
<th>Premium as a Percentage of Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Iron &amp; Steelworks GmbH</td>
<td>DM 500 000</td>
<td>60 million</td>
<td>0.833%</td>
</tr>
<tr>
<td>Beta GmbH</td>
<td>DM 450 000</td>
<td>90 million</td>
<td>0.500%</td>
</tr>
<tr>
<td>Foxtrot GmbH</td>
<td>DM 68 000</td>
<td>20 million</td>
<td>0.340%</td>
</tr>
<tr>
<td>Echo AG - 'Branch A'</td>
<td>DM 3 million</td>
<td>85 billion</td>
<td>0.004%</td>
</tr>
<tr>
<td>Echo AG - 'Branch B'</td>
<td>DM 3 million</td>
<td>85 billion</td>
<td>0.004%</td>
</tr>
<tr>
<td>Tango-Roger Steel AG</td>
<td>DM 7 million</td>
<td>20 billion</td>
<td>0.035%</td>
</tr>
<tr>
<td>GTT GmbH</td>
<td>DM 2.5 million</td>
<td>180 million</td>
<td>1.389%</td>
</tr>
</tbody>
</table>

There are conflicting opinions surrounding the efficacy of these arrangements as an incentive to the companies. The professional associations consider the premiums to be an effective steering mechanism (Büchner #51), whilst others point out that the sums of money involved are only significant for the smaller organisations (Zimolong #106). As Table 6.2 demonstrates, the annual premiums paid by the seven case-study companies in 1994 represented an insignificant proportion of their annual turnover, and the information gleaned from the structured interviews revealed that the premiums were often paid by the personnel departments and were rarely discussed by the health and safety actors at plant level.  

---

128 Many individuals were actually unaware of the level of this premium.
6.2.3 The Social Partners

With the introduction of the TVG in 1949, the German industrial unions and the individual employers, or their associations, were presented with the opportunity to conclude free and binding collective agreements to regulate working conditions. During the embryonic years of the FRG however, the social partners preferred to concentrate on more quantitative issues in the collective bargaining process, and it was not until the mid-1960s that there was a shift to more qualitative demands as the 'economic miracle' slowed. Nevertheless, health and safety issues have been largely ignored in collective bargaining. IG Metall has yet to conclude such an agreement to address this topic directly, preferring to leave the employers and works councils to regulate these questions in plant agreements. These agreements are considered to be more suitable than the generally applicable collective agreements given the diverse nature of the hazards in the individual companies (Bacow 1980: 57). This reflects a wider trend in the devolution of collective bargaining to the micro level in Germany, and the increasing importance of plant-level co-determination.

The closest IG Metall has come to regulating occupational health and safety has been in its attempts to reduce the length of the working week, which, as of October 1995, stands at 35 hours. In truth, attempts to reduce the working week have been aimed at reducing unemployment rather than improving occupational health and safety. As has already been mentioned however, the shorter the time spent at the workplace, the less the degree of exposure to the prevalent risks, a relationship which many employees apparently fail to recognise (Schlummer #32).

There are signs however, that IG Metall is planning to integrate health and safety issues into collective bargaining in the near future. In response to suggestions that the demands of their members are no longer centred on money alone (IG Metall 1993: 6), the union has drafted a document entitled "Bargaining Reform 2000" (Tarifreform 2000), which

\[129\] The industrial union, IG Bau Steine Erden, has addressed this issue in collective bargaining with its agreement entitled "Environment, Quality and Health and Safety" (author's translation).

\[130\] See also Jacobi et al. (1992).
portrays its vision of collective bargaining in the twenty-first century. If realised, this programme will represent a shift to more qualitative demands, including those of health and safety, in the bargaining process.

The most significant contribution that the unions make to the health and safety arena is reserved for their role in the administration of the professional associations. It has been estimated that several hundred members of IG Metall sit on either the representative assembly or the management board of the five industrial professional associations in the metal-working industry (Dzudzek #92). IG Metall therefore exerts an enormous influence upon the formulation of the accident-prevention regulations, and this ability to formulate such regulations, together with representatives of the employers, may explain why the industrial unions have thus far chosen to ignore health and safety issues in collective bargaining.

**Figure 6.1: The Importance of Bargaining Issues**

![Pie chart showing the importance of bargaining issues]

Finally, the findings from the questionnaire survey carried out in the seven companies in the metal-working industry would seem to refute the aforementioned claims by IG Metall that money is no longer the issue of central importance for the majority of its members. Employees were asked to rank five potential bargaining issues in order of importance (see
Appendix 2, Question 25), and as Figure 6.1 demonstrates, 55 per cent considered more money to be of most importance, whilst just 15 per cent were most concerned with a reduction in the number of occupational accidents.

6.3 The Enforcers

It is at plant level that occupational accidents occur, and here that the health and safety rules and regulations are required to be implemented. To ensure that this does happen, a dual system of inspection serves to complement the dual system of regulation, with statutory labour inspectors employed by the Federal States ensuring compliance with the statutory legislation, and technical inspectors of the professional associations monitoring the implementation of the accident-prevention regulations.

6.3.1 The Statutory Inspectors

§139b GewO provides the legal basis for the activities of the Statutory Labour Inspectorates, which since the late nineteenth century, have been ensuring compliance with all statutory labour legislation. Organised presently by the governments in the Federal States, there are usually several Statutory Labour Inspectorates in any one Federal State. Each is responsible for a particular region, and the inspectors in each Statutory Labour Inspectorate are required to visit all companies within their region of responsibility, irrespective of the nature of the business.

The Statutory Labour Inspectorates have various powers of persuasion at their disposal, and although they can ultimately refer a case to the public prosecutor for subsequent prosecution, the inspectors prefer to advise the employers about any deficiencies uncovered (Schlummer #32). This course of action enables the latter to remedy the situation voluntarily before resorting to an improvement notice, an administrative fine, the
shut-down of machinery, or prosecution. The inspectors attempt to convince the employers that healthy employees are cheaper employees (Schlummer #32).

The Statutory Labour Inspectorates have also assumed responsibility for environmental issues in recent years, and it has been estimated that the inspectors have been devoting as little as 10 per cent of their time to matters of occupational health and safety (Bridgford and Stirling 1994: 237). Such a problem manifested itself in the early 1990s in NRW, where six of the seven case-study companies were located.

Prior to 1994, the staff of the 22 Statutory Labour Inspectorates in NRW were working on behalf of both the Labour Minister and the Minister for the Environment. With environmental issues enjoying a higher public profile, the time the inspectors were able to devote to health and safety issues was greatly reduced (Bastong #91). It was therefore decided to establish a new administrative structure, with the personnel of the Statutory Labour Inspectorates divided equally between the aforementioned ministries. As far as health and safety issues were concerned, 12 Statutory Offices for Health and Safety (Staatliches Amt für Arbeitsschutz, StAfA) were subsequently established, and as of January 1994, the StAfA inspectors have had sole responsibility for ensuring compliance with all statutory health and safety legislation. The new administration is leaner, and the Labour Minister now has absolute control over his inspectors, rather than having to share them with his environmental counterpart. With fewer inspectors however, it has been necessary to re-organise the inspection arrangements, and based on statistics compiled by the newly established Regional Institute for Occupational Health and Safety (Landesanstalt für Arbeitsschutz), the inspectors now work according to action programmes. The institute identifies specific problems from the accident statistics, which the StAfA then concentrates on reducing over a specified period of time. Early estimates suggest that the inspectors are spending 40 per cent of their time on such action programmes, giving them the opportunity to participate in accident investigations and to attend to their administrative duties (Meyer-Falcke #78).

131 As Coye (1979: 179) has indicated, a healthy workforce has a beneficial long-term effect on productivity.
6.3.2 The Technical Inspectors

Each of the 35 industrial professional associations employs a number of technical inspectors to enforce the implementation of the accident-prevention regulations in its member companies. Organised into a number of regional offices, the technical inspectors of any professional association are responsible for all member companies within their area of jurisdiction, and enjoy similar powers of enforcement to the statutory labour inspectors. Given these organisational arrangements, the technical inspectors are more specialised than their statutory counterparts, and as well as attempting to make regular visits to their member companies, the technical inspectors participate in the drafting of the accident-prevention regulations.

Financed by the annual contributions from the member companies, the technical inspectors are, despite these powers of enforcement, a source of much needed information and advice for the plant-level actors (Peter #45; Frener #46; Leischsenring #77). For example, they encourage the employers to inform them in advance of any planned changes to the workplace so that they can be advised on meeting the requirements of the relevant accident-prevention regulations (Büchner #51).

The technical inspectors are not without their critics, and both the deficiency in personnel and the infrequency of company visits are major problems. It is openly admitted by the inspectors themselves that smaller companies are visited less frequently (Frener #46), yet some 61.5 per cent of the industrial workforce were employed in companies with

---

132 Of the DM 1024 million spent on accident prevention in 1994, over 50 per cent, DM 574 million, went towards financing inspections and advisory visits to member companies (HVBG 1995: 62).

133 This occurred at the case-study company Alpha Iron & Steelworks GmbH. Faced with the prospect of having to implement the latest requirements of the Hazardous Substances Ordinance (Gefahrstoffverordnung), the health and safety expert called on the technical inspector to assist him in realising this task.

134 The health and safety expert at the case-study company Alpha Iron & Steelworks GmbH, which employs 370, stated that both the statutory labour inspectors and the technical inspectors of the relevant professional association visited the company more frequently during its time as a subsidiary of a large steel company (Interview #59).
fewer than 200 employees in 1994 (HVBG 1995: 11). There is no reason to conclude that smaller industrial companies are any safer. In fact, figures published by the HVBG (1995: 13) indicated that, on average, companies with 20-199 employees had the highest accident rates in 1994 (56.1), with those employing upwards of 1000 employees having the lowest average rate (31.7). The figures presented in Table 6.3 indicate the size of the problem facing the technical inspectors.

Table 6.3: Activities of the Technical Inspectorate 1994

<table>
<thead>
<tr>
<th></th>
<th>Member Companies</th>
<th>Technical Inspectors</th>
<th>Inspections in Companies</th>
<th>Deficiencies Identified</th>
<th>Accidents Investigated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metal-Working</td>
<td>135 935</td>
<td>356</td>
<td>79 857</td>
<td>116 580</td>
<td>26 080</td>
</tr>
<tr>
<td>All Branches</td>
<td>2 718 831</td>
<td>1972</td>
<td>691 057</td>
<td>881 299</td>
<td>96 041</td>
</tr>
</tbody>
</table>

Source: HVBG, 1995.

6.4 The Educators

As the following chapter explains, the majority of actors at plant level address occupational health and safety issues on a part-time basis. Employers, works councillors, health and safety experts, safety representatives and the employees themselves all have health and safety responsibilities, and if they are to be successful in realising their respective obligations, it is essential that they are educated in the basic tenets of occupational health and safety. As this section demonstrates, the professional associations and the industrial unions are the major contributors in this regard.

---

135 The average figure was an accident rate of 51.6 (HVBG 1995: 13).
136 The inspectors justify their choice by suggesting that larger companies are more likely to introduce changes to either the workplace or the production process (Frener #46).
6.4.1 The Professional Associations

A proportion of the contributions paid by the member companies to their professional associations goes towards financing health and safety training courses, which the professional associations are required to organise under §720 RVO. This provision states that the professional associations should provide the necessary training for those individuals entrusted with ensuring the implementation of the health and safety rules and regulations at plant level. The figures presented in Table 6.4 give some indication of the extent of this commitment to training.

Criticism has been levelled at the professional associations for the lack of available places on their training courses (Interview #65). This, it is argued, is due largely to the need to educate health and safety personnel in companies located in the former GDR (Dertinger #83). Nevertheless, the professional associations are second only to the schools in terms of the number of individuals they educate on an annual basis (Dertinger #83), and some of the larger professional associations in the metal-working industry offer as many as 150 separate courses to the individuals in their member companies (Büchner #51).

### Table 6.4: Participants at Health and Safety Training Courses 1994

<table>
<thead>
<tr>
<th></th>
<th>Safety Reps</th>
<th>Health and Safety Experts</th>
<th>Employers and Managers</th>
<th>Other Employees</th>
<th>Total Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Metal-Working</strong></td>
<td>7778</td>
<td>3813</td>
<td>1747</td>
<td>23 913</td>
<td>37 251</td>
</tr>
<tr>
<td><strong>All Branches</strong></td>
<td>49 458</td>
<td>26 829</td>
<td>44 801</td>
<td>241 052</td>
<td>362 140</td>
</tr>
</tbody>
</table>

Source: HVBG, 1995.

138 Whilst the employers must continue to pay their employees should they attend one of these courses, all subsistence costs incurred during such a visit are borne by the professional associations.
6.4.2 The Industrial Unions

With one or two exceptions, the German industrial unions have chosen not to address health and safety issues in collective bargaining, but have attempted to increase their members’ awareness and understanding of this issue in a number of other ways. For example, it is commonplace for union district offices (Verwaltungsstellen) to charge at least one union secretary with the task of advising its members on questions of a health and safety-related nature. IG Metall also encourages its district offices to organise health and safety discussion groups which bring together works councillors, health and safety personnel and other interested parties from the companies under its jurisdiction. One such discussion group in NRW regularly attracts over 150 visitors and meets at least once every month (Dzudzek #92). These meetings enable the union secretaries to inform the plant-level actors of particular dangers or developments, and also allow the participants to exchange their ideas and experiences of a health and safety-related nature. Finally, the industrial unions also run a variety of health and safety training courses at a number of their own training centres throughout the country.

6.5 Summary

The macro-level health and safety structures in the FRG are not easily explained. No single body is charged with formulating the legislation, no single agency is required to ensure its implementation, and no single organisation is entrusted with the training of the health and safety personnel. Instead, in terms of these three variables, the macro-level health and safety structures are characterised by their duality:

- The legislation is formulated by the state and the professional associations;
- The implementation of the legislation is overseen by the Statutory Labour Inspectorates and the technical inspectors of the professional associations;
- The individuals with health and safety-related responsibilities are trained by the professional associations and the industrial unions.
There are those who have criticised the dual system of legislation, which has established itself over the past century, both for its complexity and the lack of co-ordination between the statutory and the autonomous bodies (Zwingmann #38). This, it is argued, has resulted in a duplication of legislation, despite the fact that both the BMA and the professional associations are given the opportunity to comment on all proposed legislation. On the other hand, there are those who draw attention to the benefits of self-regulation which characterises the formulation of the autonomous legislation. It is suggested that compliance with these provisions is more likely given the involvement of the social partners in their formulation (Bastong #91).

Criticism has also been levelled at the enforcement arrangements within Germany, and whilst most European countries are faced with a quantitative deficiency within their health and safety inspectorates, the German dual system has the added problem of having had to come to terms with an increase in the number of companies requiring inspection following reunification. In addition, both the statutory and the technical inspectorates are much maligned for failing to co-ordinate their activities, the result of which has seen inspectors from both inspectorates appearing in companies within two or three days of one another in order to inspect the same work station (Büchner #51). An attempt was made to remedy this situation in 1977 with the introduction of the aforementioned General Ordinance for the Cooperation of the Professional Associations and the Statutory Labour Inspectorates. This legislation was designed to improve cooperation between the two inspectorates, and whilst a network of contacts has since been established between the individual inspectors, and such duplications are now mainly a thing of the past (Peter #45), cooperation at the higher echelons of the Statutory Labour Inspectorates and the professional associations is yet to materialise (Leichsenring #77).

Finally, the health and safety-related educational arrangements have been condemned for their technical orientation, and whilst such instruction has helped to control the occurrence of workplace accidents, it has failed to contain the increasing prevalence of industrial
illness and psychological problems such as stress and 'mobbing'\textsuperscript{139} (Dzudzek #92). Consequently, whilst not losing sight of the traditional dangers, the macro-level structures must adapt to the hazards of the modern-day workplace if the encouraging trends of recent decades are to continue.\textsuperscript{140}

\textsuperscript{139} 'Mobbing' is a generic term in German and is best translated by the word 'bullying'. It is employed to describe the process whereby individual employees are subjected to psychological abuse at the workplace.

\textsuperscript{140} The education system has also been criticised as school pupils are encouraged to save water and not to litter, but are not instructed about the economic and physical consequences of unsafe behaviour at work. Consequently, many future employers enter full-time employment unaware of the overall costs of workplace accidents (Schlummer #32).
CHAPTER SEVEN - HEALTH AND SAFETY STRUCTURES:  
THE SITUATION AT PLANT LEVEL

7.1 Introduction

In advance of the empirical analysis, this chapter concerns itself with the roles and responsibilities of the micro-level actors, as laid down in the relevant legislative provisions. Taking each actor in turn, the aim is to identify the way in which these individuals can contribute to an improvement in working conditions, and the chapter concludes by evaluating the efficacy of these plant-level arrangements.

7.2 Employers: Acceptance of Responsibility and the Tendency to Delegate

It is the employers who, since the insertion of §120a into the GewO in 1891, have been held legally responsible for the health and safety of the labour they employ, and in recognition of this fact, are required to pay the entire annual accident-insurance contribution to the relevant professional association. Throughout history however, this legal responsibility has proved insufficient in encouraging employers to invest in improving the health and safety provisions at plant level. The introduction of the dual system of inspection, described in detail in the previous chapter, was intended to cajole the employers into addressing this issue, but the quantitative deficiencies within both the statutory and the technical inspectorates (see Table 6.3), coupled with the low level of fines that have occasionally been imposed, have, on the whole, proved to be an ineffective deterrent. Whilst empirical research continues to demonstrate the long-term benefits of a successful health and safety policy in terms of reduced costs and increased productivity (Kuhn and Schulz 1986), many employers are continually discouraged from making the
initial investment given the absence of an immediate return on their financial outlay (Schlummer #32; Leichsenring #77).

The implementation of the Works Safety Law in 1974 was an attempt to remedy this situation. It served to introduce health and safety experts and medical personnel into the companies to assist the employers in tailoring the health and safety legislation to the specific needs of individual workplaces. The introduction of such specialists had become a necessity, as the employers were finding it increasingly difficult to address the problems associated with the changing nature of the production process and with the implementation of new technologies. However, these specialists were only to provide advice and support to the works councils and the employers, and despite one or two ideas to the contrary, did not relieve the latter of their responsibility for the health and safety of the labour which they employed.

Further attempts to encourage the employers to address this issue included the introduction of the accident-prevention regulation UVV 1.0 in 1977. This regulation applies to all industrial companies and details the specific duties of each and every employer. They include the following:

- According to §2(1), the employer is required to take all necessary measures, based on the accident-prevention regulations and the verified scientific and medical knowledge, to prevent occupational accidents;
- §4(1) requires the employer to provide personal protective equipment should technical measures prove insufficient in removing a potential source of danger. This includes protective equipment for the head, feet, eyes, face, and the respiratory system;
- Under §7(2), the employer is obliged to inform all employees about the potential hazards at their work station and the measures which are to be taken to avoid them. This instruction should take place before they begin work, and at regular intervals of not less than once every year thereafter;
- §9(2) calls on the employer to allow the safety representatives sufficient time to realise their duties, as laid down in the RVO, and in particular, requires the employer to give
these individuals the opportunity to inspect their area of responsibility and to participate in any visits by the technical inspectors;

- Most significantly, §12 permits the employers to delegate these duties further down the management chain (see Appendix 10).

Much use is made of this last provision for a number of reasons. Firstly, within many of the larger German companies, there is no single source of authority. The many joint-stock companies for example, are run by a management board and a supervisory board, and as occurs at the case-study company Echo AG, it is necessary to inform individual management representatives in writing of their duties in the health and safety arena (see Sections 8.5 - 8.7).

Secondly, many employers do not actually contribute to the day to day running of their companies, preferring to appoint representatives to positions of senior management. In such cases the employer is required to inform the appointed representatives of their duties, much in the same way as in the joint-stock companies.

Thirdly, there are those employers who do assume responsibility for the day to day running of their companies. However, given their lack of contact with the employees, as with the case-study company, Beta GmbH, they charge a member of the management chain with ensuring compliance with the health and safety legislation (see Section 8.3).

Finally, certain employers do not invoke §12 UVV 1.0, choosing instead to address this issue themselves. This was the situation in the smallest of the case-study companies, Foxtrot GmbH, although the employer in question was of the opinion that the appointment of a health and safety expert had effectively relieved him of his legal responsibilities in this respect (see Section 8.4).

Despite the provisions of §12 UVV 1.0, the overall responsibility remains with the employer, and §130 of the Administrative Offences Act (Ordnungswidrigkeitengesetz) (see Appendix 11) reinforces this idea by requiring the employers to ensure that the
individuals to whom they assign these duties do in fact realise the requirements of the relevant legislation (ILO 1984: 72).

It is the employers who ultimately decide how much time, effort, and money is devoted to improving the working conditions at plant level. The successful implementation of any health and safety legislation is therefore dependent upon the extent to which the employers are prepared to make health and safety an issue within their individual companies (Partikel 1982: 75). A technical inspector indicated that if the benefits of good health and safety can be both explained and demonstrated to the employers in financial terms, their commitment is often assured (Büchner #51). Unfortunately, "safety is a question of priorities - men or production" (Nichols and Armstrong 1973: 29), and as has been suggested, it is extremely difficult to convince employers of the need to invest in health and safety, as in financial terms there is no immediate or direct benefit for them in doing so (Schlummer #32; Sinclair 1972: 10).

7.3 Line Management: Key Actors at Plant Level

Both foremen and supervisors make a significant contribution to the realisation of the employers' responsibilities in the health and safety arena. Certain employers choose to address these issues themselves, others prefer to assign them to subordinates, such as line managers, who come into contact more frequently with the employees, and who are therefore in a position to exert an influence upon behaviour. In all of the case-study companies for example, it was these line managers who were required to ensure compliance with the health and safety-related legislation in their areas of responsibility, and as Figure 7.1 demonstrates, the questionnaire survey revealed that line managers were

---

141 Brody et al. (1990: 116) found that the employers who were aware of their total accident costs invested more in accident prevention.

142 The term 'line management' is adopted and refers to foremen (Meister) and supervisors (Vorarbeiter).
very often the source of health and safety information for new employees, therefore fulfilling the requirements of §7(2) UVV 1.0.\textsuperscript{143}

**Figure 7.1: Source of Health and Safety Information on Starting Work**

Much depends upon the example set by these individuals, as it is very difficult to convince the employees of the need to observe the health and safety legislation if either their supervisor or foreman is openly contravening the regulations.\textsuperscript{144} Consequently, whilst the overall responsibility remains with the employer, both the proximity of the line managers to the dangers at the workplace, and their influence upon the behaviour of the employees, makes their commitment to the cause a necessity.

\textsuperscript{143} 64.5 per cent of respondents also stated that line managers inform them of new health and safety measures.

\textsuperscript{144} Bach (1994: 132) suggested that line managers are judged on their ability to achieve productivity goals rather than on the safety record in their areas of responsibility.
7.4 The Works Council: The Employees' Representative?

The WCA 1972 provides for the election of a works council in companies with five or more employees and affords these representative bodies rights of participation of varying degrees in managerial decision-making. The general duties of the works council are enshrined in §80 WCA 1972, and include a requirement of the employees' representative body to ensure that all the laws, ordinances, accident-prevention regulations, collective agreements and plant agreements are being observed in the workplace. Of central importance for this thesis however, is §87(1)7 WCA 1972 which grants the works council a right of co-determination in the health and safety arena. An explanation of §87(1)7 reveals that this right of co-determination comes into force whenever the statutory occupational health and safety legislation, issued by the Federal Government, or the autonomous accident-prevention regulations of the professional associations, are not prescriptive in nature, and therefore need to be tailored to the requirements of the individual companies (Fitting et al. 1987: 977). As the majority of these regulations are very general in nature, this right of co-determination is regularly applied.

Of further significance are §§89-91 WCA 1972:

• Should any deficiencies of a health and safety-related nature come to light, §88.1 permits the works council and the employer to conclude plant agreements to alleviate the problems;

• §89(1) requires the works council to pro-actively assist all health and safety agencies, including the professional associations, in their attempts to improve health and safety provisions at plant level;

• §89(2) obliges the employer and the macro-level health and safety agencies to involve the works council in their visits and investigations and further requires the employer to keep the works council informed of the latest health and safety-related information;

145 A survey conducted by Gill (1993: 118) amongst employers and employees in the early 1990s revealed that in 63 per cent of companies the works councils enjoyed full co-determination rights as far as health and safety issues were concerned.
• §89(4) ensures that the works council receives details of all inspections, investigations and discussions;

• §89(5) calls on the employer to ensure that the works council receives and signs a copy of all accident reports;

• §90 requires the employer to inform the works council in advance about any planned changes to the workplace so that the potential effects of such alterations may be assessed;

• §91 allows for the intervention of a plant-level arbitration committee if the works council and the employer fail to agree upon the removal of, the reduction of, or suitable compensation for, a burden which results from the changes referred to in §90.¹⁴⁶

Reference is also made to the works council in the Works Safety Law.

• §9(1) obliges the health and safety personnel to cooperate with the works council in realising their duties;

• §9(2) requires the health and safety personnel to advise and to keep the works council informed of the latest developments in the health and safety arena;

• §9(3) involves the works council in the selection of health and safety personnel, as well as in decisions concerning the duties to be performed by these individuals;¹⁴⁷

• §11 recommends that two works councillors attend the meetings of the industrial health and safety committee.

Of equal importance are the arrangements for addressing this issue on the works council. §28(1) WCA 1972 permits those works councils with nine or more members to create special sub-committees to deal with specific issues.¹⁴⁸ This enables matters such as health

¹⁴⁶ This is a form of qualified co-determination and is particularly important as far as the introduction of new technology is concerned.
¹⁴⁷ Gevers (1985: 225) referred to a survey conducted by Denck (1975) which revealed that the works councils' rights of co-determination were realised most frequently in relation to §9(3) ASiG.
¹⁴⁸ The size of the works council is determined by the number of employees in any one company. §9 WCA 1972 details the relationship between company size and the number of works councillors and states that works councils in companies with 301-600 employees shall comprise 9 members.
and safety to be addressed by a handful of works councillors at regular intervals, rather than on an occasional basis by the representative body as a whole. This arrangement also encourages a degree of specialisation within the works councils. This is necessary given the ever increasing complexity of these issues. However, this provision excludes the overwhelming majority of smaller companies in German industry whose works councils constitute fewer than nine members.\(^{149}\)

These legislative provisions provide the works council with the opportunity to exert an enormous influence upon health and safety issues at plant level, but as the research initiatives reviewed in Chapter Four have demonstrated, these rights of participation are not always realised in practice.\(^{150}\)

In theory, a works council and an employer should negotiate under the auspices of the WCA 1972, with the works council enjoying a right of co-determination concerning the implementation of primary health and safety rules and regulations at plant level. Both the works council and the employer can call upon the expertise of health and safety personnel, and whilst industrial action is prohibited, arbitration is provided for in the event of a serious disagreement. In short, the negotiating partners must attempt to find a solution which will benefit both the employees and the company as a whole.

Opinions do vary concerning the contribution made by the works councils to an improvement in health and safety at plant level. A StAfA inspector in NRW suggested that he and his colleagues rely upon the works councillors to contact them whenever problems arise at plant level, and that the inspectors often receive messages from these individuals informing them of violations against the statutory health and safety legislation (Schlummer #32). Inspectors from two of the five metal-working industrial professional associations also recognised the importance of the works council. One suggested that the works

\(^{149}\) Whilst the threshold for the creation of such sub-committees is 300 employees, statistics produced by the HVBG (1995: 10) reveal that 99.4 per cent of all industrial companies and 98 per cent of all metal-working companies had fewer than 200 employees in 1994. As has already been mentioned, 61.5 per cent of all industrial employees were employed in such companies in 1994 (HVBG 1995: 11).

\(^{150}\) The following chapter will demonstrate the contribution made by seven works councils to an improvement in health and safety.
councillors either point out dangers to him during inspections, or at least tell him in advance of where to look for these deficiencies (Frener #46). Another inspector also considered the works council to be a vital source of information during inspections, so much so that he would never contemplate carrying out an inspection in the absence of a works councillor (Büchner #51).

The works councils have been criticised however, either for misinterpreting (Pröll #54), or worse, for failing to realise their rights of participation, as laid down in the WCA 1972 (Zwingmann #38). This failing, it has been suggested, is due to a lack of knowledge within the works councils (Bastong #91), although in defence of this body there are those who argue that the works councillors have insufficient time at their disposal to address all the issues for which they are now responsible (Zwingmann #38). In order to realise its role as the employees’ representative body, the works council must ensure that all its rights, including those relating to health and safety, are realised. In many cases, the employees’ health and safety is put at risk as this topic is regarded as a marginal issue and is often addressed by new and inexperienced works councillors. This is typical of the way in which the issue of occupational health and safety is regarded by many employers, works councillors and employees, and unless the reluctant works councils attach greater importance to health and safety, many employees will fail to benefit from EU legislation, which will see more issues fall under §87(1)7 of the WCA 1972, therefore invoking the works council’s right of co-determination.151

---

151 As the EU health and safety legislation issued under §118a of the Framework Directive is not prescriptive, and details minimum standards only, the works council will enjoy a co-determination right in the same way as it does with the accident-prevention regulations (see Appendix 6).
7.5 Health and Safety Personnel: Expert Assistants at Plant Level

Whilst both technical and medical safety experts had been present in many larger companies prior to 1974, the introduction of the Works Safety Law made their appointment compulsory in companies with, on average, upwards of 30 employees. Their introduction came as a direct response to the employers' inability to address occupational health and safety issues alone, and the original intention was that these individuals would provide the employers with technical and medical advice, would assist them with the implementation of the relevant legislation, and would ensure that the employers did not ignore the health and safety of their employees.

The appointment of health and safety personnel is qualified by the accident-prevention regulations UVV 1.4 and UVV 1.5, which calculate the total number of hours of supervision required of these individuals over a twelve-month period. This is achieved by assigning danger tariffs to different activities at plant level. For example, each of the 89 employees in the iron foundry at one of the case-study companies, Alpha Iron & Steelworks GmbH, are deemed to require 3.1 and 0.6 hours of supervision each year from a health and safety expert and a medical representative respectively. Thus:

\[
\begin{align*}
89 \text{ employees} \times 3.1 \text{ hours} &= 275.9 \text{ hours of supervision from the health and safety expert;} \\
89 \text{ employees} \times 0.6 \text{ hours} &= 53.4 \text{ hours of supervision from the medical representative.}
\end{align*}
\]

Based on these calculations, the employers can choose to comply with the requirements of the Works Safety Law in one of three ways. They can:

---

\[\text{Between 1963 and 1974, safety representatives had been the only internal source of advice for the employers as they attempted to address the question of occupational health and safety (Diekershoff 1979: 1).}\]
• charge a company employee with the duties of the health and safety expert or the medical representative;¹⁵³
• hire these services from an external organisation;
• appoint a freelance health and safety expert or medical representative (Paland and Schwedes 1991: 49).¹⁵⁴

Table 7.1: Health and Safety Personnel at Plant Level 1994

<table>
<thead>
<tr>
<th></th>
<th>Number of Companies</th>
<th>Companies With Health and Safety Experts (%)</th>
<th>Companies With Medical Reps (%)</th>
<th>Number of Health and Safety Experts</th>
<th>Number of Trained First-Aiders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metal-Working</td>
<td>135 935</td>
<td>18.9%</td>
<td>18.9%</td>
<td>13 699</td>
<td>55 957</td>
</tr>
<tr>
<td>All Branches</td>
<td>2 718 831</td>
<td>3.5%</td>
<td>12.3%</td>
<td>69 082</td>
<td>337 432</td>
</tr>
</tbody>
</table>

Source: HVBG, 1995.

Based on these calculations, many German companies are not large enough to require the appointment of a full-time health and safety expert or medical representative,¹⁵⁵ and as Table 7.1 demonstrates, it is commonplace for the employers to choose either the second or third options when seeking to comply with the legislation. However, there is evidence to suggest that this is not the best solution. Hauß and Rosenbrock (1984: 283) identified a price war between the various independent services, with some employers inclined to choose the cheapest option, irrespective of the quality of the service provided. It has been estimated that such external services are on site in some cases for as little as two hours each year (Zwingmann 1992: 26), therefore contravening the requirements of the UVVs.

¹⁵³ §7 Works Safety Law permits only those employees who have been educated to either foremen, technician or engineer level to be considered for the position of health and safety expert.
¹⁵⁴ Should the employer choose the first option, the appointment of the individual employee requires the agreement of the works council. In the other two cases, the works council is unable to influence the employer’s decision to the same extent.
¹⁵⁵ On average, companies with upwards of 4740 employees require the appointment of full-time health and safety personnel (Kittner 1994: 367).
Whilst the Works Safety Law provides the employers and the works councils with the opportunity to define the exact duties of the health and safety personnel, the legislation recommends that these individuals perform a variety of tasks. For the health and safety experts, they include the following:

- Advising all plant-level actors;
- Checking all company equipment and technical facilities;
- Overseeing the implementation of the health and safety legislation;
- Ensuring that all employees behave safely;
- Investigating accidents;
- Training the safety representatives.

Whilst the health and safety experts are a source of technical advice, the medical representatives assist the plant-level actors with questions concerning:

- workplace design;
- the introduction of new substances;
- changes to the production process;
- the selection of personal protective equipment;
- physiological and psychological matters and ergonomics.

They also:

- organise the first-aid provisions at plant level;
- medically examine the employees;
- investigate the causes of occupational illness.

Whilst the health and safety personnel are a vital source of advice and assistance, they enjoy no decision-making powers, so as not to give the employers the impression that the
appointment of such individuals relieves them of their overall responsibility in this area. As the case studies demonstrate however, this unintended scenario does prevail in the smaller companies (see Chapter Eight).

One further problem surrounds the aforementioned requirement that the health and safety experts be educated to a certain level. Consequently, it is not uncommon to find both foremen and more senior managers assuming this position. The problem with such a scenario is a potential conflict of interest, as management representatives have more than just a passing interest in the financial performance of the company, thus reducing the likelihood of their insistence upon health and safety measures that could slow down production.

Finally, having required that these regulations be implemented only in those companies with upwards of 30 employees, the Works Safety Law has, since its inception, been applicable to just over 50 per cent of the industrial workforce. Legislation emanating from the EU now requires that all employees receive such supervision, and the professional associations are currently in the process of re-drafting the accident-prevention regulations so that all companies will be required to provide both technical and medical supervision.\textsuperscript{156} Early indications are that a minimum of 10 hours supervision per company per year will be required (Interview #101).

\textsuperscript{156} It is envisaged that smaller companies will initially struggle to meet these requirements. With this in mind, the professional associations have agreed to phase in the legislation over a five-year period. Companies employing 21-30 employees will have needed to comply by 31st March 1996. Those with 11-20 employees have until 31st March 1997 to fall into line, whilst companies with 1-10 employees face a deadline of 31st March 1999 (Maschinenbau- und Metall-Berufgenossenschaft 1995: 5).
7.6 Safety Representatives: The Contribution of Safety-Conscious Employees

In plants with upwards of 20 employees, the RVO has, since 1963, provided for the appointment of safety representatives (Sicherheitsbeauftragte) at plant level to support management in all questions of accident prevention. selected by the employers in cooperation with the works council, the safety representatives perform their health and safety-related activities in tandem with their normal duties without any additional remuneration. They are a key link between the employees and company management. Despite their voluntary position, the safety representatives are potentially one of the most valuable assets that management has at its disposal, as they also experience the health and safety deficiencies on the shop-floor. The safety representatives also have an enormous responsibility to their fellow employees as they enjoy a position of authority from which they can influence developments.

Guidelines concerning the minimum number of safety representatives to be appointed in any one company are laid down in Appendix 1 to UVV 1.0 and are based on the perceived danger of the individual workplaces. §719(1) RVO recommends that safety representatives be appointed in all companies with upwards of 20 employees, and Appendix 1 to UVV 1.0 states that in foundries for example, there should be at least one safety representative for every 70 employees. As with all accident-prevention regulations however, the plant-level actors are permitted to conclude a subsequent agreement to regulate this figure more specifically to the needs of the individual workplaces.

157 7.2 per cent of all companies registered with an industrial professional association, and 20.4 per cent of metal-working companies, had appointed safety representatives in 1994 (HVBG 1995: 71).
158 Whilst §719(1) states that safety representatives are to be selected by the employer in cooperation with the works council, in practice, this selection appears to be made by the works council and the health and safety expert (see Chapter Eight).
159 Administrative instructions which accompany §9(1) of the accident-prevention regulation UVV 1.0 recommend that leading white-collar employees and line managers should not be selected as safety representatives in order to avoid a conflict of interest.
160 The safety representatives can influence developments at plant level as they are permitted to attend the meetings of the statutory industrial health and safety committee.
Whilst the safety representatives assist the employer in ensuring compliance with the relevant occupational health and safety legislation at plant level, their main contribution is their ability to influence the behaviour of their fellow employees. By observing worker activity and by cooperating with both the health and safety experts and the medical personnel, the safety representatives are regarded as the actors most likely to bring about a change in the behaviour of the employees (Schliephacke 1988a; Petermann 1991).

The duties of the safety officers also include the following:

- Supporting the employer in all questions of accident prevention;
- Ensuring both the provision and the utilisation of safety equipment.

In those companies which fall below the threshold for the appointment of both health and safety experts and medical personnel, §719(4) RVO provides for the creation of a safety committee (*Sicherheitsausschuß*). This forum enables all safety representatives to meet and discuss such issues on a regular basis. §719(4) RVO also requires the employer and the works council to meet with the safety representatives on a monthly basis to enable an exchange of information to take place. However, evidence both from the case studies and from other empirical research, suggests that these meetings rarely take place (Wattendorf 1991: 12).

The success of the safety representatives is largely dependent upon the support which they receive from the employer, but they can be very influential and extremely effective if allowed to pursue their activities during normal working hours, as recommended in §9(2) UVV 1.0. However, it has been suggested that the appointment of health and safety experts has made these safety representatives very much surplus to requirements (Petermann 1991). Nevertheless, these representatives have survived, and they go some way to fulfilling the requirements of the EU legislation for employee involvement in the health and safety arena (Büchner #51).
7.7 Industrial Health and Safety Committee: An Advisory Forum?

§11 Works Safety Law provides the legal basis for the creation of an industrial health and safety committee (Arbeitsschutzausschuß). The law requires the employers in those companies which are obliged to appoint health and safety personnel to establish such a committee, which in turn serves to obviate the requirement under the RVO for the creation of the safety representatives' safety committee referred to in the previous section.

The industrial health and safety committee was intended as an advisory forum which would meet every three months to discuss questions of a health and safety-related nature. Its composition is decided upon by the employer and the works council, but the Works Safety Law recommended that the following individuals be represented:

- The employer or an appointed representative;
- Two members from the works council;
- Medical representatives;
- Health and safety experts;
- Safety representatives (see Appendix 12).

The industrial health and safety committee has been described as the "headquarters of plant-level health and safety" (BAU 1988: 63), and as the recommended composition indicates, this forum provides the opportunity for all the plant-level actors with responsibilities in this area to discuss this issue collectively and to exchange information at regular intervals. In many companies, this committee provides the only opportunity for an expression of the employees' interests, albeit indirectly, via the safety representatives and the works council, and to this end it is of vital importance that the latter should ensure that the committee does meet as frequently as the law requires. However, as the following chapter demonstrates, whilst it is during these meetings that many of the health and safety-related policy decisions are agreed upon, the appearance of what are considered to be more pressing issues on the company agenda often leads to a postponement of these gatherings.
7.8 Union Influence: Unionised Councils and Committed Stewards

The previous chapter highlighted the macro-level contribution which the industrial unions make to the health and safety arena, with their administrative role in the professional associations of most significance. The purpose of this section is to draw attention to the health and safety-related role at plant level.

According to the dual system of interest representation, the industrial unions are active at sectoral level, leaving the works councils to represent the employees' interests within the individual companies. However, as Chapter One explained, the unions re-established themselves at plant level at the end of the Second World War, and whilst the WCA 1952 temporarily served to distance the industrial unions from the workplace, the creation of a network of union stewards proved to be a more than adequate response. Together with the works councils, which were eventually opened up to union influence with the introduction of the WCA 1972, these stewards have enabled the industrial unions to exert an influence upon occupational health and safety issues at plant level.161

The works councils have also enabled the industrial unions to gain a foothold in the workplace. As Table 1.1 demonstrated, works councils have become de facto, if not de jure, union bodies, and in 1994, IG Metall once again won over 80 per cent of all works council seats throughout Germany (IG Metall 1995d: 5). IG Metall is therefore able to exert an enormous influence upon the activities of these representative bodies,162 and the right of co-determination enjoyed by the works councils in managerial decision-making in the health and safety arena, thus passes indirectly to the industrial union. Furthermore, works councillors rely upon IG Metall to keep them informed of the latest developments in the health and safety arena.

161 The industrial unions do not have a representative role in the workplace and so cannot enforce the health and safety legislation.
162 Since 1981, DGB unions have won 77 per cent of all works council seats, and in 95 per cent of cases, the chairperson of the works council has been affiliated to one of the 16 industrial unions (Kittner 1994: 606).
Whilst the works councils provide the industrial unions with the greatest opportunity to influence the health and safety provisions at plant level, the union stewards have themselves come to play an increasingly significant role in this regard. Both previous empirical research (Diekershoff 1979: v), and the information gleaned from the case-study companies, suggests that there is a tendency for union stewards to be preferred for the position of safety representatives, as they are seen both to be trusted and to be respected by the majority of their fellow employees.¹⁶³

7.9 Employees: The Forgotten Victims

The aim of all occupational health and safety legislation is to protect the health and safety of the employees from dangers arising at the workplace, and whilst they are the subjects of this legislation, they too are required to contribute to reducing the frequency of occupational accidents and illness:

- §14 of the accident-prevention regulation UVV 1.0 requires the employees to support all health and safety-related measures, to observe the instructions of their employers, to wear the personal protective equipment, and to ignore any provisions or instructions which they consider to be unsafe;
- §15 obliges the employees to use appliances only to complete tasks for which they are designed;
- §16 requires them either to rectify or to report any deficiency which they uncover.

The German health and safety legislation has been criticised for the absence of any form of direct employee involvement (Zwingmann 1992: 37; Häckert et al. 1994: 24), and the rights enjoyed by the German employees in the health and safety arena have been

¹⁶³ The selection of union stewards as safety representatives can prove beneficial, in the sense that collective agreements or plant agreements are often concluded to provide for a meeting of all union stewards within a company during normal working hours (Kühn 1982: 100). With all works councillors affiliated to IG Metall automatically union stewards, these meetings can provide a direct link between the safety representatives and the works council.
described as being “less developed than in many comparable countries” (Hauß and Rosenbrock 1984: 279). One of the major deficiencies has been that the employees were unable to refuse hazardous work until a complicated and little used procedure was introduced along with the Hazardous Substances Ordinance (Gefahrstoffverordnung) in 1986 (Häckert et al. 1994: 24).

In short, the health and safety-related legislation treats the employees as objects requiring protection (Häckert et al. 1994: 24), restricting their contribution to indirect representation via the works council and the safety representatives. In doing so, the first-hand knowledge of the employees - the individuals who are exposed to the dangers on a daily basis - is ignored, this despite empirical investigations which have identified a positive correlation between employee involvement and working conditions on the one hand, and industrial relations on the other.¹⁶⁴

7.10 Summary

Whilst the employers are charged with the overall responsibility for protecting the health and safety of the labour which they employ, the legislative provisions ensure that they are not alone in addressing this issue. The reluctance of the employers to invest in health and safety led to the introduction of inspectors in the nineteenth century, but their inability to cope with the increasing complexity of the subject matter, has since led to the appointment of expert personnel and to an expansion of the works council’s ability to influence managerial decision-making in this respect. The result is a plant-level arrangement which combines the principles of co-determination with expert advice and assistance (Hauß and Rosenbrock 1984: 279), and as with the situation at the macro level, no single actor is required to address this issue alone. The employers have come to rely upon all levels of the management chain, as well as the health and safety personnel to assist them in this regard, and whilst the works councils have the opportunity to operate as an effective

¹⁶⁴ See also Lewis (1974); Swinton (1983); Fröhlich et al. (1989); Willsch (1993).
counterweight to the employers, the provision for safety representatives also ensures that the concerns of the employees can be brought to the fore.

The plant-level arrangements have received mixed reviews. Some observers criticise the involvement of too many actors (Peter #45). Others regard this as being advantageous, given the knowledge that they all contribute (Meyer-Falcke #78; Zimolong #106). Critics have also denounced the over-reliance on expert personnel (Häckert et al. 1994: 27). On the whole however, the micro-level health and safety structures are held in high regard, but as the following chapter demonstrates, these legislative provisions are rarely realised in full.
CHAPTER EIGHT - THE CASE STUDIES: AN INSIGHT INTO HEALTH AND SAFETY MANAGEMENT IN SEVEN METAL-WORKING COMPANIES

8.1 Introduction

Taking each of the seven case-study companies in turn, this chapter utilises the findings from the questionnaire survey, and the information from both the structured interviews conducted with the micro-level actors and the observations made during numerous visits to the companies, to highlight the dynamics of plant-level industrial relations. It does so by examining the way in which occupational health and safety issues are addressed in practice in the German metal-working industry.\(^{165}\)

In order to facilitate a comparison between the prevalent structures, each case study is divided into five similar sections. In an attempt to familiarise the reader with the case-study companies, the first section provides an insight into both the development and the current performance of the individual companies. The second section serves to identify the actors and institutions involved in addressing the question of health and safety at plant level, whilst the third offers an explanatory and a diagrammatic summary of the communicative structures which exist to channel health and safety-related information around the companies.\(^{166}\) There then follows an explanation of the way in which health and safety measures are developed, implemented and monitored at plant level, with the idea here being to identify who is involved in the development phase, what form the measures

---

\(^{165}\) The overwhelming majority of all unionised employees in the seven case-study companies were affiliated to IG Metall, and it is this criterion that was adopted to classify the companies as belonging to the metal-working industry. Two of the seven companies, Echo AG - 'Branch A' and Echo AG - 'Branch B', were not registered with one of the five metal-working industrial professional associations, affiliated instead to the *Berufsgenossenschaft der Feinmechanik und Elektrotechnik*. Three of the remaining five companies were members of the *Maschinenbau- und Metall-Berufsgenossenschaft*, whilst the other two were registered with the *Hütten- und Walzwerks-Berufsgenossenschaft*. To reiterate, the names of the companies have been changed at the request of the individual employers.

\(^{166}\) The information gathered from the questionnaire surveys forms the basis for this summary.
take, and how compliance with these measures is achieved. Finally, each case study concludes with a summary of the dynamics of occupational health and safety, and with reference to the empirical data collected, provides an explanation for the arrangements and the interrelationships uncovered in each case. The chapter concludes by comparing and contrasting the findings from the individual companies and highlights one or two generalisations which can be made.

8.2 Alpha Iron & Steelworks GmbH

8.2.1 Background Information

Alpha Iron & Steelworks GmbH provides a vital source of employment for the town which has shared its name since industrial activity began in the late eighteenth century in what is now part of NRW. A medium-sized company\textsuperscript{167} with 370 employees and a turnover of DM 60 million in 1994, the iron and steelworks manufactures parts and appliances for the motor vehicle and machine building industries, exporting approximately 35 per cent of its goods world-wide.

The company assumed its present name in July 1988, bringing an end to a turbulent fifty-year relationship which it had endured with the steel producer ABC AG. During this time the iron and steelworks had been under the direct control of the latter, but 15 years of financial mis-management at ABC AG in the period 1972-1987 had serious consequences for the case-study company. ABC AG failed in its initial attempts to find a buyer for the iron and steelworks in 1987 and with the threat of closure looming, the works council and company management came together in February 1988 to persuade ABC AG to sanction the formation of a limited company, albeit as a subsidiary operation. Four months later, a

\textsuperscript{167} The Federal Statistical Office (Statistisches Bundesamt) has classified medium-sized companies as those employing 300-600 employees (Hofmann 1987: 43).
Dutch holding company moved in and bought the iron and steelworks, renaming it ‘Alpha Iron & Steelworks GmbH’.¹⁶⁸

**Figure 8.1: Company Structure - Alpha Iron & Steelworks GmbH**

At the time of the survey, 54.3 per cent of the workforce were employed in the foundry (*Gießerei*), which was housed in what appeared, from the outside, to be a derelict building. The machinery in the foundry was more than 30 years old and in desperate need of modernisation, and whilst the layout of the work stations facilitated employee interaction, the foundry was dirty, badly lit, extremely noisy and offered very poor air quality. In contrast, the 89 employees in the engineering works (*mechanischer Betrieb*) enjoyed a cleaner and quieter working environment. Given the automation of large sections of the production process however, there was less employee interaction in the engineering works. The remaining 80 employees were divided between the administrative, service and repair, and quality control departments (see Figure 8.1).

¹⁶⁸ Industrial relations at Alpha Iron & Steelworks GmbH were not subject to the Montan Co-Determination Law 1951.
As Figure 8.2 demonstrates, the company was, by 1994, showing signs of recovery from the recession which hit the steel industry in the early 1990s, with turnover having almost reached its 1991 level. In fact, the iron and steelworks had been forced to take on new employees in 1994 in order to meet the increasing demand for its products, but whilst both the foundry and the engineering works were operating at full capacity in early 1995, the company was experiencing acute financial difficulties as they were being forced to lower their prices in the face of stiff competition from eastern Europe.

The appointment of the new employees had coincided with a rise in the absolute number of reportable occupational accidents, and although the company had received a small rebate on its insurance premium in recent years, the figure of 221.6 reportable occupational accidents per 1000 employees in 1994 was considerably higher than the average for the Maschinenbau- und Metall professional association, to which the company was affiliated, which stood at 82.2 (BMA 1995: 57-61).

The influx of new employees was followed by the appointment of a new works director by the Dutch holding company in October 1994. Under his predecessor, relations between the works council and all levels of the management chain had been poor, with a degree of
tension most evident between the works council and the manager of the engineering works. The incumbent works director also identified a lack of cooperation between the foundry and the engineering works, and indicated that the two plants regarded themselves as "little kingdoms" (Interview #48, author’s translation). In response, he called for greater cooperation and stressed the need for a concerted effort to overcome the prevalent financial difficulties.

Table 8.1: Company Profile 1994 - Alpha Iron & Steelworks GmbH

<table>
<thead>
<tr>
<th>Employees</th>
<th>Of these, Blue-Collar Workers</th>
<th>Union Density</th>
<th>Reportable Occup Accidents*</th>
<th>Accident Rate**</th>
<th>Estimated Cost of Days Lost***</th>
<th>Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>370</td>
<td>85.4%</td>
<td>95%</td>
<td>82</td>
<td>221.6</td>
<td>DM 712 840</td>
<td>DM 60 mill</td>
</tr>
</tbody>
</table>

* Includes both accidents at work and those which occurred either on the way to, or back from, the workplace.
** Refers to the number of reportable occupational accidents per 1000 employees.
*** Based on the figure of DM 1004 for every working day lost in the metal-working industry.

The relationship between the works council and the works director was described as being "cooperative, good, and open" (Interview #48; Interview #57, author’s translation), and as far as health and safety issues were concerned, the works council had never found it necessary to call in the inspectors. The works councillors had occasionally pointed out relevant paragraphs in the WCA 1972, but it had always been possible for the works council to reach agreement with management without recourse to the plant-level arbitration committee. The amicable working relationship between the chairman of the works council and the works director was influential in this respect.
8.2.2 Prevalent Health and Safety Structures

A multitude of actors and agencies were involved in addressing health and safety issues at the iron and steelworks. In essence however, it fell to the works director, all subsequent levels of the management chain, the health and safety expert, a handful of works councillors, and the safety representatives, to ensure that the workplace remained safe, and the employees healthy.

The works director, a Dutchman, adopted a hands-on approach as far as health and safety issues were concerned, and since his appointment in October 1994 he had been the catalyst for many of the changes which had taken place. For example, having attended just one meeting of the industrial health and safety committee, he decided that it was necessary to establish a second body, as in his opinion, this statutory committee had become little more than a “forum for arguments” (Interview #48, author's translation). This second body, the Environmental and Health and Safety Steering Committee (Umwelt- und Arbeitsschutz-Steuerungsgruppe, EHSSC), met on a monthly basis, and comprised the works director, the chairman of the works council, the health and safety expert, and the managers of the foundry, the engineering works and the service and repair department. The EHSSC had become the decision-making body at the iron and steelworks and it was here that all reportable occupational accidents were discussed, in an attempt to prevent their re-occurrence. The creation of the EHSSC had been well received by the plant-level actors and was praised for having speeded up the decision-making process (Interview #60).

The works director had decided to retain the statutory industrial health and safety committee, despite the formation of the EHSSC, but had reduced the frequency of meetings of the former to just three per year. Attended by a representative of the works director, the medical representative, the health and safety expert, two works councillors, two works councillors,

---

169 The EHSSC comprised just six members, whilst as many as a dozen individuals attended the meetings of the statutory industrial health and safety committee. It was therefore much easier to reach a compromise in the former.
the aforementioned plant managers and the safety representatives, the industrial health and safety committee had become a preliminary discussion group for the EHSSC. These meetings were of vital importance however, as they enabled the safety representatives to bring the opinions of the workforce to the attention of the other plant-level actors (Interview #58; Interview #60).

One further measure which had been introduced by the works director was the creation of a small action group, whose task it was to reduce the accident rate in one particular department in the foundry. With, on average, four reportable accidents occurring in this department each month, the action group was charged with examining both the cause and the timing of these accidents, in the hope that an underlying trend for what was becoming an expensive problem could be identified.

Whilst the works director retained overall responsibility for the health and safety of the workforce, he also required the plant managers to address these issues in their areas of responsibility. The plant managers were aware of their responsibilities in this regard and inspected their plants at regular intervals, often in the company of a safety representative. In turn, the plant managers required their foremen and supervisors to ensure compliance with the rules and regulations, and in both the foundry and the engineering works it was these line managers who were obliged to inform and advise the new employees about the specific dangers in each plant.\footnote{Just 39 per cent of employees gave a positive response when questioned about the commitment of management to an improvement in the working environment.} An annual refresher course served to relay this information to the employees.

There had been a works council at the iron and steelworks since 1946, and the prevalent representative body comprised nine members, one of whom, the chairman, was released from his normal duties. The works council met every Monday and it was usual for health and safety issues to be discussed in each meeting, with either the works council chairman
reporting on the meetings of the EHSSC,\textsuperscript{171} or the works council’s health and safety specialists discussing the findings of their regular workplace inspections.\textsuperscript{172}

These three specialists made up the health and safety sub-committee of the works council, which is provided for in §28 WCA 1972.\textsuperscript{173} Only one of the three had previously attended a health and safety training course, but they saw themselves as a vital link between the employees and the plant managers, advising the former when problems arose, and passing on information both to the latter and to the health and safety expert.\textsuperscript{174}

The iron and steelworks employed one full-time health and safety expert and had secured the services of a medical representative from the regional Technical Supervisory Service (\textit{Technischer Überwachungsverein, TÜV}) who was on site for only three hours every fortnight. Any immediate medical attention, at all other times, was provided by the 36 trained first-aiders amongst the employees.

The health and safety expert had been with the company since 1962 and had assumed this position in 1993 following five years in charge of the engineering works. He described his activities as those of recording and analysing accidents, and this enabled him to compile a comprehensive annual accident report which was discussed in the industrial health and safety committee. Despite having experienced some difficulties with the works council during his time as plant manager, the health and safety expert claimed to enjoy a cooperative working relationship with the employees’ representative body (Interview #49), a view shared by the chairman of the works council who explained that the

\textsuperscript{171} The works council chairman, rather than one of the members of the health and safety sub-committee, represented the works council in the EHSSC. This decision was taken by the sub-committee members who felt that their chairman, being released from his normal duties, would have more time available to attend the meetings of this forum.

\textsuperscript{172} 61 per cent of employees indicated that their works council was very concerned with an improvement in the health and safety provisions.

\textsuperscript{173} The works council had created five sub-committees, and the works councillors had the choice of which committees they wanted to attend. When asked however, the works councillors were unsure of which sub-committees they belonged to, suggesting that they met only infrequently.

\textsuperscript{174} The works council had no fixed consultation periods, preferring to encourage the workers to come to the works council office as soon as problems arose.
employees appreciated his efforts to improve the provisions for their protection (Interview #57).

The nine safety representatives at the iron and steelworks were selected by the plant managers, the latter having been advised by the health and safety expert not to choose line managers or union stewards for this post. The health and safety expert preferred the plant managers to select young employees with at least five years experience of the company. Their appointment was confirmed, with the agreement of the works council, in the industrial health and safety committee, and they were responsible for a particular section of the company rather than a pre-determined number of employees.

Whilst the employees were required to observe the health and safety rules and regulations, they were given little opportunity to influence the development of these measures. The provision of a suggestion scheme enabled them to put their ideas directly to management (see Subsection 8.2.4), and whilst the health and safety expert revealed that he was contemplating the idea of introducing health and safety circles, to allow the employees to exert a greater influence, they remained reliant upon the works council, the safety representatives and the line managers to relay their concerns to management.

Differing opinions emerged concerning the actor or body perceived to play the decisive role in addressing health and safety issues. The health and safety expert was mentioned, as it was he who worked closely with the works director, advising him on questions relating to labour law, as well as providing expert advice and assistance for all plant-level actors, as required by the Works Safety Law (Interview #48). Others, who suggested that the works council was a key actor in this respect, as its members were most likely to succeed in convincing the employees of the need to observe the health and safety measures, considered the works director to be of most significance, as he ultimately decided what money was available to invest in such issues (Interview #58). Whilst there was also a suggestion that the safety representatives were of central importance (Interview #61), the

---

30.9 per cent of employees, the highest proportion in any of the seven case-study companies, indicated that they would be prepared to trade a reduction in their pay for an improvement in safety.
conclusion reached was that no single actor appeared able to address these questions alone. Either they lacked the necessary expertise, which was provided by the health and safety expert, the necessary local knowledge, which the employees communicated to a variety of actors (see Subsection 8.2.3), or they were restricted by their inability to take investment decisions, the privilege of either the plant managers or the works director. Consequently, the nuclei of health and safety-related activities at the iron and steelworks were the two committees, the industrial health and safety committee and the EHSSC, which served to discuss and develop these issues respectively. The composition of these committees (see Appendix 12) ensured that the necessary machinery was in place to overcome the aforementioned restrictions encountered by the individual actors.

8.2.3 Communication

The health and safety arena was dominated by the two committees, with the first, the statutory industrial health and safety committee, operating as a preliminary discussion group, and the second, the EHSSC, the decision-making body. The aim in this subsection is to identify how the employees were informed of the decisions reached by the latter, and how the former was made aware of the prevalent hazards to life and limb. The findings are presented diagrammatically in Figure 8.3, and refer to the responses given during the structured interviews and the information gleaned from the workforce questionnaires.

There appeared to be three major sources of health and safety information for the employees at the iron and steelworks. On joining the company, the overwhelming majority, 81.7 per cent, received initial safety instruction from the line managers (see Appendix 13). These same individuals informed the largest group of employees, 69.1 per cent, of any new health and safety measures, including those agreed upon by the EHSSC, with 38.2 per cent suggesting that such information was relayed to them via the

\[176\] Respondents were encouraged to give more than one response to the question relating to the source of information concerning new health and safety measures.
notice boards, and just over one in four respondents claiming to hear of these measures from the safety representatives (see Appendix 14).

Whilst the information posted on the notice boards came directly from the EHSSC, there was less clarity surrounding the way in which either the line managers or the safety representatives were informed of these decisions, since neither group was directly represented in this forum. The evidence from the interviews however, suggested that both the safety representatives and the line managers were informed by the managers of the plant within which they were employed (Interview #60).\textsuperscript{177}

\textbf{Figure 8.3: Communicative Process - Alpha Iron \& Steelworks GmbH}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{communicative_process}
\end{figure}

\begin{itemize}
\item \textbf{Upward Communication}
\item \textbf{Downward Communication}
\end{itemize}

\textsuperscript{177} The plant managers were themselves members of the EHSSC.
In order to ascertain how information from the employees reached the industrial health and safety committee, the questionnaires required the respondents to give details of whom they would approach with health and safety-related suggestions and problems. The respondents identified the line managers (31.8 per cent) as their main point of contact for their suggestions, but approached the safety representatives (27.6 per cent) and the works council (20.1 per cent) with their problems. Whilst both the safety representatives and the works council were able to feed the information into this forum directly, the line managers needed to inform their plant manager if the information at their disposal was to be aired in the industrial health and safety committee.

8.2.4 Development, Implementation, Supervision

Prior to the appointment of the works director in October 1994, health and safety measures were decided upon in the industrial health and safety committee. Having identified the inefficiencies of this forum however, the works director established the EHSSC. The industrial health and safety committee was therefore transformed into a discussion group, with ideas from here passing into the EHSSC. The latter also takes account of the deliberations of the other recently established discussion groups before drawing up any preventive measures.

Whilst the Steering Committee decided upon the health and safety measures involving extreme expense, it was not uncommon for many problems to be addressed informally without involving this committee. The interviews revealed that, on many occasions, minor deficiencies were discussed by the works council and the plant managers before being corrected either by the latter or by the line managers and safety representatives (Interview #57). The employees themselves were given the opportunity to influence the development of health and safety measures via a general suggestion scheme which operated within the company. Although the scheme was criticised for its sluggishness (Interview #48), 39.7 per cent of respondents claimed to have made use of it at some stage during their time at the iron and steelworks. A plant agreement served to regulate this scheme, and any
suggestions deemed to have contributed to an improvement were rewarded financially. A small committee comprising two management representatives and two works councillors decided upon the size of the reward, and the six suggestions implemented in 1994 had resulted in payments of between DM 70 and DM 520.

Whilst Subsection 8.2.3 revealed how the employees were informed of the health and safety measures, the form that these measures assumed is considered here. There were no plant agreements to address specifically questions of a health and safety-related nature, with the only accord of any significance being that which regulated the operation of, and the rewards for improvements resulting from, the suggestion scheme. Instead, health and safety measures were either addressed informally by the works council and the plant managers, or democratically discussed and developed in the two health and safety committees.

Having developed and implemented these measures, there was a need to ensure that they were upheld in the workplace. To ensure compliance in the different parts of the company, there were nine safety representatives and a full-time health and safety expert. In addition, the line managers were required to ensure that these measures were being observed, and according to more than 40 per cent of the respondents, the works council carried out regular inspections in the plants. Finally, the health and safety expert organised one major safety inspection each year, and the works director contributed by walking through the plant every day, stopping to advise any employees he found contravening these regulations.
8.2.5 Summary

The evidence from both the interviews and the surveys revealed that the issue of occupational health and safety enjoyed a high profile\(^{178}\) at the iron and steelworks.\(^{179}\) However, all concerned were aware that a lack of finances made certain measures unaffordable, and the works council had therefore chosen not to insist upon the removal of those hazards which the company could not reasonably afford. This approach typified the way in which occupational health and safety issues were addressed at Alpha Iron & Steelworks GmbH. Finally, the preference for cooperation over confrontation ensured that it had not yet been necessary to call in external agencies to regulate questions of a health and safety-related nature, with all points of contention resolved internally by the aforementioned actors and agencies.

8.3 Beta GmbH

8.3.1 Background Information

Founded in 1979, Beta GmbH specialised in the planning, construction and fitting of boilers for large-scale waste disposal systems at the time of the survey, and of its 276 employees, the majority were employed in either the workshop or in administration at its premises in NRW. The remaining 25 employees, the construction workers, moved between building sites, assisting with the fitting of the boilers at their destination.

The production of boilers, steam engines and water turbines had begun at this location in 1864, and by the turn of the century the company had become a major force in the construction of power stations. Bought by the Beta family in 1934, the company

\(^{178}\) The works director's involvement in the health and safety arena had served to raise the profile of such issues. The thesis also contends that both the dangerous nature of the work performed and the frequency of occupational accidents had been influential in this respect.

\(^{179}\) 56.7 per cent of employees agreed with this statement.
flourished both during and after the Second World War, playing a significant role in the development of oil refineries in Europe, the Middle East and South Africa. As demand fell in the 1970s however, the company's fortunes took a turn for the worse, and in 1979, Delta AG, a holding company, purchased 95 per cent of the boiler and machine-making operation, thus saving Beta from bankruptcy. Beta GmbH has since operated as an independent subsidiary of Delta AG, and the take-over revitalised the company, with turnover having risen from DM 19 million in 1979 to DM 90 million by 1994.

There had not been a comparable improvement in the safety record of the company however, and although no official statistics were made available during the visit, the chairman of the works council revealed that there had been 35 reportable occupational accidents in 1994, continuing a recent negative trend (Interview #63).

Table 8.2: Company Profile 1994 - Beta GmbH

<table>
<thead>
<tr>
<th>Employees</th>
<th>Of these, Blue-Collar Workers</th>
<th>Union Density</th>
<th>Reportable Occup. Accidents*</th>
<th>Accident Rate**</th>
<th>Estimated Cost of Days Lost***</th>
<th>Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>276</td>
<td>57.6%</td>
<td>40%</td>
<td>40</td>
<td>144.9</td>
<td>DM 266 060</td>
<td>DM 90 mill</td>
</tr>
</tbody>
</table>

* Includes both accidents at work and those which occurred either on the way to, or back from, the workplace.

** Refers to the number of reportable occupational accidents per 1000 employees.

*** Based on the figure of DM 1004 for every working day lost in the metal-working industry.

A tour of the workshop, where the majority of the accidents had occurred, and where 48.6 per cent of the workforce were employed, revealed that many employees were openly contravening the safety regulations by refusing to wear the protective clothing. The work itself was very labour intensive and physically demanding, this despite the recent introduction of new technology, which had been physically beneficial to the employees

---

180 A lack of investment was cited as the reason behind this rising accident rate (Interview #63).
who had previously been required to lift heavy loads by hand. Furthermore, with every available space, including the transport and pedestrian lanes, being utilised to store both raw materials and finished parts, the employees were required to negotiate these obstacles when moving about the workshop. Inevitably, accidents had resulted from employees stumbling or falling in the workshop (Interview #65).

As for the power relations within the company, there was a suggestion that the relationship between the works council and management had improved in recent years, following a change in personnel on the works council (Interview #42; Interview #66). However, the chairman of the employees' representative body explained that there had been disagreements concerning health and safety issues, with the workshop manager reluctant to remove deficiencies which had been identified during an internal safety inspection just one example. These differences of opinion had always been settled internally, but the chairman of the works council suggested that there could have been more conflict in this regard had the works council insisted upon the removal of the deficiencies that it had identified. Instead, the works council had chosen a less confrontational approach in order to safeguard what had become a cooperative working relationship.

**Figure 8.4: Company Structure - Beta GmbH**
8.3.2 Prevalent Health and Safety Structures

The works director, who held a 5 per cent stake in the company, was legally responsible for the health and safety of the workforce, but was more concerned with questions of manpower planning and investment. He therefore claimed that health and safety was not his responsibility, and maintained that he had no idea how health and safety issues were addressed (Interview #67). Instead, the works director had chosen to invoke §12 UVV 1.0 and required the workshop manager to deal with such issues on his behalf.

Health and safety was just one of many issues dealt with by the workshop manager, who had been installed by the holding company, Delta AG, following the take-over in 1979. Whilst he attempted to maintain regular contact with the actors concerned, meeting informally with the relevant works councillors, the health and safety expert and the safety representatives, and attending the meetings of the industrial health and safety committee, the workshop manager relied upon the line managers for assistance in addressing these questions. The line managers were therefore required both to inform the employees about the prevalent dangers, and to ensure compliance with the health and safety rules and regulations in the workplace.

The advice of the professional associations had been ignored at Beta GmbH, and one of the seven foremen had been appointed to the position of health and safety expert. Employed by the company since 1972, he became the health and safety expert just eight years later, and had since addressed this issue on a part-time basis. The health and safety expert indicated that, as a foreman, it had been tempting for him to put production issues before safety, but he insisted that his overriding concern had remained the health and safety of the employees (Interview #65). He therefore denied that his dual role was a disadvantage, arguing instead that given a further responsibility for training, he was able to get his safety message across at an early stage. The health and safety expert described himself as an advisor and claimed to discuss health and safety with the workshop manager, the works councillors, the safety representatives and the employees on a daily basis, as
well as being required to inform new employees about the prevalent dangers, to remind
the more experienced members of the workforce of the importance of wearing the
protective clothing and to organise an annual safety seminar to reinforce the safety
message. To complement the health and safety expert, a medical representative from a
local medical centre spent three hours each week at Beta GmbH. At all other times, 14
trained first-aiders were required to attend to minor problems.

There were five safety representatives in the company, all of whom had been selected by
the health and safety expert. Contrary to the recommendation issued in connection with
§9(1) UVV 1.0, the latter had appointed one supervisor to the position of safety
representative. The others, all employees, had been chosen on the strength that they
displayed an interest in health and safety issues. The importance of the safety
representatives manifested itself in the industrial health and safety committee where they
were able to raise health and safety issues on behalf of the workforce.

The industrial health and safety committee met on just two occasions each year and was
attended by the workshop manager, the medical representative, the health and safety
expert, two works councillors and four or five of the safety representatives. This
committee oversaw all health and safety-related activities at Beta GmbH, and as well as
facilitating an exchange of information, it was here that previous accidents and deficiencies
were discussed, and responsibilities for the removal of the latter were assigned.

The two works councillors who attended the meetings of the industrial health and safety
committee, the chairman who was unofficially released from his normal duties and a works
councillor in his first period of office, had taken it upon themselves to address this issue on
behalf of the employees' representative body, as the works council at Beta GmbH,
constituting only seven members, fell below the threshold for the creation of specialist
sub-committees, as laid down in §28 WCA 1972. Of these two, only the chairman had
previously attended a health and safety training course, although it was evident that neither works councillor was particularly knowledgeable in this area.\textsuperscript{181}

The younger works councillor also represented the interests of the 25 construction workers on the health and safety sub-committee of the company works council\textsuperscript{182} at Delta AG.\textsuperscript{183} These meetings, which took place every four to six weeks, were mainly concerned with safety on the building sites, and it was commonplace for the works councillor from Beta GmbH to report back to the industrial health and safety committee on the content of these meetings.

The workshop manager described the works council as an active and necessary partner in the health and safety arena. He suggested that the employees' representative body was a necessary counterweight in the whole process and claimed to encourage the works councillors to inform him of any deficiencies which had been brought to their attention (Interview #66).

With only 40 per cent of the workforce unionised, there was no extensive network of union stewards at Beta GmbH. However, the chairman of the works council suggested that the employees did approach the union stewards with their health and safety-related problems (Interview #63), a claim not substantiated by the evidence from the questionnaire survey.\textsuperscript{184}

As was the case at the iron and steelworks, the employees were given little opportunity to influence developments in the health and safety arena. With the suggestion scheme rarely used (see Subsection 8.3.4), and the health and safety expert unaware of the concept of

\textsuperscript{181} Nevertheless, 61.1 per cent of employees were satisfied with the contribution made by the works council.

\textsuperscript{182} §47 WCA 1972 provides for the formation of a company works council in organisations operating at a number of locations throughout Germany.

\textsuperscript{183} The health and safety of the construction workers employed by Beta GmbH was addressed by a full-time health and safety expert at Delta AG. Beta GmbH therefore had an interest in these meetings.

\textsuperscript{184} Only 5.6 per cent of respondents indicated that they would approach the union stewards with such problems.
health and safety circles, there appeared to be little hope for any form of direct employee involvement in the near future.

Meanwhile, over half of the employees surveyed expressed concern about the pressure to increase production, and the chairman suggested that the conflict of interest between safety and production was particularly problematic. To emphasise this point, he cited the case of an employee who had been contravening safety regulations in the workshop. When challenged, the employee had suggested that not only were the safety regulations slowing him down, but that he was also under pressure from the workshop manager to work at a faster pace. The works council chairman had been unable to convince this employee of the need to observe the safety regulations, and less than a fortnight later, the latter was seriously injured and forced to retire when steel tubes, which he had failed to secure, rolled off a stand and crushed his legs.\(^{185}\)

The health and safety expert was a central figure at Beta GmbH. In his capacity as a foreman he was able to insist upon the implementation of certain measures, something which the Works Safety Law prevented the health and safety experts from doing. However, he was unable to take any financial decisions, and it was therefore suggested that the workshop manager, the works council and the health and safety expert were at the centre of all such activities, with the health and safety expert advising the employees, the works council informing the workshop manager of problems that had been brought to its attention, and the three of them, together with others, working out solutions in the industrial health and safety committee (Interview #66). Despite the infrequency with which it was convened, the industrial health and safety committee was indeed the nucleus of health and safety activity at Beta GmbH.

\(^{185}\) Only 11.1 per cent of employees indicated that they would trade less pay for better safety.
8.3.3 Communication

The health and safety information relayed to new employees at Beta GmbH emanated from one of two main sources. Whilst just over half of the respondents, 53.3 per cent, suggested that this initial instruction was provided by line managers, a not insignificant proportion, 26.7 per cent, claimed to have been informed at the outset by the safety representatives (see Appendix 13). A similar picture emerged in relation to the source of information concerning new health and safety measures.\(^{186}\) Whilst the line managers were mentioned by over half of the employees, more than one in four maintained that they were informed of these new measures by either the safety representatives, via the notice board, or during the infrequent works assemblies (see Appendix 14).

Figure 8.5: Point of Contact with Problems and Suggestions - Beta GmbH\(^{187}\)

---

\(^{186}\) Respondents were encouraged to give more than one response to the question relating to the source of information concerning new health and safety measures.

\(^{187}\) Questions 5 and 8 on the workforce questionnaire required the employees to indicate who they would approach with health and safety-related suggestions and problems respectively (see Appendix 2).
As the safety representatives attended the industrial health and safety committee, they could relay information directly to the employees. As was the case at Alpha Iron & Steelworks GmbH however, the line managers relied upon the workshop manager to keep them informed of the decisions made by this forum, although the workshop manager was facilitated in this process given the dual role performed by the health and safety expert. As for the information communicated in the bi-annual works assembly, the structured interviews suggested that, in this case, the works council provided the link to the decision-making body.

Information from the workshop meanwhile, reached the industrial health and safety committee in much the same way as it filtered back to the employees. As Figure 8.5 indicates, many employees approached either the line managers or the safety representatives with both their suggestions and problems, with the workshop manager and the works council also mentioned as a potential point of contact in both cases.

**Figure 8.6: Communicative Process - Beta GmbH**

![Communicative Process Diagram](image-url)

- **Upward Communication**
- **Downward Communication**
Finally, the communicative process was completed with the workshop manager, the works councillors and the safety representatives attending the meetings of the industrial health and safety committee. The remaining information, which was held by the line managers, was introduced into this forum by either the health and safety expert or the workshop manager himself (see Figure 8.6).

8.3.4 Development, Implementation, Supervision

There was a degree of informality about the way in which health and safety issues were addressed at Beta GmbH. This was typified by the absence of relevant plant agreements and the infrequency of the meetings of the industrial health and safety committee. Instead of the quarterly meetings recommended by the Works Safety Law, this forum was convened on just two occasions each year, and apparently had met just once in 1994. Nevertheless, this committee was undoubtedly the headquarters of health and safety activity at Beta GmbH, as it was here that many of the company specific regulations were formulated (see Appendix 12). Given the infrequency of these meetings however, it was not unusual for informal steps to be taken to address the many minor deficiencies which arose.

There was much confusion at Beta GmbH surrounding the extent to which the employees were encouraged to influence the development of new health and safety measures, as the works council refuted claims made by the workshop manager and the works director that the employees were rewarded for successful suggestions. Only 13.9 per cent of respondents were of the opinion that they were actually involved in the development phase, with just 16.7 per cent having made such a suggestion in the past.¹⁸⁸

Responsibility for ensuring compliance with the regulations lay with a number of individuals. The line managers and safety representatives were constantly in the workshop, as was the health and safety expert in his capacity as a foreman. The latter performed one

¹⁸⁸ There had been just three health and safety-related suggestions in 1994.
major inspection of the company each year, and occasionally carried out interim inspections together with the works council and the medical representative. Finally, the workshop manager claimed to tour the plant both first thing in the morning and last thing at night, stopping to berate workers ignoring the safety regulations. He also maintained that it had been necessary for him, on occasion, to send out written warnings to employees who continually contravened the safety regulations.

8.3.5 Summary

As was the case at the iron and steelworks, there was a clear preference at Beta GmbH for cooperation over confrontation in the health and safety arena, and the argument of the thesis is that this preference for cooperation has had a detrimental effect upon the accident rate at Beta GmbH. The works council recognised that more could have been done to improve the working conditions, but a desire to maintain an amicable working relationship with management had resulted in the former not only allowing the statutory industrial health and safety committee to be convened infrequently, but also enabling management to veto improvements of a health and safety-related nature on cost grounds. Finally, the apathy of the employees, as far as health and safety was concerned, presented the works council with little incentive to prioritise this issue.

8.4 Foxtrot GmbH

8.4.1 Background Information

Founded in 1920, Foxtrot GmbH, the smallest of the case-study companies with just 89 employees, manufactured and erected steel construction, specialising in steel framing, roofing and cladding. Just over 40 per cent of the workforce were employed at the company’s premises in NRW, with the remainder, the construction workers, operating on
building sites at a variety of locations. With a turnover of DM 20 million in 1994, the financial position of the company was considered to be satisfactory (Interview #84).

**Figure 8.7: Company Structure - Foxtrot GmbH**

Of particular interest for this study was the situation in the small workshop, which was divided into four sections, each headed by a foreman who was answerable to the workshop manager (see Figure 8.7). Details of the actors charged with ensuring compliance with the health and safety rules and regulations were displayed throughout the workshop, and although the transport lanes were used to store raw materials and finished products, the health and safety provisions were, on the whole, observed.

In recognition of this fact, Foxtrot GmbH was regularly visited by trainee technical inspectors, as it was regarded as an exemplary company as far as the arrangements for addressing health and safety were concerned. With 11 reportable occupational accidents in 1994, and an accident rate of 123.6 however, Foxtrot GmbH was far from being the safest of the seven case-study companies, this despite the recent introduction of new machinery, which whilst having reduced the number of employees in the workshop, had made the work less physically demanding (see Table 8.3).

---

189 Rather than having made these employees redundant, the company had transferred them to the building sites.
Table 8.3: Company Profile 1994 - Foxtrot GmbH

<table>
<thead>
<tr>
<th>Employees</th>
<th>Of these, Blue-Collar Workers*</th>
<th>Union Density</th>
<th>Reportable Occup. Accidents*</th>
<th>Accident Rate**</th>
<th>Estimated Cost of Days Lost***</th>
<th>Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>89</td>
<td>76.4%</td>
<td>42%</td>
<td>11</td>
<td>123.6</td>
<td>DM 121 484</td>
<td>DM 20 mill.</td>
</tr>
</tbody>
</table>

* Includes both accidents at work and those which occurred either on the way to, or back from, the workplace.

** Refers to the number of reportable occupational accidents per 1000 employees.

*** Based on the figure of DM 1004 for every working day lost in the metal-working industry.

The chairman of the works council, who was simultaneously the health and safety expert, described his relationship with both the employer and the workshop manager as being cooperative. He had more contact with the latter however, and explained that he had always clarified health and safety matters with the workshop manager, as the employer was of the opinion that, having appointed a health and safety expert, he could disassociate himself from health and safety.190

Health and safety issues were addressed almost single-handedly by the chairman of the works council/health and safety expert, and whilst there had never been any serious disagreements concerning health and safety measures, it had occasionally been necessary to convene a works assembly in order to demonstrate to either the employer or the workshop manager that the employees were interested in improving their working conditions.

190 The chairman of the works council/health and safety expert described how his employer had told him that he was being paid to keep these issues off the works director’s desk (Interview #84).
8.4.2 Prevalent Health and Safety Structures

The health and safety arena at Foxtrot GmbH was dominated by one individual. He combined the functions of chairman of the works council and health and safety expert, an arrangement apparently not uncommon in small companies in Germany (Interview #101). Employed by Foxtrot GmbH since 1964, he assumed the position of health and safety expert following the implementation of the Works Safety Law in 1974, by which time he had already been elected onto the works council. As a member of the management board of the Maschinenbau- und Metall professional association, and the co-ordinator of a health and safety discussion group on behalf of IG Metall, the chairman of the works council/health and safety expert was able to put much of the information gleaned from these two bodies to good use at Foxtrot GmbH. Whilst he was more than qualified to address these issues alone, the chairman of the works council/health and safety expert worked closely with the workshop manager and cooperated with the foremen and the safety representatives in pursuit of a safer working environment.

Although the employer had chosen to disassociate himself from such issues, other levels of the management chain were actively involved. The workshop manager, who spent most of his time in the workshop, sought to rectify any deficiencies he identified, and the foremen were required to ensure compliance with the health and safety provisions in their areas of responsibility.

The works council at Foxtrot GmbH comprised five members, none of whom was entitled to be released from normal duties. However, with the chairman of the works council simultaneously the health and safety expert, he was de facto, if not de jure, released: an arrangement which had been approved by his employer. Whilst the contribution made by the works council to an improvement in working conditions was dominated by its chairman, two other members were required to represent this body whenever a meeting of

---

191 53.6 per cent of employees recognised the contribution made by the chairman of the works council/health and safety expert to an improvement in working conditions.

192 Fewer than one in three respondents were satisfied with management in this regard.
the industrial health and safety committee was convened,\textsuperscript{193} and given the absence of a body of union stewards,\textsuperscript{194} all five works councillors concerned themselves with health and safety, such issues always being discussed at the monthly meetings of this representative body.\textsuperscript{195}

In addition to the two works councillors and the chairman of the works council/health and safety expert, the industrial health and safety committee was attended by the employer, a medical representative from an external medical service, and three of the eight safety representatives.\textsuperscript{196} Given both the size of the company and the expertise of the chairman of the works council/health and safety expert, this forum was only convened to sanction major investments and to discuss serious accidents.

The picture is completed by the employees, who as well as having the opportunity to make suggestions, and to put their ideas to either the safety representatives, the works council or the foremen, were consulted in advance of any planned changes to the production process.

With one individual combining the advisory duties of a health and safety expert with the considerable rights enjoyed by the works council, the health and safety structures at Foxtrot GmbH were unlike those in any of the other companies under investigation. With only 36 employees on site, it was possible for the chairman of the works council/health and safety expert to maintain regular contact with all concerned, and with the workshop manager, the foremen, the supervisors, the safety representatives and the employees close at hand, health and safety problems were addressed quickly and almost always without the

\textsuperscript{193} The chairman had requested this arrangement so that he could attend these meetings in his capacity as health and safety expert.

\textsuperscript{194} The chairman of the works council/health and safety expert had concluded an agreement with IG Metall, enabling the company to forgo the election of union stewards on the grounds that the majority of the workforce were employed on construction sites and would therefore not have been able to guarantee their presence at a regular meeting (Interview #101).

\textsuperscript{195} 57.1 per cent of employees responded favourably when asked about the contribution made by the works council to an improvement in their working environment.

\textsuperscript{196} None of these safety representatives, who were selected by the chairman of the works council/health and safety expert, held a position of responsibility, but the majority were simultaneously union stewards.
involvement of the works director. In essence, the chairman of the works council/health and safety expert was the dominant health and safety actor at Foxtrot GmbH. He had effectively relieved the works director of his responsibility in this area, and was seemingly content, and undoubtedly qualified, to address health and safety issues single-handedly.

8.4.3 Communication

Whilst a meeting of the industrial health and safety committee was occasionally required at Foxtrot GmbH,¹⁹⁷ it was normal practice, given the size of the company, for health and safety issues to be addressed exclusively by the chairman of the works council/health and safety expert. This section identifies how the employees were informed of his decisions, and how this individual was made aware of the problems in the workshop.

As was the case at both the iron and steelworks and at Beta GmbH, line managers, in this case the foremen (47.1 per cent), were cited as the main source of health and safety information for new employees, with 29.4 per cent claiming to have received this initial instruction directly from the health and safety expert (see Appendix 13). 53.6 per cent of respondents indicated that they were informed of new health and safety measures by the foremen, but five other channels were also named.¹⁹⁸ The health and safety expert and the works council were mentioned as the source of this information by 39.3 per cent and 32.1 per cent respectively. Other methods identified by at least one in four respondents were the posting of safety bulletins on the notice board in the workshop, announcements during the plant assembly, and the distribution of health and safety information brochures (see Appendix 14).

¹⁹⁷ Dotted lines on Figure 8.8 indicate the occasional role performed by this statutory body at Foxtrot GmbH.
¹⁹⁸ Respondents were encouraged to give more than one response to the question relating to the source of information concerning new health and safety measures.
As Figure 8.8 demonstrates, the flow of information from the workshop to the chairman of the works council/health and safety expert was less complicated. Over two thirds of respondents indicated that they approached either the health and safety expert or the works council with their problems, whilst slightly fewer, 60.7 per cent, contacted these same bodies with their suggestions.

8.4.3 Development, Implementation, Supervision

Meetings of the industrial health and safety committee were very infrequent at Foxtrot GmbH, and were deemed unnecessary, given the size of the company. Instead, health and safety measures were developed by the chairman of the works council/health and safety
expert, with the occasional cooperation of the workshop manager. In the majority of cases however, the chairman of the works council/health and safety expert addressed these issues alone.

Despite the existence of a suggestion scheme, and the provision for financial rewards for such suggestions, only 3.6 per cent of employees indicated that they considered themselves to be involved in the development of health and safety measures. No suggestions were made during 1994, but 28.6 per cent of respondents had, at some stage, suggested an improvement to the prevalent arrangements.

There were three health and safety-related plant agreements in force at Foxtrot GmbH. They regulated the provision of protective equipment, the number of safety representatives, and the suggestion scheme. As was the case in the other companies however, the majority of health and safety measures were concerned with the immediate removal of deficiencies, therefore obviating the need to conclude long-term agreements.

Compliance with the safety regulations was monitored by a variety of actors, and the workshop manager appeared to take an active interest in improving safety. He walked through the workshop at least twice each day, constantly advising workers of the need to wear the protective clothing (Interview #102). The chairman of the works council/health and safety expert did the same, and both the line managers and the safety representatives were required to ensure that the regulations were being observed.

8.4.5 Summary

At Foxtrot GmbH, questions of a health and safety-related nature were addressed in a conflict-free environment. The desire to avoid the involvement of third parties was influential in this regard, but the generally recognised expertise of one individual, the

---

199 A plant agreement had been concluded to provide for more safety representatives than the number recommended for a company of this size in Appendix 1 of UVV 1.0.
chairman of the works council/health and safety expert, also ensured that decisions were rarely questioned. However, the thesis contends that this concentration of responsibility for occupational health and safety issues on the shoulders of one individual is counterproductive, in the sense that it discourages discussion and debate. An accident rate of 123.6 in 1994 at Foxtrot GmbH would appear to confirm this contention.200

8.5 Echo AG

8.5.1 Background Information

Founded in Germany in the nineteenth century, Echo AG, a multi-national organisation in the electronics industry, with 382 000 employees worldwide, and turnover in excess of DM 85 billion in 1994, has always demonstrated a keen interest in the health and safety of its workforce. It appointed its first full-time doctor in 1888, established a company sickness fund (Betriebskrankenkasse) in 1908, introduced health and safety experts as early as 1929, and established a company medical service six years later. Furthermore, employees were financially rewarded for their suggestions as far back as 1910, and Echo AG was one of the first German companies to experiment with quality circles and other employee-involvement schemes in the late 1970s. In 1994, Echo AG employed 210 health and safety experts and 64 doctors on a full-time basis in Germany alone.

Echo AG has divided its operations in Germany into a number of regions (Regionen), and both ‘Branch A’ and ‘Branch B’, where surveys were carried out, were located in the same region, despite being situated in different Federal States. There were a total of four ‘Branches’ (Zweigsniederlassungen) in this region, with the headquarters located at ‘Branch A’ in Lower Saxony (Niedersachsen). Given the size of the company, the hierarchical and organisational structures were extremely complicated. For example, as well as being regionally organised, the company’s operations in Germany were further

200 The average figure for the Maschinenbau- und Metall-Berufsgenossenschaft, the professional association to which Beta GmbH is affiliated, stood at 82.2 in 1994.
divided into 16 operational divisions, which included transportation technology, communications, and audio-visual systems. To complicate matters yet further, there were employees at both ‘Branch A’ and ‘Branch B’ working for a variety of these different divisions.

It was company policy to bracket environmental, health and safety, and radiation issues together in one department (Referat Umweltschutz, Arbeitssicherheit, Strahlenschutz - UAS), and each region had its own UAS department, headed by a senior full-time health and safety expert. However, responsibility for these questions remained with the senior management representative in each ‘Branch’.

Figure 8.9: Echo AG - Regional Occupational Accident Rate 1986-94

In the region under investigation, which had consistently had an accident rate below the average figure for the Feinmechanik und Elektrotechnik professional association, to which Echo AG was affiliated (see Figure 8.9), the UAS department comprised two full-time and four part-time health and safety experts, four full-time doctors, and a total of 49 safety representatives, as well as a handful of radiation charged.201 The senior health and safety

201 These individuals performed a similar function in relation to radiation as the safety representatives did in the health and safety arena.
expert co-ordinated the health and safety activities in the four branches in this region, and his duties included organising the meetings of the various health and safety committees, attending all investigations into serious accidents, and both recording and analysing the health and safety statistics for the region as a whole.

An industrial health and safety committee operated in the region, but the company had developed its own arrangements to meet the recommendations laid down in the Works Safety Law. Every three months, the committee sat at one of the four locations and was attended by the two full-time health and safety experts from the UAS department. Also present were a management representative, the part-time health and safety expert, the doctor, safety representatives, and the chairman of the health and safety sub-committee of the works council, all of whom were employed at the 'Branch' which was hosting the meeting. Consequently, whilst the industrial health and safety committee met on four occasions, the only individuals to attend all meetings were the two full-time health and safety experts from the regional UAS department.

The senior full-time health and safety expert suggested that the industrial health and safety committee was little more than an informative body, as the majority of health and safety measures were formulated by senior managers and the company works council at head office. These measures took the form of plant agreements and were implemented throughout Germany. He explained that, as money was always available for health and safety, and as measures were constantly being introduced, it was very difficult to convince people of the need to attend the meetings of this committee. In other regions, he maintained that this committee no longer met, and in his opinion it was only of use in so far as it allowed the works councillors and the health and safety experts to remind the management representatives that they needed to keep this topic on the agenda (Interview #85). On the rare occasions that minor health and safety measures were agreed upon in this committee, they were implemented throughout the region.202

202 Neither the individual 'Branches' nor the regions were permitted to conclude any plant agreements concerning health and safety. Instead, the company works council had concluded a number of agreements with the management of Echo AG, all of which were applicable to the individual 'Branches' throughout Germany.
The senior full-time health and safety expert also organised an annual meeting which brought together the regional manager, the regional health and safety experts and the members of the health and safety sub-committees of the four works councils. One further gathering was arranged for all the safety representatives in the region, and enabled the senior full-time health and safety expert to discuss the accident statistics and to inform these representatives of any new developments in this area. Health and safety issues were also discussed by a joint committee at the higher echelons of Echo AG, and the works councils in the individual branches received regular information both from this body and from the health and safety sub-committee of the company works council which sat on a monthly basis. Finally, Echo AG ran a three-day health and safety seminar once every four years which was attended by all chairmen of the health and safety sub-committees of the individual works councils.

8.6 Echo AG - ‘Branch A’

8.6.1 Background Information

Approximately 65 per cent of the total workforce employed in this region were based at ‘Branch A’ in Lower Saxony, and of these, only 36 per cent were blue-collar workers, the majority of whom were employed on a number of construction sites throughout the region. However, the survey concentrated on the 290 employees in the workshop at ‘Branch A’, whose activities varied from wiring elevator circuits to quality control and packing.203

---

203 The term ‘workshop’ does not provide an accurate indication of the activities performed. The workshop itself was divided into 12 departments, and where the circuits were wired for example, the work stations resembled laboratories, with the employees required to wear special clothing for reasons of both cleanliness and safety.
Table 8.4: 'Branch' Profile 1994 - Echo AG - 'Branch A'

<table>
<thead>
<tr>
<th>Employees</th>
<th>Of these, Blue-Collar Workers</th>
<th>Union Density</th>
<th>Reportable Occup. Accidents*</th>
<th>Accident Rate**</th>
<th>Estimated Cost of Days Lost***</th>
<th>Group Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>2118</td>
<td>36%</td>
<td>26%</td>
<td>34</td>
<td>16.1</td>
<td>DM 795 168</td>
<td>DM 85 bill</td>
</tr>
</tbody>
</table>

* Includes both accidents at work and those which occurred either on the way to, or back from, the workplace.

** Refers to the number of reportable occupational accidents per 1000 employees. In 1994, the employees in the workshop suffered just seven reportable occupational accidents. This represented an accident rate of 24.1 for the workshop alone.

*** Based on the figure of DM 1004 for every working day lost in the metal-working industry.

A tour of the workshop revealed that the working conditions in all departments were extremely humane, with the employees exposed to few, if any, physical dangers. The nature of the work and the high proportion of white-collar employees in the workforce as a whole were two factors which helped to explain the comparatively favourable safety record at ‘Branch A’ (see Table 8.4). In addition, there was the provision of so-called rehabilitationary work stations (Schonarbeitsplätze) which effectively served to falsify the accident statistics.204

One further contributory factor, as far as the safety performance was concerned, was the availability of financial resources for health and safety activities. Unlike the actors in many of the other case-study companies, where necessary measures had been put on hold, the individuals charged with addressing this issue at ‘Branch A’ were never hampered financially in their attempts to improve the prevalent working conditions. In fact, with money readily available, there was little need for the management representative, who was

---

204 In an attempt to reduce the accident insurance premium, Echo AG, like many other companies in Germany, encouraged injured employees to return to work within three days of an occupational accident, so as not to be required to register the accident with the professional association. The employees who agreed to return were given light duties at these rehabilitationary work stations until they had fully recovered.
also the workshop manager, to discuss such issues with either the health and safety personnel or the chairman of the health and safety sub-committee of the works council, all of whom were entrusted with addressing these issues together with the departmental managers (see Figure 8.10).

**Figure 8.10: Company Structure - Echo AG - ‘Branch A’**

Both the information gleaned from the structured interviews, and the visits made to ‘Branch A’, revealed that the employees’ representative body was very much a white-collar works council, a finding which is perhaps not too surprising given the composition of the workforce (see Table 8.4). This accounts for the extremely cooperative relationship between the works councillors concerned with health and safety and the departmental and line managers, although of further interest in this respect was the existence of a company agreement, which prohibited an individual ‘Branch’ from seeking the assistance of a plant-level arbitration committee in relation to any issue, without first involving the company works council. As far as health and safety issues were concerned however, neither the company works council nor the arbitration committee had ever been required to settle internal disputes.
8.6.2 Prevalent Health and Safety Structures

All levels of the management chain were required by Echo AG to concern themselves with health and safety at 'Branch A', but responsibility lay with the workshop manager, who was the senior management representative at this location. To reiterate, the workshop manager was rarely involved in the health and safety arena, and the chairman of the health and safety sub-committee of the works council indicated that his interaction with the workshop manager was limited to the annual meeting of the industrial health and safety committee at 'Branch A' (Interview #87). In his stead, the 12 departmental managers were obliged to concern themselves with health and safety, and one of these managers had assumed the position of health and safety expert for 'Branch A' on a part-time basis. As was the case elsewhere, the group leaders and the supervisors were required to keep the employees informed of the latest developments in the health and safety arena.

It fell to the supervisors to identify potential safety representatives, and if their choice met with the approval of the works council, the appointment was confirmed by the workshop manager. The senior full-time health and safety expert insisted that none of the safety representatives had line management responsibilities, and he indicated that had any safety representatives assumed a position of responsibility, they would have been asked to relinquish the post of safety representative, in order to avoid a conflict of interest (Interview #85).

The four safety representatives in the workshop were each responsible for at least one department and approximately 70 employees, and despite criticism from the chairman of the health and safety sub-committee of the works council for not making optimum use of the time that they were given to address these issues (Interview #87), the safety representatives appeared to be realising their role as an information link between the employees and management (see Subsection 8.6.3).

---

205 The group leaders assumed similar responsibilities to the foremen in the other case-study companies.
206 57.1 per cent of employees recognised the efforts of management in this regard.
The part-time health and safety expert was little more than an assistant for his two full-time counterparts from the UAS department, who together with a full-time doctor, were both located at 'Branch A'. However, as the two full-time health and safety experts were regularly required to visit the three other 'Branches' in this region, and were also obliged to travel to the construction sites, the role of the part-time health and safety expert took on greater significance.  

Whilst the occurrence of occupational accidents was regularly discussed during the monthly meetings of the works council at 'Branch A', the representative body only addressed health and safety as a peripheral issue. Instead, the works council had created a network of seven sub-committees, one of which concerned itself with health and safety, thus enabling these issues to be discussed in greater detail by a small group of works councillors. In the 12 months prior to the survey however, this five-man committee had sat on just three occasions, and it transpired that its chairman, who lectured on health and safety for IG Metall, and who was also a reserve member of the representative assembly of the Feinmechanik und Elektrotechnik professional association, preferred to address these issues alone. His contribution was widely praised by both the senior health and safety expert and the quality control departmental manager (Interview #85; Interview #86). The chairman of this sub-committee indicated that his main task was to keep the topic of health and safety uppermost in the minds of the employees (Interview #87), and his role as an instructor in the workshop's training department enabled him to get the safety message across at an early stage. 

With a union density of just 26 per cent, the works council had not attempted to establish an extensive network of union stewards, and whilst none of the 30 stewards were simultaneously safety representatives, they did concern themselves with health and safety.

---

207 Only one in three employees were satisfied with the contribution made by the health and safety personnel.
208 Over 70 per cent of employees suggested that the works council was very concerned with their health and safety.
Such issues were discussed at their monthly gatherings, with any key information then fed into the next meeting of the works council (Interview #87).

The employees at Echo AG were given more opportunity than most to influence developments in the health and safety arena, and as Subsection 8.6.4 explains, regular safety competitions and an established suggestion scheme presented the workforce with an opportunity to put forward its ideas for an improved working environment.

With the majority of health and safety measures that were implemented at 'Branch A' emanating from discussions between the management of Echo AG and the company works council, it was difficult to identify a nucleus of health and safety activity in the individual 'Branch'. The chairman of the health and safety sub-committee of the works council was a central figure, as was the senior full-time health and safety expert. However, it appeared that the industrial health and safety committee, which despite being convened only once at 'Branch A' each year, was the forum which served to keep everyone informed of the latest developments, and which enabled the individual actors to develop and implement supplementary health and safety measures.

8.6.3 Communication

Whilst the majority of health and safety measures implemented at 'Branch A' were formulated externally in company agreements, the industrial health and safety committee did, on occasion, develop regionally specific measures. These were communicated to the employees in a variety of ways, with the line managers (90.5 per cent), safety representatives (76.2 per cent), information brochures (61.9 per cent), health and safety experts (57.1 per cent) and the notice boards (47.6 per cent) the main vehicles (see Appendix 14).209 The line managers, the main source of this new information, were also

209 Respondents were encouraged to give more than one response to the question relating to the source of information concerning new health and safety measures.
the most frequently cited medium (71.4 per cent) concerning the initial safety instruction (see Appendix 13).

The members of the industrial health and safety committee were the point of contact for 60 per cent of respondents with health and safety-related problems, and for 55 per cent with suggestions of a health and safety-related nature. In each case the safety representatives were most commonly cited as providing the link to this committee (20 per cent and 30 per cent respectively), with the health and safety experts the next most popular response (20 per cent and 15 per cent respectively).

Figure 8.11: Communicative Process - Echo AG - 'Branch A'210

---

210 The works council does not appear in Figure 8.11 as the empirical evidence indicated that it was not involved sufficiently in the flow of health and safety-related information within the company.
As with the other companies, the line managers performed a crucial role in channelling this information throughout the company, and whilst they were not represented in the industrial health and safety committee, they were in frequent contact with the part-time health and safety expert, who, to reiterate, was a member of the management chain.

8.6.4 Development, Implementation, Supervision

Reference has already been made to the fact that the majority of new health and safety measures were formulated centrally at Echo AG in the form of company agreements, with the actors in the individual 'Branches' required to ensure that they were implemented and observed at the various locations. It was occasionally necessary for the regional industrial health and safety committee to develop solutions to minor problems in the individual 'Branches' however, and it was commonplace for any measures which had been decided upon in this forum to be implemented throughout the region. Such problems were often brought to the attention of the members of the industrial health and safety committee by the employees, who were given every opportunity to contribute towards an improvement in their working environment. A suggestion scheme had been in place for many years, and although there had only been five health and safety-related suggestions made in 1994, 61.9 per cent of respondents, the highest proportion in all of the case-study companies, indicated that they had previously suggested an improvement relevant to the health and safety arena. All suggestions were forwarded to a department which dealt exclusively with these ideas, and any of relevance to the health and safety arena were evaluated by the senior full-time health and safety expert. The initiators of any suggestions which were implemented were rewarded financially.

With money readily available, safety competitions had also been a regular feature throughout the region, each one designed to address specific problems in the individual 'Branches'. At the time of the survey, the works council at 'Branch A', and the regional UAS department, were discussing arrangements for a competition which aimed to reduce
the frequency of behaviour-related occupational accidents. This followed a successful competition which had served to reduce the number of traffic accidents on site.

As far as the supervision of the health and safety measures was concerned, a system of monthly safety inspections complemented the activities of the health and safety expert, the safety representatives, the line managers and the works councillors, all of whom made regular tours of their areas of responsibility to reinforce the safety message. With the workshop divided into 12 departments, an inspection team comprising the senior full-time health and safety expert, the chairman of the health and safety sub-committee of the works council and the part-time health and safety expert selected one department each month. Together with the relevant departmental manager and safety representatives, their aim was to identify deficiencies and to check compliance with the health and safety rules and regulations.

8.6.5 Summary

With money readily available, and given Echo AG’s commitment to the health and safety of its employees over a number of years, there was little scope for conflict between the works council and branch management in this regard. Whilst there had been disagreements of a health and safety-related nature, all had been resolved internally, and the cooperative relationship which had been established between the chairman of the health and safety sub-committee of the works council, the workshop manager and the senior full-time health and safety expert, had served to neutralise any differences.
8.7 Echo AG - 'Branch B'

8.7.1 Background Information

Many of the 16 operational divisions of Echo AG were represented at 'Branch B', which was located in NRW. Considerably smaller than 'Branch A', with just 570 employees, 'Branch B' was run by a three-man branch-management committee (see Figure 8.12), with the speaker of this committee reporting to the senior management representative/workshop manager at 'Branch A'. Whilst 70 per cent of the workforce were in administration, the remainder were either construction workers, or were employed in the workshop where the questionnaires were distributed.

Figure 8.12: Company Structure - Echo AG - 'Branch B'
The 46 employees in the workshop were involved in wiring switch-gear circuits (Schaltanlagen) and repairing engines, and the nature of the work, which was neither physically demanding nor dangerous, was reflected in the safety record (see Table 8.5). There had been just two reportable occupational accidents in the workshop in 1993, but this translated into an accident rate of approximately 40. In 1994 however, no single accident was registered in the workshop at 'Branch B'.

Table 8.5: ‘Branch’ Profile 1994 - Echo AG - ‘Branch B’

<table>
<thead>
<tr>
<th>Employees</th>
<th>Of these, Blue-Collar Workers</th>
<th>Union Density</th>
<th>Reportable Occup. Accidents*</th>
<th>Accident Rate**</th>
<th>Estimated Cost of Days Lost***</th>
<th>Group Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>570</td>
<td>26.3%</td>
<td>10%</td>
<td>9</td>
<td>15.8</td>
<td>N/K</td>
<td>DM 85 bill.</td>
</tr>
</tbody>
</table>

* Includes both accidents at work and those which occurred either on the way to, or back from, the workplace.

** Refers to the number of reportable occupational accidents per 1000 employees.

*** Based on the figure of DM 1004 for every working day lost in the metal-working industry.

The structured interviews conducted at ‘Branch B’ revealed that a cooperative relationship had been established between the works council and the members of the branch-management committee. Health and safety issues were also addressed in a very amicable way, and it was suggested that the presence of the same individuals on both sides over a number of years had helped to engender this cooperation (Interview #62; Interview #69). Whilst there had been disagreements of a health and safety-related nature, they had always been resolved internally, without recourse to either the company works council or a plant-level arbitration committee. Both the company’s commitment to health and safety, and the availability of financial resources, had been important in this respect.
8.7.2 Prevalent Health and Safety Structures

The speaker of the branch-management committee had assumed responsibility for the health and safety of all those employed at 'Branch B' at the time of his appointment. A letter from a regional management representative had informed him of his duties, as laid down in the statutory and autonomous legislation, and required him to do all in his power to ensure a hazard-free working environment for the employees at 'Branch B'. However, the speaker revealed that, in practice, he knew very little about the prevalent health and safety structures, and instead, health and safety issues were addressed by a different member of the branch-management committee. The individual in question had been employed at 'Branch B' since 1953 and had assumed the position of part-time health and safety expert in 1989, just two years before joining the branch-management committee.

The part-time health and safety expert worked closely with the regional UAS department and described his duties as preventing accidents and educating the workforce. To this end he carried out a tour of the workshop once every six months, attended the meetings of the industrial health and safety committee and made regular visits to the construction sites. He also appointed the safety representatives, acting upon recommendations made by the line managers, who were instructed to select employees who enjoyed the respect and the trust of their colleagues. In his opinion, the safety representatives played a vital role in the annual meeting of the industrial health and safety committee at 'Branch B', a forum which facilitated an exchange of information, with the safety representatives relaying ideas from the workforce to the branch managers and vice-versa (Interview #69). The part-time health and safety expert also managed the engineering and construction workers' department, and given his role on the branch-management committee, he relied upon the workshop manager, line management, a part-time works doctor and two trained first-aiders for assistance in addressing questions of a health and safety-related nature in the workshop.

Comprising 11 members, the works council had created a health and safety subcommittee which met as and when the need arose. Health and safety issues were rarely discussed during the monthly meetings of the works council, and of the three members of
this sub-committee, none of whom was employed in the workshop, it was the chairman who was most committed. The interviews revealed widespread acknowledgement of the contribution made by this individual to an improvement in safety in the workshop. The speaker of the branch-management committee for example, explained how the chairman had ensured that health and safety issues remained on the agenda (Interview #62), whilst his colleague suggested that the chairman's involvement in health and safety over an extended period of time had fostered a cooperative and productive relationship with management (Interview #69).

Finally, as at 'Branch A', the employees were given the opportunity to contribute directly to an improvement in their working conditions, with safety competitions and the suggestions scheme both regular features at 'Branch B'. In addition, the company sickness fund organised several health and safety-related training courses, all of which were regularly attended by a number of employees.

Whilst there were those who suggested that the works council was at the centre of health and safety activity at 'Branch B' (Interview #62), others maintained that the part-time health and safety expert was of most significance (Interview #69; Interview #70). The latter was able to introduce minor health and safety measures at 'Branch B', but as was the case at 'Branch A', it was the industrial health and safety committee which decided upon the majority of health and safety measures to supplement the company agreements, despite meeting only once at this location each year.

8.7.3 Communication

New employees at 'Branch B' were informed of the dangers in the workshop by one of two sources. 71.4 per cent of respondents referred to the line managers, whilst the remaining 28.6 per cent suggested that the safety representatives were their initial instructors as far as health and safety was concerned (see Appendix 13).
As for the way in which new measures, emanating either from agreements concluded for the company as a whole, or from the regional industrial health and safety committee, were relayed to the employees in the workshop, the pattern which emerged was far simpler than that at 'Branch A'. Here, the line managers were named by 72.7 per cent of employees, whilst just under two thirds of respondents relied upon information brochures (see Appendix 14). In addition, over 30 per cent of respondents at both 'Branch A' and 'Branch B' revealed that the company newspaper was an important source of such information.

Information from the employees, meanwhile, reached the industrial health and safety committee in one of two ways. As far as problems of a health and safety-related nature

---

211 The works council does not appear in Figure 8.13 as the empirical evidence indicated that it was not involved sufficiently in the flow of health and safety-related information within the company.

212 Respondents were encouraged to give more than one response to the question relating to the source of information concerning new health and safety measures.
were concerned, the line managers (40 per cent) and the safety representatives (40 per cent) were the main points of contact, with the former most likely to communicate this information to the branch manager/part-time health and safety expert. Suggestions from the employees followed a similar route, with 27.3 per cent of respondents approaching the line managers, and a similar proportion of employees contacting the safety representatives.

8.7.4 Development, Implementation, Supervision

There were many similarities between the two ‘Branches’ of Echo AG in terms of the way in which health and safety measures were developed, implemented and monitored, and this was largely a result of the network of company agreements which had been concluded at the highest level of Echo AG. As was the case at ‘Branch A’, the actors at ‘Branch B’ were permitted to regulate only minor issues, as they sought to improve the prevalent working conditions. Regular safety competitions, which were designed to reduce the frequency of particular types of accidents, and a permanent suggestion scheme enabled the workforce to exert an influence, but there had only been six health and safety-related suggestions in 1994, and just 18.2 per cent of respondents had at some stage made use of this scheme.

As far as ensuring compliance with the health and safety legislation was concerned, the size of the workshop obviated the need for sophisticated inspection arrangements, such as those at ‘Branch A’. With just 46 employees in the workshop, it had been decided that one safety inspection every six months was sufficient, and with no workshop-related occupational accidents registered either internally or with the professional association in 1994, this decision would seem to have been justified.
8.7.5 Summary

As was the case at ‘Branch A’, the availability of finances had reduced the likelihood of conflict arising between the works council and branch management over health and safety issues. The exemplary safety record in the workshop during 1994 had also been beneficial in this regard, but there was evidence to suggest that the health and safety actors, and the sub-committee of the works council in particular, were becoming complacent. Nevertheless, these issues enjoyed a high profile at ‘Branch B’, and both the financial support and the long-standing relationship between key members of the works council and the branch-management committee ensured that health and safety issues were addressed cooperatively.

8.8 Tango-Roger Steel AG

8.8.1 Background Information

Tango-Roger Steel AG, a joint-stock company with the two-tier structure (Streeck 1984a: 41) of a management board, and a supervisory board, was founded in January 1993 following the merger of Tango Steel AG and Roger Steel AG, both of which had been operational since the mid-nineteenth century. In its first year of production, Tango-Roger Steel AG, which had business interests in over 40 countries and employed some 78,000 worldwide, had a turnover of over DM 10 billion in Germany alone. Eighteen months later, in an attempt to improve flexibility, the management board decided to divide the company into five separate operations, one of which retained the name ‘Tango-Roger Steel AG’. The survey was carried out at one of the sites belonging to the latter in NRW.

---

213 Only 18.2 per cent of the employees surveyed in the workshop indicated that members of their representative body made a regular tour of their workplace, and just 36.4 per cent declared that they considered the works council to be concerned about their health and safety.
where in March 1995, approximately 4000 were employed.\textsuperscript{214} 85 per cent of these employees worked in the two plants, the rolling mill (\textit{Kaltwalzwerk}) and strip production (\textit{Breitbandstraße}), where the questionnaires were distributed.

The automation of large sections of the production process in the two plants had removed many of the traditional hazards to life and limb, but it was suggested that much greater concentration was now required by the employees (Interview #112). A tour of these plants however, revealed that the employees were still exposed to conditions of extreme heat and noise, with both the lighting and the air quality far from satisfactory.

\textbf{Table 8.6: Company Profile 1994 - Tango-Roger Steel AG}

<table>
<thead>
<tr>
<th>Employees</th>
<th>Of these, Blue-Collar Workers</th>
<th>Union Density</th>
<th>Reportable Occup. Accidents*</th>
<th>Accident Rate**</th>
<th>Estimated Cost of Days Lost***</th>
<th>Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>3929</td>
<td>75.7%</td>
<td>82%</td>
<td>270</td>
<td>68.7</td>
<td>DM 1 433 712</td>
<td>DM 10.4 bil</td>
</tr>
</tbody>
</table>

* Includes both accidents at work and those which occurred either on the way to, or back from, the workplace.

** Refers to the number of reportable occupational accidents per 1000 employees.

*** Based on the figure of DM 1004 for every working day lost in the metal-working industry.

As Figure 8.14 demonstrates, Tango-Roger Steel AG, and both Tango Steel AG and Roger Steel AG before it, had a comparatively favourable safety performance in the German steel industry. However, following the aforementioned re-organisation in 1994, the management board expressed its intention to reduce the workforce at these premises to 1900, and in pursuit of this goal, all employees born in or before 1942 had been pensioned off, resulting in a shortfall of experienced labour and established safety

\textsuperscript{214} Tango Steel AG had been a vital source of employment in the region since the closure of the coal mines, but had itself seen its workforce reduced from almost 17 000 in 1960 to just over 7000 in 1980, and to 4000 by the mid-1990s.
representatives. In addition, the closure of one site had resulted in a number of employees being transferred to the premises under investigation, and it was estimated that by early 1995, as many as 40 per cent of the employees in both the rolling mill and in strip production were unfamiliar with the production process (Interview #112). The result was a rise in both fatal and non-fatal accidents in 1994 and early 1995, and in response, the Joint Committee for Health and Safety and the Environment (Ausschuß für Sicherheit und Umwelt, JCHSE) drew up an action programme in an attempt to reverse this trend (see Subsection 8.8.4).

**Figure 8.14: Accident Frequencies in the German Steel Industry**

![Figure 8.14: Accident Frequencies in the German Steel Industry](image)

Source: Tango-Roger Steel AG.

Tango-Roger Steel AG was under the influence of the Montan Co-Determination Law (Montan-Mitbestimmungsgesetz) of 1951, which, to reiterate, provided for parity on both the supervisory and management boards of joint-stock companies with over 2000

---

215 The figures refer to the number of reportable occupational accidents per one million hours worked in six steel companies. As of 1993, Tango-Roger Steel AG replaced Tango Steel AG and Roger Steel AG. The companies Steel #1, Steel #2 and Steel #3 as well as the Hütten- und Walzwerks professional association, to which all are affiliated, provide a comparison. The figures are arrived at by multiplying the number of reportable occupational accidents in one year by one million and dividing the answer by the total number of hours worked in that year.
employees in the iron, coal and steel industries. Of most significance was the fact that the
employees were represented on the management board by a labour director
(*Arbeitsdirektor*), who had been nominated by IG Metall. It was within the labour
director’s area of responsibility, in his capacity as the personnel director on the
management board, that health and safety issues were addressed (see Figure 8.15).

**Figure 8.15: Company Structure - Tango-Roger Steel AG**

The relationship between the works council and the labour director was strained. The
works council accused its representative on the management board of working against the
interests of the employees, and suggested that, given an academic rather than a unionist
background, the labour director had acquired a different understanding of co-
determination (Interview #107). In contrast, the works council cooperated closely with

---

216 According to the Montan Co-determination Law, the labour directors are to be proposed by IG
Metall, with suitable candidates being either union officers, works councillors or individuals employed in
both the staff in the labour director’s area of responsibility and the plant managers, with whom it preferred to address health and safety issues.

Finally, from a financial point of view, the company was showing signs of recovery from the recession in the steel industry in the early 1990s, which had seen Tango-Roger Steel AG make losses of over DM 1 million per day in 1993. The company was in the black in early 1995, and whilst the works council appreciated that money had not always been available to invest in improving working conditions during the recession, it was becoming concerned with the lack of availability of finances for such measures, despite the upturn in the company’s fortunes (Interview #107).

8.8.2 Prevalent Health and Safety Structures

Whilst the labour director was responsible for ensuring compliance with the occupational health and safety legislation on behalf of the management board at Tango-Roger Steel AG, it was the personnel manager for strip production, who was employed in the labour director’s area of responsibility, who addressed these issues on his behalf. The personnel manager oversaw the activities of both the works medical and works safety services, with whom he cooperated closely, and was also the chairman of the employers’ representatives on six joint committees, including the JCHSE, and those concerned with the suggestion scheme and questions related to §90 WCA 1972.

With the personnel managers for strip production and the rolling mill located at some distance from the individual plants, much was expected of the individual plant managers in relation to health and safety. They, in turn, required the section and line managers to concern themselves with these measures, and as the following section indicates, the line managers were actively involved in keeping the workforce informed of the latest
developments in this respect. According to the head of the works safety service, the foremen and the supervisors had an important role to play, as it was they who were responsible for both the initial plant-specific safety training, and the annual refresher course. In his opinion, the foremen and supervisors were of most importance during the night shift and at weekends when the health and safety experts were not on site (Interview #104).

The works council at Tango-Roger Steel AG comprised 27 members, and although §38 WCA 1972 provided for just six of its members to concentrate on works council business on a full-time basis, all works councillors were de facto released from their normal duties. Given the size of the company, the works councillors had been split into smaller groups, and were located in a number of offices throughout the company, in order to facilitate contact between the workforce and their representative body. The works councillors were required to address all issues in their area of responsibility, and for this reason, the works council had tried to ensure that there was at least one member of each joint committee in every works council office.

With an overall union density of 82 per cent, and around 98 per cent amongst the blue-collar employees, the works council had been able to establish a network of approximately 250 union stewards, each responsible for 25-30 employees. These stewards had an important role to play in the health and safety arena as many were simultaneously safety representatives. It fell to the health and safety experts to select potential safety representatives, and the head of the works safety service indicated that he encouraged his team to choose employees who regularly expressed an interest in such issues and who were easily accessible for the rest of the workforce. He explained that it was advisable to select an employee who constantly worked the same shift, and who thus came into contact with the entire workforce (Interview #104). The safety representatives took part in the monthly safety inspections and discussions (see Subsection 8.8.4), as well

---

217 As the works council had to agree to all new appointments, it operated an unofficial closed-shop policy (Interview #82).
218 The inaccessibility of crane drivers for example, made them unsuitable candidates for the post of safety representative.
as being represented in the JCHSE, but there was criticism of the fact that they were rarely given sufficient time to address health and safety issues (Interview #107). However, the practice of selecting union stewards as safety representatives, or of electing safety representatives to the body of union stewards, provided the former with the opportunity to discuss such issues at the quarterly meetings of the latter.

Reference has already been made to the works safety service, which was under the supervision of the personnel manager for strip production, and which complemented the works medical service with its two full-time works doctors. The works safety service was headed by a full-time health and safety expert who was responsible for the activities of the fire brigade, company security and three other full-time health and safety experts. The works safety service was very much a neutral body, despite the fact that the health and safety experts were employed by the company. The head of the service described its activities as being of an advisory nature and indicated that it was often criticised by the workforce, which was unaware of the restrictions placed on the health and safety personnel by the Works Safety Law (Interview #104).

The principle of co-determination was central to the organisation of all activities at Tango-Roger Steel AG, and there were a total of 17 joint committees which addressed a variety of issues. They included working time, investment, data processing and ergonomics, suggestions, measures subject to §90 WCA 1972 and questions relating to health and safety and the environment.

The latter were addressed by the JCHSE on a bi-monthly basis, and these meetings had replaced the statutory industrial health and safety committee. Management was represented on this committee by the personnel manager for strip production, the plant

---

219 Although the size of these committees varied between 4 and 16 members, there was always parity between the representatives of management and the workforce.

220 The existence of a joint committee on investments allowed both sides to discuss planned changes well in advance of their introduction. If an investment was agreed upon, the joint committee concerned with measures subject to §90 WCA would sit, in order to discuss the effects of this investment on the workforce. Given the interlinkages between these two committees and the JCHSE, the make-up of these fora was fairly similar.
managers and representatives of the works medical and works safety services, whilst six works councillors, a representative of the disabled employees and the speaker of the safety representatives made a case for the workforce. It was here that many health and safety measures were developed and responsibilities assigned, and when asked for their opinions on the efficacy of this committee, many of its members gave a positive response, describing it as an "informative, advisory, problem-solving, and decision-making body which enabled all concerned to discuss such issues collectively on a regular basis" (Interview #99, author's translation). Those members who were unimpressed with the JCHSE referred to both the time it had taken to implement certain measures decided upon in this forum, and to the increasing conflict between safety and profit, which had seen the cost of health and safety measures brought into the decision-making process with increasing frequency (Interview #100).

Whilst all these actors and agencies were concerned with protecting the health and safety of the workforce, the contribution made by the employees themselves was restricted. A company suggestion scheme and an annual safety competition enabled them to exert a direct influence upon these issues, but as was the case in the other companies, any further involvement was of an indirect nature, with the works council, the safety representatives and the line managers providing the link to the JCHSE.

Although 12 of the 16 members of this forum indicated that the management board had a decisive role to play as far as health and safety issues were concerned, it was clear that the health and safety arena was dominated by the JCHSE. Many financial decisions were taken by the management board, but it was in this committee that the development, the implementation and the supervision of such measures were addressed.
8.8.3 Communication

Given the dominant role of the JCHSE, this subsection identifies the way in which information relating to the measures developed in this forum reached the workforce, and secondly, how the members of the JCHSE were made aware of the situation in the workplace.

**Figure 8.16: Communicative Process - Tango-Roger Steel AG**

As with the other companies, it was the line managers, who were not members of this committee, who were named most frequently by new employees (39.1 per cent) as the source of health and safety information (see Appendix 13). As far as new health and safety measures were concerned however, there were three main vehicles for relaying this information to the employees. Once again, the line managers, who were informed by the individual plant managers of the decisions of this committee, were most likely to transmit
this information (63.8 per cent). In addition, over 50 per cent of respondents suggested that safety representatives served to inform them of such measures, whilst 47.1 per cent cited the union stewards as the source of this information (see Appendix 14).\textsuperscript{221}

As for the flow of information from the employees to the JCHSE, responses from the questionnaire survey revealed that the safety representatives (32.1 per cent and 39.6 per cent) and the works council (23.9 per cent and 20.1 per cent) were the two most likely points of contact with suggestions and problems respectively. With both represented on the joint committee, one can assume that much of the information reached its required destination.

8.8.4 Development, Implementation, Supervision

The majority of company specific health and safety measures introduced into the individual plants at Tango-Roger Steel AG emanated from the JCHSE in the form of plant agreements. For example, in response to the rising accident rate in early 1995, the JCHSE had developed an action programme, which it hoped would reduce the frequency of occupational accidents. The recommendations were as follows:

- Plant managers were to participate in, and were to take charge of, the monthly safety inspections and discussions, which had been carried out over a number of years;
- Steps were to be taken to increase the amount of health and safety training given to the foremen and the supervisors;
- The foremen were required to ensure that their area of responsibility was kept clean and tidy;
- Following every meeting of the joint committee, the committee members would select one section of a plant for immediate inspection;

\textsuperscript{221} Respondents were encouraged to give more than one response to the question relating to the source of information concerning new health and safety measures.
At least 3 per cent of the entire workforce in each plant were to visit a training course at the professional association each year;

A health and safety expert was to attend one of the daily meetings of the management chain in each plant every week;

The plant managers were to ensure that the employees were wearing the protective clothing;

The management chain was required to set an example to the rest of the workforce by observing the safety regulations;

Vehicle speed checks were to be introduced on site.

An established suggestion scheme was also operational, and a joint committee had been established to evaluate the financial rewards for those suggestions which were implemented. In the first four months of 1995, 90 suggestions relating to a variety of topics were put forward. Of these, 24 were implemented, with one suggestion being rewarded with a payment of over DM 10 000. Furthermore, 7 of the 62 employees whose suggestions were rejected had received a small payment in recognition of their contribution.

In addition, health and safety measures were developed informally during the discussions which followed the monthly safety inspections. These inspections were carried out in one section of each plant by the section manager, the relevant foreman, a health and safety expert, the works councillors responsible for that section, the relevant safety representatives, and since the introduction of the action programme, the plant manager.

These inspections were always followed by the safety discussion, the purpose of which was to assign responsibility for the removal of deficiencies which had been identified.

---

222 The deputy chairman of the works council was sceptical of such a scheme, arguing that, in the existing climate, the employees were in danger of rationalising themselves away with their suggestions (Interview #82).

223 The timetable for the year was always agreed upon in advance, and the chairman of the employees' representatives on the JCHSE criticised this approach, suggesting that it had not been uncommon for the relevant section to be 'cleaned up' the day before the inspection (Interview #107).

224 These arrangements served to supplement the statutory provisions, which included the appointment of both the safety representatives and the health and safety personnel.
8.8.5 Summary

The conclusion which can be drawn from the observations made at Tango-Roger Steel AG is that health and safety issues were, on the whole, addressed cooperatively, with the JCHSE and the other joint committees of relevance to the health and safety arena providing fora for the discussion of such issues at length on a regular basis. Of all the companies visited however, there appeared to be a greater potential for conflict at Tango-Roger Steel AG. The chairman of the employees’ representatives on the JCHSE revealed that the works council would often threaten management with media involvement, if health and safety issues were ignored (Interview #107). The works council had recognised however, that money had not always been available for such measures during the recession in the steel industry. With the company’s fortunes having improved in recent times, the works council was becoming restless, given the continued lack of investment, but with job cuts on the horizon, it had more pressing issues on its agenda. Nevertheless, as far as health and safety issues were concerned, third-party involvement had not yet been necessary.

It did appear that more could have been done to improve the working conditions within the individual plants, and less than half of the employees indicated that they were satisfied with the contribution made by management, the health and safety experts and their representative body in this regard. However, the spiralling accident rate in early 1995, and a handful of fatal accidents in particular, had encouraged management to act, and the aforementioned action programme represented its initial response.
8.9 Gamma Transportation Technology GmbH

8.9.1 Background Information

Gamma Transportation Technology GmbH (GTT GmbH) was an independent subsidiary of Gamma GmbH, a joint undertaking of the forging operations of three established steel companies, one of which was Tango Steel AG. GTT GmbH employed 930 at its premises in NRW, which had previously belonged to Tango Steel AG. Many of the workforce had been employed by the latter, prior to the merger of these forging operations and the formation of Gamma GmbH in 1988.

Gamma GmbH was initially divided into three separate divisions:

- Energy and Forging Technology, which had a wide product range, including crank, turbine and generator shafts;
- Contract Manufacturing, which concerned itself with the treatment and inspection of steel;
- Transportation Technology, which specialised in railway wheels and wheelsets.

In January 1994, the third division, Transportation Technology, became an independent subsidiary of Gamma GmbH, which at the time of the survey, was operating as a holding company for a total of four wholly-owned subsidiaries. However, Gamma GmbH was facing bankruptcy. The future of GTT GmbH and the other three subsidiaries was therefore far from secure, and to compound this situation yet further, GTT GmbH was showing no sign of recovery from the recession in the steel industry, with cheaper-priced products from eastern Europe the main cause of this sustained downturn in the company's fortunes.
Table 8.7: Company Profile 1994 - GTT GmbH

<table>
<thead>
<tr>
<th>Employees</th>
<th>Of these, Blue-Collar Workers</th>
<th>Union Density</th>
<th>Reportable Occup. Accidents*</th>
<th>Accident Rate**</th>
<th>Estimated Cost of Days Lost***</th>
<th>Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>926</td>
<td>75.6%</td>
<td>99%</td>
<td>78</td>
<td>84.2</td>
<td>DM 6155 524</td>
<td>DM 180 mill.</td>
</tr>
</tbody>
</table>

* Includes both accidents at work and those which occurred either on the way to, or back from, the workplace.

** Refers to the number of reportable occupational accidents per 1000 employees.

*** Based on the figure of DM 1004 for every working day lost in the metal-working industry.

On a more positive note however, the financial predicament had served to reconcile previous differences between the works council and the managers of the three plants - wheel preparation (Räderfertigung), wheel design (Warmformgebung) and the repair workshop (Reparaturwerkstatt) - where the questionnaires were distributed (see Figure 8.17), and although the relationship between the individual plant managers and the works council did vary, it was generally agreed that the threat of closure had brought these actors closer together.

As far as health and safety was concerned, the financial problems had hampered all attempts to implement long-term measures, and the health and safety expert was obliged to seek the approval of the works director for almost all investments. Third-party involvement had never been necessary in the health and safety arena however, with cooperation rather than confrontation the norm (Interview #95; Interview #96; Interview #97).

The working conditions in two of the three plants under investigation varied quite considerably. In the wheel-design plant, the automation of large sections of the production process ensured that the work itself was neither physically demanding nor dangerous, and
with the exception of one work station, where a single employee continued to have direct physical contact with white-hot material, the workforce found itself at a safe distance from such dangers. Certain processes had been automated in the wheel-preparation plant, meanwhile, but many employees were still required to lift heavy loads, whilst others checked the smoothness of the axles with their bare hands.\textsuperscript{226}

**Figure 8.17: Company Structure - GTT GmbH**

---

\textsuperscript{226} Of the three plants, wheel preparation had the highest accident rate.
The disregard for the protective clothing, and hard hats in particular, was noticeable during a tour of the wheel-design and the wheel-preparation plants. In addition, both the pedestrian and the transport lanes had been sacrificed for storage space, and as at Beta GmbH, the accident statistics reflected this deficiency, with 16 of the 68 reportable occupational accidents in 1994 having resulted from employees either stumbling or falling in the plants.

**Table 8.8: Accident Frequency - GTT GmbH**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hours Worked</strong></td>
<td>500,000</td>
<td>408,163</td>
<td>477,211</td>
</tr>
<tr>
<td><strong>Reportable Accidents</strong></td>
<td>25</td>
<td>20</td>
<td>18</td>
</tr>
<tr>
<td><strong>Accident Frequency</strong></td>
<td>50</td>
<td>49</td>
<td>38</td>
</tr>
</tbody>
</table>

* Calculated using the formula: Accidents X 1 million / Number of hours worked January - April.

In its first year of existence, GTT GmbH had an occupational accident rate of 73.4. However, in the first four months of 1995 there were just 18 reportable occupational accidents, compared with figures of 20 for the same period in 1994 and 25 in 1993. Expressed in relation to the number of hours worked during these periods - the accident frequency - Table 8.8 indicates that there are signs of improvement in the safety performance at GTT GmbH.

**8.9.2 Prevalent Health and Safety Structures**

Prior to the break-up of Gamma GmbH in January 1994, the company had been under the influence of the Montan Co-Determination Law of 1951, and health and safety issues had been addressed by a labour director on the management board. At GTT GmbH however,
the works director (Geschäftsführer) was legally responsible for ensuring compliance with the health and safety legislation, but as was the case elsewhere, he had invoked §12 UVV 1.0 and required the plant managers to address this issue on his behalf.

The interviews carried out with the plant managers revealed that each attached a different degree of importance to health and safety, with the manager of the wheel-design plant seemingly most concerned and most involved with the development, the implementation and the supervision of such measures. In contrast, the manager of the wheel-preparation plant made no secret of the fact that he had done little to improve working conditions in his area of responsibility (Interview #97), and during a meeting of the safety committee, which he was attending for the first time, the manager of the wheel-preparation plant was criticised by the works council for failing to carry out regular safety inspections in his plant. Whilst not as committed as his counterpart in the wheel-design plant, the manager of the third plant, the repair workshop, was aware of his duties in this respect. However, all three plant managers relied upon their section managers, and most importantly line management (see Subsection 8.9.4), to keep the employees informed of the latest developments in the health and safety arena.

GTT GmbH employed one full-time health and safety expert, who was also responsible for co-ordinating the company suggestion scheme. Having joined Tango Steel AG in 1971, he became a plant manager, initially at Tango Steel AG and then at Gamma GmbH, before assuming the position of health and safety expert at the latter in 1989. The health and safety department at GTT GmbH had originally consisted of two health and safety experts, one part-time works doctor, and one secretary. However, a wave of job cuts saw one of the health and safety experts and the secretary take early retirement. Consequently, with the works doctor, who was employed by Gamma GmbH, present in the company for just three hours each day, much was expected of the one remaining health and safety expert, who was finding it difficult, given the absence of a secretary to deal with the administrative tasks, to maintain regular contact with the situation in the three plants. As well as carrying out regular safety inspections (see Subsection 8.9.4) and chairing two health and safety committees, the health and safety expert was also responsible for
compiling an annual safety report, which amongst other things, highlighted the frequency, the nature, and the location of occupational accidents within the company, but did not go into detail about the cost of these accidents. Of most concern to the health and safety expert was that he was infrequently informed internally of the occurrence of occupational accidents in the three plants. It was suggested that some foremen were unaware that employees under their supervision had been involved in an accident, and on many occasions, the health and safety expert learned of such an occurrence via the professional association, which contacted him requesting an accident report (Interview #110). The professional association had, in the interim, received a report from the injured employee's doctor.227

The links with Tango Steel AG manifested themselves in many ways at GTT GmbH, but none more so than on the works council. All 15 members of this body were de facto released from their normal duties, with each works councillor responsible for a particular section of the company.228 Whilst all works councillors were required to concern themselves with all issues, six members of this representative body, all of whom had previously been safety representatives, specialised in health and safety and attended the meetings of the two health and safety committees.

The works council had chosen not to create a health and safety sub-committee, preferring instead to address such issues either in its daily meetings, or with management in the health and safety committees (Interview #98). Whilst there was a suggestion that the works council did not do enough to protect the health and safety of the workforce, and did not exercise its rights to the full (Interview #96), others defended this body, indicating that the works council was an active partner in this field and that, given the financial situation, its members did not make unrealistic demands (Interview #95; Interview #105).

227 Ways to improve communication were under discussion at the time of the survey.
228 This idea of assigning works councillors to particular sections of the company had originated at Tango Steel AG and had also been retained by the works council at Tango-Roger Steel AG (see Subsection 8.8.2).
With the overwhelming majority of the workforce unionised, there was a well established network of approximately 80 union stewards at GTT GmbH, many of whom were also safety representatives. There were a total of 33 safety representatives, all of whom had been selected by the works council, with its choice approved by the plant managers, the health and safety expert and a member of the works management. As was the case elsewhere, the meetings of the union stewards, which took place on a fortnightly basis, provided the safety representatives with the opportunity to discuss health and safety collectively. In addition, the safety representatives attended an annual three-day seminar organised by the health and safety expert, during which they were informed of the latest developments in the health and safety arena. However, the reduction in the size of the workforce had apparently made it extremely difficult for the plant managers to release the safety representatives from their normal duties, and they were therefore struggling to address health and safety issues in their areas of responsibility (Interview #96).

The speaker of the safety representatives attended the meetings of the industrial health and safety committee, which were scheduled to take place once every three months. Given the financial problems however, this forum had failed to meet on two occasions during 1994. The meetings, when they did take place, were chaired by the health and safety expert and were also attended by the production manager, the works doctor, the manager of the wheel-design plant, and the six works councillors referred to above.

Given the links with Tango Steel AG, it had been decided to maintain an additional safety committee which had met prior to the merger in 1988. This safety committee sat on two occasions between every meeting of the statutory industrial health and safety committee, therefore resulting in a health and safety-related gathering every month. The composition of the additional safety committee was not too dissimilar to that of the statutory forum, the only difference being that the production manager was represented by the three plant managers. Both committees were described as "problem-solving bodies" (Interview #105, author's translation), but the industrial health and safety committee assumed greater importance, given the presence of the production manager. This ensured that decisions
concerning the financial viability of health and safety measures could be taken immediately.

At the time of the survey, health and safety issues were of little importance to the employees at GTT GmbH (see Table 8.10 in Subsection 8.10.1). On the whole, they, like their counterparts at the other case-study companies, were unable to exert much influence in this regard. For example, only 12.4 per cent of respondents considered that they were involved in the development of health and safety measures, and with safety competitions having been curtailed for financial reasons, only the suggestion scheme enabled the employees to participate in the health and safety arena.

The opinions of the interviewees varied when they were asked to consider which actor or agency was at the centre of health and safety activity at GTT GmbH. Some referred to the health and safety expert (Interview #96; Interview #98), whilst others mentioned the safety representatives (Interview #97) and the works council (Interview #98). The health and safety expert explained that, had money been available, he would have been able to address these issues alone. As this was not the case, the two health and safety committees had assumed a central position at GTT GmbH.

8.9.3 Communication

The aim here is to identify how the health and safety-related information made its way to and from both the statutory industrial health and safety committee and the company specific safety forum, which have been identified as the nuclei of health and safety activity at GTT GmbH.

As far as the new employees were concerned, they received their initial safety instruction from either the health and safety expert (38.2 per cent), who provided them with a general overview, or from the line managers (42.1 per cent), who instructed the employees about the particular dangers in the plant in which they were to be employed (see Appendix 13).
When new measures were agreed upon by these committees however, there were a variety of different ways in which the employees were informed. 69.1 per cent of respondents indicated that this information emanated from the safety representatives, whilst over 50 per cent referred to the line managers. Union stewards, the health and safety expert, the notice boards and information brochures were the source of this information for over 40 per cent of respondents (see Appendix 14).

Figure 8.18: Communicative Process - GTT GmbH

The flow of information from the employees to the decision-making forum was less complicated, with the safety representatives and the works council the points of contact for a combined total of 59.4 per cent of respondents with health and safety-related problems. When they had suggestions for ways in which to improve the working

---

229 Respondents were encouraged to give more than one response to the question relating to the source of information concerning new health and safety measures.
environment, the employees were most likely to approach the safety representatives (40.2 per cent), with a further 27.2 per cent of respondents relaying their suggestions to either a works councillor or the health and safety expert, all of whom attended the meetings of the two committees.

8.9.4 Development, Implementation, Supervision

Although the development of health and safety measures was being hampered by the financial difficulties facing the company, the health and safety committees continued to sit on a monthly basis. It was here that any affordable measures were sanctioned, but those that were deemed to be too expensive, given the financial predicament, were minuted, the intention being to address them as soon as money became available.

The only plant agreement in force at GTT GmbH served to regulate the suggestion scheme, which enabled the employees to participate in the development of such measures. This scheme was run by the health and safety expert, and although the initiator of a suggestion was entitled to 30 per cent of any saving made, there had been no specific health and safety suggestions in the 12 months prior to the survey. However, 40 per cent of respondents claimed to have made use of this scheme at some stage in the past, and the health and safety expert indicated that many of the 60 suggestions put forward in 1994 were in some way related to the health and safety arena (Interview #105).

One further legacy from Tango Steel AG was the provision for safety inspections and safety discussions, whereby every month the health and safety expert would target a section of each of the three plants for inspection. The inspection was carried out by the health and safety expert, together with the relevant plant manager, at least one works councillor, the safety representatives from that section of the plant, and occasionally, the relevant foreman. The plant manager was required to conduct the inspection and to make relevant notes, the latter providing the agenda for the subsequent safety discussion. It was
during such discussions that the identified deficiencies were discussed, and both responsibilities and deadlines for their removal assigned.\textsuperscript{230}

8.9.5 Summary

The interviews conducted with the plant-level actors revealed that all attempts to improve the health and safety performance of the company were, at the time of the survey, being hampered by the financial predicament facing the holding company. All those interviewed stated that there was little money available to implement the necessary health and safety measures, and as a result, deficiencies and dangers identified in the monthly inspections and discussions had only been minuted. Furthermore, the health and safety department had not been able to appoint assistants for the health and safety expert, and he was therefore unable to inspect the plants as often as he would have liked.

It was also suggested that since the company was no longer subject to the Montan Co-Determination Law, health and safety issues had ceased to be raised at the highest level, a task performed previously by the Labour Director. In addition, the reduction in the workforce had made it impossible for the plant managers to allow the safety representatives to take time off to realise their duties, something which had happened in the past, and which the plant managers wished to see re-introduced.

All concerned were aware of the financial situation, and this had helped to improve the interrelationships at plant level. The works council was appreciative of the company's inability to finance major investments, and management was aware of the need to keep the accident rate under control. Health and safety issues were therefore addressed very cooperatively, and related problems continued to be resolved internally.

\textsuperscript{230} A total of 47 such inspections had been carried out in 1994 (Interview #56).
8.10 The Empirical Evidence Reviewed

The intention in this final section is to utilise the findings from the seven case-study companies to highlight the generalisations that can be made about the way in which occupational health and safety issues are addressed at plant level in the German metal-working industry. This will be achieved using the same subsection headings as appeared in the case studies, and will provide the basis for the empirical and theoretical conclusions presented in the final chapter.

8.10.1 Health and Safety Structures

It would be misleading to suggest that more than one of the seven employers or most senior management representatives encountered was actively involved in addressing the issue of occupational health and safety on a regular basis. The individual in question, the works director at Alpha Iron & Steelworks GmbH, had been the catalyst for a number of health and safety-related initiatives in the works, which of the seven companies, had the highest accident rate in 1994. In only two of the remaining six companies did the employer or most senior management representative even attend the meetings of the prevalent health and safety committee, and it appeared that there was a clear preference amongst such individuals to invoke §12 UVV 1.0, therefore delegating responsibility for health and safety further down the management chain.

The individuals to whom they assigned this responsibility were the members of middle management, who assumed the position of plant or workshop manager in the seven workplaces. These middle managers took an active interest in such issues in all seven case-study companies, and whilst they too chose to delegate this responsibility to line managers, they were found to be participating in health and safety-related tours and inspections, and attending the meetings of the various health and safety committees on a regular basis.
The line managers were therefore obliged to concern themselves with health and safety, often relieving the plant/workshop managers of their responsibilities in this respect. It was these individuals who were required to ensure compliance with the health and safety legislation, and as the following subsection demonstrates, they were also involved in channelling much of the health and safety-related information both to and from the decision-making body in the individual companies. They therefore provided a vital link in the chain of communication as they were often the only level of management with which the employees had regular contact, particularly in the larger companies.

Nevertheless, the questionnaire surveys revealed that just 49 per cent of all respondents considered the various levels of the management chain to be concerned with their health and safety, and whilst all managers spoke of the importance of health and safety during interview, when asked to rank three issues - a reduction in labour costs, fewer accidents, an increase in productivity - in order of importance, the following pattern emerged:

MOST IMPORTANT - AN INCREASE IN PRODUCTIVITY
SECOND MOST IMPORTANT - A REDUCTION IN LABOUR COSTS
THIRD MOST IMPORTANT - FEWER ACCIDENTS

However, management was not alone in affording the issue of health and safety such a low priority. Table 8.9 provides the reader with an overview of the way in which the seven works councils addressed occupational health and safety, and whilst the WCA 1972 does influence these arrangements, by allowing the larger works councils to create special sub-committees (see Section 1.3), the inference that can be made from the empirical investigations is that health and safety was only a peripheral issue on these bodies, irrespective of company size, and therefore the opportunities provided by the legislation.

\[231\] Only three of the five eligible works councils had chosen to create a health and safety sub-committee.
For example:

- Only 5 of the 40 works councillors who addressed health and safety were actually released from their normal duties;
- Over 40 per cent of these individuals were in only their first term of office on a works council;
- The majority of the works councillors who addressed health and safety lacked the desire, the knowledge and the expertise to influence such issues pro-actively;
- In only four of the seven companies were health and safety issues regularly discussed during the meetings of the works council;
- Only 38.8 per cent of respondents indicated that health and safety issues were regularly discussed at works assemblies;
- Just 46.1 per cent were of the opinion that their works council carried out a regular health and safety-related inspection of the company;
- Fewer than one in three respondents (32.5 per cent) had discussed health and safety with the works council during its consultation period;
- Only 47.1 per cent of all respondents were aware of who addressed health and safety on the seven works councils;
- A mere 53.1 per cent of all respondents considered the works councils to be concerned with their health and safety;
- The works council was not the most frequent point of contact for employees with health and safety-related suggestions or problems (see Appendices 15 and 16 respectively).

There was also evidence to suggest that the works councils were prepared to relegate the importance of health and safety whenever what were considered to be more pressing issues appeared on the company agenda. This they were able to do, as health and safety was not an issue of central importance to the employees. As Table 8.10 indicates, the respondents in six of the seven companies, when asked to rank five issues in order of
importance, considered an increase in wages to be the most important of the five issues, with a reduction of accidents at best in second, and overall, in third position.\textsuperscript{232}

Table 8.9: Works Council Health and Safety Structures - All Companies

<table>
<thead>
<tr>
<th>Company</th>
<th>Size of Works Council</th>
<th>Works Council Health and Safety Representatives</th>
<th>Prevalent Health and Safety Arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Iron &amp; Steelworks GmbH</td>
<td>9 members</td>
<td>4</td>
<td>3-man sub-committee, chairman attends EHSSC</td>
</tr>
<tr>
<td>Beta GmbH</td>
<td>7 members</td>
<td>2</td>
<td>Chairman and 1 other member address health and safety</td>
</tr>
<tr>
<td>Foxtrot GmbH</td>
<td>5 members</td>
<td>5</td>
<td>Chairman is also the health and safety expert, 2 other members attend health and safety committee</td>
</tr>
<tr>
<td>Echo AG - 'Branch A'</td>
<td>19 members</td>
<td>5</td>
<td>4-man sub-committee</td>
</tr>
<tr>
<td>Echo AG - 'Branch B'</td>
<td>11 members</td>
<td>3</td>
<td>3-man sub-committee</td>
</tr>
<tr>
<td>Tango-Roger Steel AG</td>
<td>27 members</td>
<td>27</td>
<td>All members obliged to address this issue, 6 attend the committees</td>
</tr>
<tr>
<td>GTT GmbH</td>
<td>15 members</td>
<td>15</td>
<td>8 members attend the JCHSE</td>
</tr>
</tbody>
</table>

Nevertheless, all seven works councils were recognised by the employers as making a vital contribution to an improvement in working conditions. They were repeatedly described as effective counterweights to management in the health and safety arena and were praised for not making unrealistic demands upon scarce resources. In essence, the works councils were regarded as pragmatic institutions.

\textsuperscript{232} Furthermore, only one in three respondents indicated that the employees regularly discussed health and safety, and just 23 per cent suggested that they would have been prepared to trade a proportion of their pay packet for better working conditions.
### Table 8.10: The Relative Importance of Health and Safety by Company

<table>
<thead>
<tr>
<th>Company</th>
<th>Most Important</th>
<th>Second Most Important</th>
<th>Third Most Important</th>
<th>Fourth Most Important</th>
<th>Least Important</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Iron &amp; Steelworks GmbH</td>
<td>More Money</td>
<td>More Humane Conditions</td>
<td>Fewer Accidents</td>
<td>More Holiday</td>
<td>Shorter Working Week</td>
</tr>
<tr>
<td>Beta GmbH</td>
<td>More Money</td>
<td>More Holiday</td>
<td>Fewer Accidents</td>
<td>More Humane Conditions</td>
<td>Shorter Working Week</td>
</tr>
<tr>
<td>Foxtrot GmbH</td>
<td>More Money</td>
<td>More Humane Conditions</td>
<td>More Holiday</td>
<td>Fewer Accidents</td>
<td>Shorter Working Week</td>
</tr>
<tr>
<td>Echo AG - 'Branch A'</td>
<td>More Humane Conditions</td>
<td>More Money</td>
<td>Fewer Accidents</td>
<td>More Holiday</td>
<td>Shorter Working Week</td>
</tr>
<tr>
<td>Echo AG - 'Branch B'</td>
<td>More Money</td>
<td>More Humane Conditions</td>
<td>Fewer Accidents</td>
<td>More Holiday</td>
<td>Shorter Working Week</td>
</tr>
<tr>
<td>Tango-Roger Steel AG</td>
<td>More Money</td>
<td>Fewer Accidents</td>
<td>More Humane Conditions</td>
<td>More Holiday</td>
<td>Shorter Working Week</td>
</tr>
<tr>
<td>GTT GmbH</td>
<td>More Money</td>
<td>More Humane Conditions</td>
<td>Fewer Accidents</td>
<td>More Holiday</td>
<td>Shorter Working Week</td>
</tr>
<tr>
<td>Overall</td>
<td>More Money</td>
<td>More Humane Conditions</td>
<td>Fewer Accidents</td>
<td>More Holiday</td>
<td>Shorter Working Week</td>
</tr>
</tbody>
</table>

As for the **health and safety experts**, they assumed a position of central importance in all seven companies. They cooperated closely with both management and the works council, despite being employed by the former, and often chaired the meetings of the health and safety committees. There was no evidence to suggest that these individuals were management-oriented, and all health and safety experts interviewed, including those who were members of the management chain, demonstrated a keen desire to alleviate the hazards and to improve the working conditions at plant level, irrespective of the cost involved. To this end, they advised all levels of the management chain, the works councillors and the employees about the finer points of the relevant legislation, they participated in the safety tours and discussions in the larger workplaces, and carried out...
regular inspections in the workshops of the smaller case-study companies. Finally, in four of the seven workplaces, at least one of the health and safety experts had combined their responsibilities with other functions, but fears of a conflict of interest, which had led the professional associations to advise against such duality, had not materialised in practice.

The safety representatives were generally recognised as a key link between the workforce and the decision-making bodies, and their participation, in one form or another, on the various health and safety committees, ensured that a great deal of the information from the employees was fed directly into these discussions. It was noticeable however, that the monthly meetings between the safety representatives, management and the works council, as required under §719(4) RVO, did not take place in any of the companies under investigation, and there was evidence to suggest that as the importance of health and safety issues diminished, the safety representatives were increasingly restricted in their ability to realise their responsibilities, with the line or plant managers reluctant to release them from their normal duties at regular intervals. Finally, it was only at Beta GmbH that line managers, contrary to recommendations made by the professional associations, had been appointed to the position of safety representatives.

It was also commonplace for union stewards to concern themselves with health and safety issues, and it transpired that many safety representatives were simultaneously operating as union stewards, particularly in the more densely-unionised workplaces. The regular meetings of the union stewards provided the safety representatives with an ideal opportunity to discuss such issues as a group, with the presence of all unionised works councillors at these meetings an added bonus. The attendance of the latter also facilitated the flow of information between the works council and the safety representatives.

---

233 One in four employees stated that they were dissatisfied with the contribution made by their health and safety expert.
234 All works councillors affiliated to IG Metall automatically become union stewards.
In none of the seven case-study companies were the employees given the opportunity to exert a direct influence of any significance upon the health and safety arena, this despite the fact that they are the individuals who are exposed to, and are familiar with some, if not all, of the prevalent dangers. Instead, their contribution was limited to making use of the suggestion schemes, or in the more affluent companies, taking part in regular safety competitions.

Figure 8.19: Variations in Compliance With Health and Safety Legislation

**Initiator A:** Measures developed by management and the works council;

**Initiator B:** Measures developed by management alone;

**Initiator C:** Measures developed by plant-level actors with employee involvement;

**Initiator D:** Measures developed by the macro-level actors;

**Initiator E:** Measures developed by plant-level actors without employee involvement.

---

235 As has been indicated however, the employees lack the knowledge and the expertise to recognise all of the hazards at plant level (Zwingmann #38).

236 Peters (1991: 65) refers to a study by Dejoy (1986) which found that increased employee involvement in the health and safety arena served to raise the profile of health and safety amongst the workforce, and led the latter to believe that their employer attached great importance to such issues.
As Table 8.10 indicated however, health and safety issues were not of central importance for the employees, but the questionnaire survey revealed that increased employee involvement in the health and safety arena could have raised the profile of such issues amongst the workforce. As Figure 8.19 indicates, the employees were of the opinion that health and safety measures were most likely to be observed all of the time if they themselves were involved in their formulation (Initiator C). This is the case, it has been argued, as they are prepared to observe what they consider both to make sense and to be of use at plant level (Pröll #54).

Although §11 Works Safety Law intended the industrial health and safety committee to operate as an advisory forum, the evidence gathered from the case-study companies suggests that this committee, and the variations upon it, have become the "headquarters" of plant-level health and safety (BAU 1988: 63), with major decisions taken during the meetings of these fora. As Appendix 12 demonstrates, the make-up of the committees did vary between the companies, as did the frequency with which this committee was convened. The five largest companies had taken it upon themselves to develop their own arrangements, whilst the statutory industrial health and safety committee sat in the two remaining companies only as and when it was absolutely necessary.237

Overall, the committees were well received, as they provided an opportunity for all concerned to discuss health and safety issues on a regular basis. Given the right of co-determination which the works councils enjoy on such issues, the committees also provided the ideal opportunity for these rights to be realised. Unfortunately however, none of the companies had decided to invite the employees to attend these meetings, this despite the fact that these individuals are exposed to the dangers prevailing in the workplace on a daily basis.

---

237 Given the size of these two companies, it was often easier to regulate such issues informally.
8.10.2 Communication

As Figure 8.20 demonstrates, health and safety-related information was communicated in a fairly symmetrical pattern around the companies (see Appendix 17). Both the line managers and the safety representatives established the link between the employees and the decision-making bodies, which in the majority of companies, were the industrial health and safety committees or the company specific variations upon this forum.

**Figure 8.20: Communicative Process - All Companies**

The questionnaire survey revealed that, of those employees who claimed to have been informed of the prevalent dangers on joining their company, 54.2 per cent had received this information from a line manager,\(^{238}\) whilst 16.1 per cent referred to the health and

---

\(^{238}\) 81.7 per cent of line managers who completed a questionnaire indicated that they informed new employees about the dangers at plant level.
safety expert as the source of this information. When asked how they were informed about new health and safety measures, a question to which they were able to give a multiple response, the largest group of respondents, 64.5 per cent, indicated that they received such information from the line managers. 46.5 per cent referred to the safety representatives, and over 25 per cent of employees claimed to hear of these new measures from either the union stewards, their colleagues, via the notice board or in safety brochures. Meanwhile, only one in five employees reported having received such information from their representative body.

Figure 8.21: Frequency of Contact Between Line Managers and Other Actors

The works council was more involved with the flow of information from the shop floor to the decision-making bodies. For example, when asked who they would approach with their health and safety-related problems, 31 per cent of all respondents referred to the safety representatives, but 22.1 per cent mentioned their representative body. As far as suggestions emanating from the workforce were concerned however, the works council

239 The findings from the structured interviews indicated that the health and safety experts were required to give the new employees a general introduction to health and safety at plant level. They were then passed on to the line managers who informed them of the specific dangers to which they would be exposed at their particular work station.
was only the third most frequent response (17.4 per cent), with employees preferring to seek out either the safety representatives (29.8 per cent) or a line manager (19.8 per cent).

In all seven companies, these line managers were a vital link in the health and safety-related chain of communication, but in none of the workplaces were they invited to attend the meetings of the health and safety committees, thus raising doubts about the amount of information that was communicated between the workforce and these fora, and therefore about the efficacy of the communicative process. Whilst questionnaires distributed to the line managers in five of the seven companies revealed that the majority of these individuals were in daily contact with senior management, their interaction with the other members of these committees was less impressive, thus raising doubts about the flow of information both to and from the workforce (see Figure 8.21).

Table 8.11: Information Flowing Directly To The Nuclei - All Companies

<table>
<thead>
<tr>
<th>Company</th>
<th>Health and Safety-Related Problems</th>
<th>Health and Safety-Related Suggestions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Iron &amp; Steelworks GmbH</td>
<td>63.3%</td>
<td>51.6%</td>
</tr>
<tr>
<td>Beta GmbH</td>
<td>66.6%</td>
<td>52.8%</td>
</tr>
<tr>
<td>Foxrot GmbH</td>
<td>71.3%</td>
<td>75%</td>
</tr>
<tr>
<td>Echo AG - 'Branch A'</td>
<td>60%</td>
<td>55%</td>
</tr>
<tr>
<td>Echo AG - 'Branch B'</td>
<td>60%</td>
<td>72.8%</td>
</tr>
<tr>
<td>Tango-Roger Steel GmbH</td>
<td>69.4%</td>
<td>69.4%</td>
</tr>
<tr>
<td>GTT GmbH</td>
<td>71.9%</td>
<td>71.2%</td>
</tr>
</tbody>
</table>

Finally, the figures presented in Table 8.11 demonstrate that, in each company, less than 75% of the health and safety-related information from the employees was actually relayed directly to a member of one of the decision-making bodies. These findings clearly indicate
that more could have been done to improve the communicative process, so as to ensure that this information reached its required destination.

8.10.3 Development, Implementation, Supervision

The conclusion which can be drawn from the empirical investigations is that the majority of health and safety measures were developed at plant level during the meetings of the prevalent health and safety committees. This being the case, the employees were given little opportunity to exert a direct influence upon such developments as they were not invited to attend these gatherings. They therefore relied upon the safety representatives and the works councillors to represent their interests in this forum.

As the case studies have indicated, the extent to which the employees can exert an influence is normally limited to suggesting improvements to the prevalent arrangements via a suggestion scheme. However, in the more affluent companies, as was the case at Echo AG and at Tango-Roger Steel AG, safety competitions provided the employees with a further opportunity to involve themselves in the management of occupational health and safety.

The majority of health and safety measures which were formulated in the committees were not implemented as plant agreements, as they were intended to regulate specific deficiencies immediately, rather than remain in force over an extended period of time. Those plant agreements which had been concluded were either designed to complement both the statutory and the autonomous regulations, or were intended to tailor this legislation to the specific dangers prevailing in the individual companies.

240 The questionnaire survey highlighted the employees' inability to influence such matters, with just 13.3 per cent of all respondents of the opinion that they were involved in the development of health and safety measures. However, some 59.1 per cent of employees claimed to have been encouraged to make suggestions, but only 35.3 per cent had done so at some stage, this despite the financial incentives on offer.

241 Safety competitions which are designed to reduce accident levels, as at Echo AG - 'Branches A and B', do have a disadvantage in that they encourage employees not to report minor occupational accidents internally, rather than serve to instil a safety culture at plant level.
Finally, compliance with the legislative provisions was ensured in a variety of ways. There was a positive correlation between the size of the company and the degree of formality of the inspection arrangements adopted. Regular departmental investigations and safety discussions were the norm in the three largest companies, whilst in the remaining workplaces, six-monthly investigations were commonplace, with senior managers, works councillors and the health and safety experts also walking through the plants and the workshops on a daily basis, stopping to advise those employees found to be contravening the health and safety rules and regulations.\(^{242}\) In all seven companies, the line managers and the safety representatives were also required to provide close supervision of compliance with the health and safety legislation.

8.10.4 The Case-Study Evidence: A Summary

The findings from the empirical investigations conducted in the seven case-study companies can therefore be summarised as follows:

- There existed, amongst senior managers, a tendency to delegate responsibility for health and safety further down the management chain;
- Line managers assumed this responsibility on behalf of their superiors;
- Health and safety was only a peripheral issue on the works councils;
- The works councils were regarded as effective counterweights to management in the health and safety arena and did not make unrealistic demands upon scarce resources;
- Health and safety experts assumed a position of central importance at plant level;
- Safety representatives were a vital link in the chain of communication;
- The statutory industrial health and safety committee, and the variations upon it, were the headquarters of health and safety activity at plant level;
- Union stewards were actively involved in the health and safety arena;

\(^{242}\) Only 46.1 per cent of all respondents were of the opinion that their works councillors made regular tours of the workplace.
• The issue of health and safety, and a reduction in occupational accidents in particular, was of limited importance to the employees;
• The employees were given little opportunity to influence the management of occupational health and safety;
• There was a clear preference for cooperation rather than confrontation amongst the plant-level actors as far as occupational health and safety issues were concerned;
• The plant-level actors interpreted the relevant legislative provisions to suit the conditions prevailing in the workplace.
9.1 Empirical Conclusions

The evidence from the empirical investigations in the seven case-study companies revealed that the issue of occupational health and safety was addressed very cooperatively at plant level. The aim here is firstly both to summarise and to account for the evidence which supports this conclusion. There then follows an evaluation of the influence of a number of variables on the efficacy of the health and safety structures. This section then closes with an assessment of the significance of the empirical findings for an understanding of the broader picture at plant level.

9.1.1 Evidence and Explanations

There is ample evidence from the case-study companies to support the claim that there is a clear preference for cooperation over confrontation in relation to the issue of occupational health and safety. For example:

- None of the seven works councils had ever found it necessary to call in third parties to settle internal disputes;
- The technical inspectors of the professional associations had only been requested to make an extraordinary visit in order to assist with the implementation of new legislation;
- Threats of media involvement in the most densely-unionised workplace, which were designed to publicise violations of health and safety legislation, had not been realised;
- A plant-level arbitration committee had not been formed in any of the workplaces under investigation;
• Points of contention between the employers and the workforce were handled by the works council through an ‘internal arbitration system’.243

As far as this ‘internal arbitration system’ was concerned, health and safety-related problems were discussed, in the first instance, with line managers. The failure of such discussions to reconcile the prevalent differences resulted in attempts by the works council to negotiate a solution with middle management, and in the unlikely event of either of these arrangements failing to bridge the gap, the works council turned to senior management in one final attempt to reach agreement and thus avoid third-party intervention.

As far as why cooperation rather than confrontation was the norm, a number of explanations can be offered.

Firstly, no single actor or body was either permitted, or possessed the knowledge to address such issues alone. On the one hand, §87(1)7 WCA 1972 obliged the employer to seek the approval of the works council before taking any major decisions. On the other, the complexity of health and safety issues ensured that neither the employer nor the works council was able to act without the expert advice and assistance of the other plant-level actors. Those who possessed the necessary knowledge, the health and safety personnel and the safety representatives, were unable to take investment decisions, whilst those who could, the employers and the works councillors, were often underqualified to do so. Consequently, such issues were addressed in the health and safety committees - identified in the previous chapter as the nuclei of health and safety activity at plant level.

Secondly, this right of co-determination in managerial decision-making, which the WCA 1972 grants the works councils in relation to occupational health and safety issues, is also influential in creating this preference for cooperation at plant level. The employer is, as a result of this provision, unable to act in the health and safety arena without first gaining the approval of the works council. Furthermore, the provision in the Works Safety Law for an industrial health and safety committee ensures that representatives of the works council and the employer not only discuss such issues at regular intervals, but also, as the case-study evidence suggests, both address the deficiencies and conclude agreements during these meetings.
Thirdly, as occupational accidents were only infrequent occurrences in the case-study companies, the employers and the works councils were under little internal pressure to raise the profile of health and safety at plant level. Disagreements concerning inactivity in this area were almost non-existent, and it was only when either an acceptable level of occupational accidents was exceeded, as at Alpha Iron & Steelworks GmbH, or serious and fatal accidents occurred, as was the case at Tango-Roger Steel AG, that the workforce, the works councillors and the employers recognised the need to address the deficiencies. In essence, both the works councils and the employers were prepared to talk around this issue until such a time as action became necessary.

Fourthly, the contention of this thesis is that other legislative provisions serve to foster this cooperative approach. For example, the 'absolute peace obligation' enshrined in §74(2) WCA 1972 is instrumental in creating a cooperative framework at plant level. Its prohibition of the instigation of industrial action by the micro-level actors defines the limits of acceptable behaviour in the workplace and thus encourages the representatives of the employer and the works council to identify common ground.

§2(1) WCA 1972, which to reiterate, requires the works council to work with the employer for the good of both the company and the employees, is also valid in this regard. It obliges the works council to refrain from adopting a stance which could benefit the employees, whilst at the same time endangering the survival of the company within which it operates. Instead, the works council must seek to strike a balance between representing workforce and company interests.

The way in which these provisions influenced plant-level reality, and the health and safety arena in particular, is highlighted in Figure 9.1, which simulates the decision-making process in relation to the problem of poor air quality in two of the case-study companies. Two of the three solutions were reached by the industrial health and safety committee at Beta GmbH, whilst the third was the result of deliberations in the two health and safety-

---

244 During 1994 there were just 6 reportable occupational accidents at Echo AG - 'Branch B', 11 at Foxtrot GmbH, 25 at Echo AG - 'Branch A' and 35 at Beta GmbH.
related fora at GTT GmbH. The factors affecting the decisions taken by the members of these bodies included the cost of the preventive measures, and closely related to this, the availability of finances given the performance of the two companies.

**Figure 9.1: The Decision-Making Process and its Consequences**

The 'red path' traces the consequences of a short-term solution which was reached at Beta GmbH in 1993. With the company experiencing some financial difficulties at this time, there was a recognition from within that the company could not afford to install the air-conditioning system necessary to remove the problem. Instead, the employer suggested the provision of breathing apparatus for the affected employees. The works council agreed and negotiated a compensatory payment for these individuals, which, if Table 8.10 and the
employees comparative disinterest in a reduction of accidents is any indication, was well received. The protective clothing controlled the problem without removing the source of danger.245

The ‘blue path’ represents the course of action that was taken by Beta GmbH just 12 months later, at a time when the company’s fortunes had improved, and the air-conditioning system had become affordable. Once installed, the system removed the problem of poor air quality in the affected section of the workshop.246

Finally, the ‘green path’ highlights the situation at GTT GmbH at the time of the survey. With the holding company facing closure, the company could not afford to introduce such measures, and problems were simply minuted. Their removal was delayed until finances became available. The deficiencies, and therefore the dangers, remained.247

These three examples highlight the significance of §2(1) WCA 1972, and to a limited extent, §74(2) WCA 1972 in creating this cooperative approach, as the works councils were obliged to consider both the wishes of the employees and the capabilities of the company when formulating their demands. In all three cases the solutions reached were therefore of benefit to both the employees and the company as a whole.

In addition, the preference for a cooperative approach to health and safety at plant level can also be explained by:

---

245 This solution was beneficial to both the employees and the company in the short term. The former received a compensatory payment, whilst the latter was saved from having to make an investment which, at the time, it could not afford.

246 This second solution was beneficial to both the employees and the company in the long term. The latter benefited from the undisturbed production run, whilst the implementation of the air-conditioning system served to maintain the health and safety, and therefore the long-term earning capacity, of the former.

247 This too was a solution which benefited both the employees and the company as jobs would have been sacrificed to finance the implementation of the system had the works council insisted upon this measure which the company could otherwise not afford.
• the fact that there is little reason for the works councils to confront the employers on such issues, given the low level of importance attached to health and safety by the employees;
• the general acceptance of the need to implement and to observe the requirements of both the statutory legislation and the autonomous accident-prevention regulations;
• the dislike of third-party intervention in plant-level industrial relations;
• the employers' desire to avoid incurring the costs of arbitration;
• the fact that the relationship between the employer and the works council is an ongoing association.

9.1.2 The Efficacy of the Health and Safety Structures

In his widely acclaimed survey of the performance of 63 works councils, Kotthoff (1981) reached the conclusion that variables such as union density, company size and management attitudes exerted a significant influence upon the ability of these bodies to function as effective representatives of the workforce. The aim here is to assess the extent to which similar variables influenced the efficacy of the health and safety structures in the seven companies under investigation.

The size of the companies was found to be significant in the sense that it determined the structures which they were either permitted or obliged to create by the statutory and the autonomous legislative provisions. For example, the smaller companies, Foxtrot GmbH and Beta GmbH, were not required to appoint a full-time health and safety expert under the Works Safety Law, and only the works councils in the larger companies were able to create a sub-committee, as laid down in §28 WCA 1972, to address health and safety-related questions. A positive correlation between company size and both the frequency with which the various health and safety committees were convened, and the degree of formality with which such issues were addressed, was also identified. The internal inspection arrangements were a prime example of the latter.
As far as union density was concerned meanwhile, it was apparent in the highly-unionised workplaces, Tango-Roger Steel AG and GTT GmbH, that the union stewards played a more significant role in the health and safety arena than in the less densely-unionised companies, where bodies of union stewards were not so well established. Unlike Kotthoff (1981) however, no significant relationship was identified between the performance of the works councils and the degree to which these bodies were unionised.

The importance of the involvement of the chairman of the works council in the regulation of health and safety issues should not be overstated, although the direct involvement of these individuals in the health and safety arena at Alpha Iron & Steelworks GmbH, Beta GmbH, and at Foxtrot GmbH in particular, did result in this topic enjoying a higher profile on these bodies. To suggest that their involvement had a positive effect on the efficacy of the health and safety structures however, would, as the accident statistics demonstrate, be very misleading.

Finally, the empirical findings suggest that the two key variables in this respect were those of management attitudes and the availability of financial resources, with the latter perhaps the more significant given that health and safety is a cost factor. It was noticeable, therefore, that the three workplaces with the lowest accident rates were in the best financial position, whilst one of the two companies operating under the threat of closure, Alpha Iron & Steelworks GmbH, had the highest accident rate.

Whilst the ability to invest in accident prevention is helpful, this in itself it is no guarantee of success. This thesis contends that without the commitment of management, attempts to improve the safety of the workplace remain futile. Only in those workplaces where management is committed to addressing such issues, and is prepared to devote scarce resources to improving the working environment, can real progress be made.
9.1.3 Summary

Having observed the way in which health and safety issues were addressed in the seven case-study companies, what conclusions can be drawn about the nature of plant-level industrial relations in general?

Firstly, to describe the works council as a representative of workforce interests at plant level is a little misleading. The argument of the thesis is that this body functions as a mediator between the employer and the employees at plant level, rather than as a representative of the latter at the expense of the former. Two main findings serve to substantiate this claim.

On the one hand, there was the preference for cooperation over confrontation in the workplace. For example, both health and safety-related and general points of contention were solved via an ‘internal arbitration system’ (see Subsection 9.1.1), with the works councils seeking to strike a balance between workforce demands and the capability of the company within which they were operational. In essence, these bodies served to moderate the demands of the workforce. On the other hand, the works councillors performed the role of intermediaries in the flow of general information to the employers from the workforce and vice-versa. They made regular use of both their legally prescribed and informal meetings with the employers to make the latter aware of the burning issues in the workplace which had been brought to their attention. Similarly, they either used the notice boards and the works assemblies, or relied upon the union stewards to relay to their electorate the information that they had received from the employers. The works councils therefore performed a vital role in the transfer of information between the two extremes, and thus ensured that misunderstandings rarely arose.

Secondly, it was also clear that the works councils choose to prioritise issues at plant level, with the degree of importance attached to individual issues often reflected in the seniority of the works councillors charged with addressing the various topics. With
quantitative issues being addressed with increasing regularity by works councils at plant level in Germany, it was noticeable in the larger case-study companies that the relevant sub-committees were populated by the more experienced works councillors, with newly elected members serving their time on the less contentious fora. Table 8.10 demonstrated the comparative importance of health and safety issues to the workforce.

Finally, the empirical findings and the general observations from the case-study companies lead the author to conclude that the plant-level actors prefer to adopt a flexible approach to the legislative provisions which are designed to regulate their relationship. With one or two exceptions, notably §2(1) WCA 1972, with its call for cooperation, and §74(2), stipulating an ‘absolute peace obligation’, the employers and the works councillors demonstrated a clear preference to be creative with these regulations. As Weltz (1976: 80) indicated, the plant-level actors appear to develop their own rules in order to manage their interaction.

9.2 Theoretical Conclusions

The review of the established theoretical approaches to industrial relations presented in Chapter Two concluded that a corporatist, or more accurately, a micro-corporatist frame of reference offered the best explanation of the particular nature of plant-level industrial relations in Germany. The aim here, in this penultimate section, is to assess the significance both of this chosen explanatory framework and of the other theoretical approaches elucidated in Chapter Two, in light of the findings from the seven case-study companies.

On its own, the **micro-corporatist** frame of reference is unable to explain the pattern of industrial relations identified in the case-study companies. Whilst there is no disputing the fact that the state ‘holds the ring’ in the industrial relations arena, and that there was a

---

248 The red, blue and green paths presented in Figure 9.1 are demonstrative of the actors’ preference to be creative with the legislative provisions.
clear preference for cooperation in the seven workplaces, it was evident that the labour legislation was not always observed in full. Furthermore, Schmitter's (1979: 13) suggestion that the bodies of interest representation enjoy a "representational monopoly within their respective categories" was not a true reflection of plant-level reality. For example, visits to the works council offices in the three most densely-unionised workplaces - Alpha Iron & Steelworks GmbH, Tango-Roger Steel GmbH and GTT GmbH - revealed that these bodies were essentially workplace unions. They openly advertised their links with IG Metall, distributing union literature to the employees and regularly discussing union business during the meetings of the works council. However, with the statutory legislation, in the form of WCA 1972, defining the limits of acceptable behaviour in the workplace, by prohibiting industrial action and insisting upon cooperation for the good of both the employees and the company, the applicability of the corporatist, or more accurately, the micro-corporatist frame of reference must not be dismissed.

Aspects of the unitary approach, such as the illegitimacy of a union presence and the existence of a single focus of authority at plant level, were rejected earlier in the thesis, and there was little evidence from the case-study companies to support this frame of reference. The absence of industrial conflict and the rarity of disagreements did lend credence to this approach however, and the team analogy was not too inaccurate given the aforementioned preference for cooperation over conflict in the workplace. Nevertheless, the presence of a works council in all seven companies invalidated the central idea of there being a single "source of authority" and one "focus of loyalty" (Fox 1966: 3) in this team, and as Halbach et al. (1989: 354) stated, "the appeal for cooperation in §2(1) WCA 1972 must not and cannot remove the natural divergence of interests existing between the employer and the works council as representatives of the employees" (author's translation).

Certain aspects of the pluralist approach were also applicable. For example, the industrial unions were found to be heavily involved at plant level, albeit indirectly, via the works councils and the union stewards. Secondly, the aforementioned 'internal arbitration system' (see Subsection 9.1.1) was demonstrative of the plant-level actors' ability to
reconcile their differences without third-party intervention. The on-going association between the employers and the works councils further supports the pluralist frame of reference, as does the suggestion that there is a balance of power in the workplace, although the employer ultimately retained the upper hand. However, with industrial conflict prohibited, disputes and disagreements an infrequent occurrence, and collective bargaining absent from plant-level industrial relations, the applicability of the pluralist frame of reference remains restricted.

The case studies failed to provide sufficient evidence to support the Marxist approach. The occasional disagreements at plant level were found not to be the result of class-based differences, and were certainly not irreconcilable. The thesis therefore confirms its contention that the Marxist frame of reference is more applicable for an explanation of nineteenth century industrial relations than it is of the situation at plant level in the late twentieth century.

The social action theorists' suggestion that behaviour can be explained by individual responses to particular situations was rejected in Chapter Two given the high degree of juridification of plant-level industrial relations in Germany, and in particular, the influence of the WCA 1972 upon the situation in the workplace. The case-study evidence revealed however, that these legislative provisions are not always adhered to, and instead, that the plant-level actors manage their own relationship, albeit within the confines set by the legislative provisions. In essence, they do respond in their own way to the particular situations with which they are faced. For example, the works councils at Beta GmbH, Foxtrot GmbH, Echo AG - 'Branches A and B' and GTT GmbH chose not to insist upon a meeting of the statutory industrial health and safety committee once every three months (see Appendix 12). At GTT GmbH, it was commonplace for this forum not to be convened when more pressing issues appeared on the company agenda. Finally, as Figure 9.1 demonstrated, the works councils at Beta GmbH and GTT GmbH have allowed the employer either to control or to minute a safety deficiency in periods of economic hardship, rather than insist upon its removal.
The conclusion reached in Chapter Two was that whilst no single frame of reference was capable of adequately explaining the particular nature of plant-level industrial relations in Germany, the micro-corporatist frame of reference was of most relevance. The evidence from the case-study companies has not disproved the first statement, but as far as the second is concerned, the thesis contends that an explanatory framework derived from the social action and the micro-corporatist frames of reference offer the most accurate portrayal of plant-level reality.

Whilst the informal nature of plant-level industrial relations is demonstrative of the social action approach, the preference for cooperation over confrontation, that was identified in the case-study companies, typifies the corporatist frame of reference. The significance of, and the adherence to, the WCA 1972, with its requirement for plant-level cooperation in pursuit of a common good, lends further credence to the corporatist approach.

To further test the validity of the corporatist frame of reference, it is worth considering, in light of the empirical findings, whether the industrial companies reflect the three corporatist traits discussed by Crouch and Dore (1990: 22-24, see Section 2.7).

Firstly, given that the works councils are actively involved in addressing questions of a health and safety-related nature, the thesis contends that the industrial organisation does make use of "representatives of the interests whose behaviour is involved" (Crouch and Dore 1990: 22). Secondly, given that certain employees are disciplined internally for contravening the health and safety legislation (see Subsection 8.3.4), the conclusion which can be drawn is that the industrial organisation has the "power to constrain and sanction" (Crouch and Dore 1980: 23). Finally, the empirical evidence does indicate that there is a "notion of orientation to a public interest" (Crouch and Dore 1980: 24). For example, the works councils choose not to insist upon the implementation of preventive measures which the companies can not reasonably afford (see Figure 9.1), and the employers are prepared to address identified deficiencies when finances became available (see Figure 9.1).
The picture that emerges is one of the industrial organisation being analogous to a 'padded cell'. The statutory legislation, and the 'absolute peace obligation' enshrined in the WCA 1972 in particular, define the boundaries of the cell, ensuring that the employer and the works council cannot do one another any lasting harm. With the prohibition of conflict assured, the plant-level actors then manage their relationship in response to external influences within the confines set by the statutory provisions.

9.3 Limitations and Future Research Areas

The major weakness of the empirical research is that it was only possible to identify the way in which health and safety issues were addressed in seven companies. The findings presented in the previous chapter would have been more representative had a greater number of workplaces been visited, but there were constraints both on money and on the time which was available to carry out the field work. Furthermore, the sensitive nature of this topic ensured that it was only possible to gain access to 'responsible' companies, with attempts to distribute the questionnaires and to conduct the interviews in those workplaces with poor health and safety records thwarted.

Whilst one can be reasonably pleased with the response to the questionnaire survey, there was disappointment surrounding the way in which the questionnaires were distributed in some of the case-study companies. It was requested that they be distributed to all blue-collar employees: those members of the workforce most likely to be exposed to the dangers at plant level. However, there was a tendency for either the senior managers or the works councillors to prefer to select the respondents individually, and it was often necessary to explain to these individuals that the findings of the questionnaire survey would be of most interest to their company if the sample was representative of the workforce as a whole. Assurances were given that the questionnaires were distributed to most, if not all, blue-collar employees in four of the seven companies, but in the remaining three, they were distributed only to the workforce in specific plants, or to the employees in small workshops.
The author also accepts that the findings from the questionnaire survey are little more than a series of subjective responses to specific questions, and if the survey were to be repeated, the length of the workforce questionnaires would be reduced, and would be supplemented by a number of structured interviews. Ideally, more time would also have been spent in each company, in order to observe the individual actors at work. However, one was conscious, given the fact that health and safety issues were not of central importance to the plant-level actors, of outstaying one’s welcome.

One could argue that health and safety is not the best issue with which to examine the dynamics of plant-level industrial relations in German industry, given that both the positive-sum nature\textsuperscript{249} and the complexity of health and safety ensure that cooperation rather than confrontation is the norm in relation to this issue at plant level. Whilst an examination of the way in which a more contentious issue was being addressed in the workplace may have proved more enlightening,\textsuperscript{250} it is the author’s contention that the low propensity of industrial conflict in German industry since 1949 justifies both the choice of the issue and the concentration on cooperative plant-level industrial relations.

In examining the way in which occupational health and safety issues were addressed in the German metal-working industry, this thesis has identified a clear preference for cooperation over confrontation at plant level, with third-party involvement in company affairs the exception rather than the rule. Before any generally applicable conclusions can be drawn about this preference for cooperation over confrontation at the micro level in German industry however, the author contends that further research is necessary into the way in which more quantitative issues are addressed at plant level.

\textsuperscript{249} Health and safety has been shown to be a positive-sum issue in the sense that both the employees and the company benefit in the short term if little is done to improve working conditions. Similarly, both experience a long-term benefit whenever this issue is addressed (see Figure 9.1).

\textsuperscript{250} A review of labour-court decisions in NRW revealed that few disputes of direct relevance to health and safety have reached this stage. However, it was suggested that thousands of decisions, such as those concerned with questions of working time, do have implications for the health and safety arena (Selle #81).
The study has also highlighted the large volume of legislation which exists to regulate the health and safety arena. Further consideration needs to be given to the extent to which the plant-level actors have come to rely upon this legislation, and just how effective it actually is. For example, Foxtrot GmbH was regarded as an exemplary company for trainee inspectors to visit, given the fact that the legislative provisions were in place. Nevertheless, this same company had an accident rate well above the average for the professional association to which it was affiliated.

The thesis has also made reference to the impending alterations to the accident-prevention regulations, which concern themselves with the appointment of health and safety personnel in the smaller companies. Further investigation would be useful at a later date, in order to assess the contribution being made by such amendments to an improvement in the working conditions being enjoyed by the large number of employees in these smaller workplaces.

Similarly, reference has been made to the legislation emanating from the EU, with the extension of the rights of co-determination enjoyed by the works councils in the health and safety arena of most significance. In time, further study will be required of the extent to which the works councils are making use of these rights, and whether the new legislation is actually contributing to an improvement in the health and safety of the working population.

Finally, in an article published just five years after German reunification, Mense-Petermann (1996: 65) wrote of "...a revival of enterprise oriented models of industrial relations from the past in the East." In essence, she was referring to the decentralisation (Verbetrieblichung) of industrial relations to the plant level in Germany, and therefore to a role of greater significance for the works councils. It is the author's contention therefore, that further research will be necessary into the way in which such developments are affecting the German model of industrial relations as a whole. For example, will the works councils assume the role of responsible co-managers, or will they utilise these greater powers to adopt a more conflictual approach at plant level? As Kotthoff (1994) demonstrated in the late 1980s, a follow-up study can be very enlightening, and a return to
the seven case-study companies in a decade or so from now would serve to answer all these questions, and no doubt many more besides.
APPENDICES
### Appendix 1: Qualitative Interviews

<table>
<thead>
<tr>
<th>Interview</th>
<th>Date</th>
<th>Interviewee</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>Monday 18th January 1993</td>
<td>Mr C. Bowater, British Alcan Aluminium.</td>
</tr>
<tr>
<td>#2</td>
<td>Wednesday 7th July 1993</td>
<td>Prof. D. Sadowski, IAAEG Trier.</td>
</tr>
<tr>
<td>#3</td>
<td>Tuesday 13th July 1993</td>
<td>Ford Köln: plant visit and presentation.</td>
</tr>
<tr>
<td>#4</td>
<td>Wednesday 14th July 1993</td>
<td>Frau A. Glowatzki, Bundesanstalt für Arbeitsschutz, Dortmund.</td>
</tr>
<tr>
<td>#5</td>
<td>Thursday 15th July 1993</td>
<td>Prof. Dr. W. Müller-Jentsch, Ruhr-Universität Bochum.</td>
</tr>
<tr>
<td>#7</td>
<td>Monday 11th April 1994</td>
<td>IG Metall Arbeitskreis für Arbeitssicherheit, München.</td>
</tr>
<tr>
<td>#8</td>
<td>Tuesday 12th April 1994</td>
<td>Herr F. Oppenauer, IG Metall, München.</td>
</tr>
<tr>
<td>#10</td>
<td>Tuesday 19th April 1994</td>
<td>Herr H. Salani, Works Councillor, EKO Stahl, Eisenhüttenstadt.</td>
</tr>
<tr>
<td>#11</td>
<td>Wednesday 20th April 1994</td>
<td>Herr E. Göbel, BILAG Berlin.</td>
</tr>
<tr>
<td>#12</td>
<td>Friday 22nd April 1994</td>
<td>Frau Schwarz, Bundesanstalt für Arbeitsmedizin, Berlin.</td>
</tr>
<tr>
<td>#13</td>
<td>Monday 25th April 1994</td>
<td>Herr Krauß, Bayer, Leverkusen.</td>
</tr>
<tr>
<td>#14</td>
<td>Tuesday 25th April 1994</td>
<td>Frau A. Kähler, Kirchlicher Dienst in der Arbeitswelt (KDA), Hamburg.</td>
</tr>
<tr>
<td>Interview</td>
<td>Date</td>
<td>Interviewee</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>#17</td>
<td>Friday 28th April 1994</td>
<td>Works Councillor, Zulu AG.</td>
</tr>
<tr>
<td>#18</td>
<td>Monday 8th May 1994</td>
<td>Mr I. Donald, Dept. of Psychology, University of Surrey.</td>
</tr>
<tr>
<td>#19</td>
<td>Wed. 19th October 1994</td>
<td>Ms P. Kenny, Robens Institute, Guildford.</td>
</tr>
<tr>
<td>#22</td>
<td>Tuesday 10th January 1995</td>
<td>Herr U. Fitzner, IG Metall Bezirksleitung, Hannover.</td>
</tr>
<tr>
<td>#23</td>
<td>Tuesday 10th January 1995</td>
<td>Herr C. Glunz, IG Metall Bezirksleitung, Dortmund.</td>
</tr>
<tr>
<td>#24</td>
<td>Wed. 11th January 1995</td>
<td>Herr Jörg / Herr Bohn, Mercedes-Benz, Mannheim.</td>
</tr>
<tr>
<td>#26</td>
<td>Thursday 12th January 1995</td>
<td>Herr Fuchs, IG Metall Vorstand, Frankfurt am Main.</td>
</tr>
<tr>
<td>#27</td>
<td>Friday 12th January 1995</td>
<td>Works Councillor, Zulu AG.</td>
</tr>
<tr>
<td>Interview</td>
<td>Date</td>
<td>Interviewee</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>#30</td>
<td>Wednesday 8th March 1995</td>
<td>Frau E. Zwink, Bundesanstalt für Arbeitsschutz, Dortmund.</td>
</tr>
<tr>
<td>#32</td>
<td>Tuesday 14th March 1995</td>
<td>Herr Schlummer, Staatliches Amt für Arbeitsschutz, Dortmund.</td>
</tr>
<tr>
<td>#34</td>
<td>Thursday 16th March 1995</td>
<td>Works Councillor, Echo AG – ‘Branch A’.</td>
</tr>
<tr>
<td>#36</td>
<td>Friday 17th March 1995</td>
<td>Labour Director, Delta AG.</td>
</tr>
<tr>
<td>#37</td>
<td>Friday 17th March 1995</td>
<td>Health and Safety Expert, Delta AG.</td>
</tr>
<tr>
<td>#38</td>
<td>Friday 17th March 1995</td>
<td>Herr B. Zwingmann, Referatsleiter für Arbeitsschutz, Arbeitsumwelt, Arbeitsmedizin und Unfallversicherung beim DGB Vorstand, Düsseldorf.</td>
</tr>
<tr>
<td>#40</td>
<td>Monday 20th March 1995</td>
<td>Herr S. Poier, Plant Manager, Reynolds Aluminium, Hamburg.</td>
</tr>
<tr>
<td>Interview</td>
<td>Date</td>
<td>Interviewee</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>#41</td>
<td>Wed. 22nd March 1995</td>
<td>Personnel Manager, Zulu AG.</td>
</tr>
<tr>
<td>#42</td>
<td>Thursday 23rd March 1995</td>
<td>Works Council Chairperson, Beta GmbH.</td>
</tr>
<tr>
<td>#43</td>
<td>Thursday 23rd March 1995</td>
<td>Plant Manager, Beta GmbH.</td>
</tr>
<tr>
<td>#44</td>
<td>Thursday 23rd March 1995</td>
<td>Works Councillor, Echo AG - 'Branch B'.</td>
</tr>
<tr>
<td>#45</td>
<td>Monday 27th March 1995</td>
<td>Herr Peter, Bezirksleiter der TABs, Hütten- und Walzwerks-Berufsgenossenschaft, Essen.</td>
</tr>
<tr>
<td>#47</td>
<td>Tuesday 28th March 1995</td>
<td>Works Council Chairperson, Alpha Iron and Steelworks GmbH.</td>
</tr>
<tr>
<td>#48</td>
<td>Tuesday 28th March 1995</td>
<td>Works Director, Alpha Iron &amp; Steelworks GmbH.</td>
</tr>
<tr>
<td>#49</td>
<td>Tuesday 28th March 1995</td>
<td>Health and Safety Expert, Alpha Iron and Steelworks GmbH.</td>
</tr>
<tr>
<td>#50</td>
<td>Wed. 29th March 1995</td>
<td>Personnel Manager, Tango-Roger Steel AG.</td>
</tr>
<tr>
<td>#51</td>
<td>Wed. 5th April 1995</td>
<td>Herr Büchner, TAB, Maschinenbau- und Metall-Berufsgenossenschaft, Düsseldorf.</td>
</tr>
<tr>
<td>#53</td>
<td>Thursday 6th April 1995</td>
<td>Herr Sochert, Bundesverband der Betriebskrankenkassen, Essen.</td>
</tr>
<tr>
<td>Interview</td>
<td>Date</td>
<td>Interviewee</td>
</tr>
<tr>
<td>-----------</td>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>#55</td>
<td>Friday 7th April 1995</td>
<td>Herr H-J. Bieneck, Bundesministerium für Arbeit und Sozialordnung, Bonn.</td>
</tr>
<tr>
<td>#56</td>
<td>Wed. 12th April 1995</td>
<td>Health and Safety Expert, Gamma Transportation Technology GmbH.</td>
</tr>
<tr>
<td>#57</td>
<td>Thursday 20th April 1995</td>
<td>Works Council Chairman, Alpha Iron &amp; Steelworks GmbH.</td>
</tr>
<tr>
<td>#58</td>
<td>Thursday 20th April 1995</td>
<td>Health and Safety Representatives of the Works Council, Alpha Iron &amp; Steelworks GmbH.</td>
</tr>
<tr>
<td>#59</td>
<td>Friday 21st April 1995</td>
<td>Health and Safety Expert, Alpha Iron &amp; Steelworks GmbH.</td>
</tr>
<tr>
<td>#60</td>
<td>Friday 21st April 1995</td>
<td>Plant Manager - Engineering Works, Alpha Iron &amp; Steelworks GmbH.</td>
</tr>
<tr>
<td>#61</td>
<td>Friday 21st April 1995</td>
<td>Plant Manager - Foundry, Alpha Iron &amp; Steelworks GmbH.</td>
</tr>
<tr>
<td>#62</td>
<td>Monday 24th April 1995</td>
<td>Speaker - Branch-Management Committee, Echo AG - 'Branch B'.</td>
</tr>
<tr>
<td>#63</td>
<td>Monday 24th April 1995</td>
<td>Works Council Chairman, Beta GmbH.</td>
</tr>
<tr>
<td>#64</td>
<td>Monday 24th April 1995</td>
<td>Works Councillor, Beta GmbH.</td>
</tr>
<tr>
<td>#65</td>
<td>Monday 24th April 1995</td>
<td>Health and Safety Expert, Beta GmbH.</td>
</tr>
<tr>
<td>#66</td>
<td>Monday 24th April 1995</td>
<td>Workshop Manager, Beta GmbH.</td>
</tr>
<tr>
<td>#67</td>
<td>Monday 24th April 1995</td>
<td>Works Director, Beta GmbH.</td>
</tr>
<tr>
<td>#68</td>
<td>Monday 24th April 1995</td>
<td>Personnel Manager, Beta GmbH.</td>
</tr>
<tr>
<td>#69</td>
<td>Tuesday 25th April 1995</td>
<td>Branch Manager / Health and Safety Expert, Echo AG - 'Branch B'.</td>
</tr>
<tr>
<td>#70</td>
<td>Tuesday 25th April 1995</td>
<td>Works Councillor, Echo AG - 'Branch B'.</td>
</tr>
<tr>
<td>Interview</td>
<td>Date</td>
<td>Interviewee</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>#71</td>
<td>Tuesday 25th April 1995</td>
<td>Workshop Manager, Echo AG - 'Branch B'.</td>
</tr>
<tr>
<td>#72</td>
<td>Wednesday 26th April 1995</td>
<td>Health and Safety Expert, Adam Opel AG, Bochum.</td>
</tr>
<tr>
<td>#73</td>
<td>Thursday 27th April 1995</td>
<td>Construction Site Visit, Delta AG. Discussions with Site Managers and StAfA Inspector.</td>
</tr>
<tr>
<td>#74</td>
<td>Thursday 27th April 1995</td>
<td>Herr H-J. Sperling, Ruhr-Universität Bochum.</td>
</tr>
<tr>
<td>#75</td>
<td>Thursday 27th April 1995</td>
<td>Prof. Dr. W. Müller-Jentsch, Ruhr-Universität Bochum.</td>
</tr>
<tr>
<td>#76</td>
<td>Friday 28th April 1995</td>
<td>Herr K. Kreizberg, BDA, Köln.</td>
</tr>
<tr>
<td>#77</td>
<td>Friday 28th April 1995</td>
<td>Herr C. Leichsenring, Berufsgenossenschaft der Feinmechanik und Elektrotechnik, Köln.</td>
</tr>
<tr>
<td>#78</td>
<td>Tuesday 2nd May 1995</td>
<td>Herr Dr. A. Meyer-Falcke, Referatsleiter Gesundheitsschutz am Arbeitsplatz, Ministerium für Arbeit, Gesundheit und Soziales des Landes NRW, Düsseldorf.</td>
</tr>
<tr>
<td>#81</td>
<td>Tuesday 2nd May 1995</td>
<td>Herr Selle, Landesarbeitsgericht Düsseldorf.</td>
</tr>
<tr>
<td>Interview</td>
<td>Date</td>
<td>Interviewee</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>#82</td>
<td>Wednesday 3rd May 1995</td>
<td>Deputy Chairman of the Works Council, Tango-Roger Steel AG.</td>
</tr>
<tr>
<td>#83</td>
<td>Wednesday 3rd May 1995</td>
<td>Herr Dertinger, Hauptverband der gewerblichen Berufsgenossenschaften, Sankt Augustin.</td>
</tr>
<tr>
<td>#84</td>
<td>Wednesday 3rd May 1995</td>
<td>Works Council Chairman / Health and Safety Expert, Foxtrot GmbH.</td>
</tr>
<tr>
<td>#85</td>
<td>Friday 5th May 1995</td>
<td>Full-Time Health and Safety Expert, Echo AG - 'Branch A'.</td>
</tr>
<tr>
<td>#86</td>
<td>Friday 5th May 1995</td>
<td>Quality Control Manager, Echo AG - 'Branch A'.</td>
</tr>
<tr>
<td>#87</td>
<td>Friday 5th May 1995</td>
<td>Works Councillor, Echo AG - 'Branch A'.</td>
</tr>
<tr>
<td>#88</td>
<td>Monday 8th May 1995</td>
<td>Health and Safety Expert, Delta AG.</td>
</tr>
<tr>
<td>#89</td>
<td>Monday 8th May 1995</td>
<td>Health and Safety Sub-Committee Member of the Company Works Council, Delta AG.</td>
</tr>
<tr>
<td>#90</td>
<td>Monday 8th May 1995</td>
<td>Labour Director, Delta AG.</td>
</tr>
<tr>
<td>#91</td>
<td>Tuesday 9th May 1995</td>
<td>Herr Bastong, Verband der Metall- und Elektro-Industrie NRW e.V., Düsseldorf</td>
</tr>
<tr>
<td>#92</td>
<td>Tuesday 9th May 1995</td>
<td>Herr J. Dzudzek, IG Metall, Bezirksleitung Duisburg.</td>
</tr>
<tr>
<td>#93</td>
<td>Wednesday 10th May 1995</td>
<td>Deputy Chairman of the Works Council, Tango-Roger Steel AG.</td>
</tr>
<tr>
<td>#94</td>
<td>Wednesday 10th May 1995</td>
<td>Works Director, Gamma GmbH.</td>
</tr>
<tr>
<td>#95</td>
<td>Wednesday 10th May 1995</td>
<td>Plant Manager, Wheel Design, Gamma Transportation Technology GmbH.</td>
</tr>
<tr>
<td>Interview</td>
<td>Date</td>
<td>Interviewee</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>#96</td>
<td>Wednesday 10th May 1995</td>
<td>Plant Manager, Repair Workshop, Gamma Transportation Technology GmbH.</td>
</tr>
<tr>
<td>#97</td>
<td>Wednesday 10th May 1995</td>
<td>Plant Manager, Wheel Preparation, Gamma Transportation Technology GmbH.</td>
</tr>
<tr>
<td>#98</td>
<td>Wednesday 10th May 1995</td>
<td>Works Councillor, Gamma Transportation Technology GmbH.</td>
</tr>
<tr>
<td>#99</td>
<td>Friday 12th May 1995</td>
<td>Employers’ Representatives, Joint Committee for Health and Safety and the Environment, Tango-Roger Steel AG.</td>
</tr>
<tr>
<td>#100</td>
<td>Friday 12th May 1995</td>
<td>Workers’ Representatives, Joint Committee for Health and Safety and the Environment, Tango-Roger Steel AG.</td>
</tr>
<tr>
<td>#101</td>
<td>Friday 12th May 1995</td>
<td>Works Council Chairman / Health and Safety Expert, Foxtrot GmbH.</td>
</tr>
<tr>
<td>#102</td>
<td>Friday 12th May 1995</td>
<td>Workshop Manager, Foxtrot GmbH.</td>
</tr>
<tr>
<td>#103</td>
<td>Monday 15th May 1995</td>
<td>Herr K. Kuhn, Bundesanstalt für Arbeitsschutz, Dortmund.</td>
</tr>
<tr>
<td>#104</td>
<td>Monday 15th May 1995</td>
<td>Senior Health and Safety Expert, Works Safety Department, Tango-Roger Steel AG.</td>
</tr>
<tr>
<td>#105</td>
<td>Tuesday 16th May 1995</td>
<td>Health and Safety Expert, Gamma Transportation Technology GmbH.</td>
</tr>
<tr>
<td>#106</td>
<td>Tuesday 16th May 1995</td>
<td>Herr Zimolong, Ruhr-Universität Bochum.</td>
</tr>
<tr>
<td>Interview</td>
<td>Date</td>
<td>Interviewee</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>#107</td>
<td>Wednesday 17th May 1995</td>
<td>Works Councillor, Tango-Roger Steel AG.</td>
</tr>
<tr>
<td>#108</td>
<td>Wednesday 17th May 1995</td>
<td>Meeting of the Safety Committee, Gamma Transportation Technology GmbH.</td>
</tr>
<tr>
<td>#109</td>
<td>Wednesday 17th May 1995</td>
<td>Works Director, Gamma GmbH.</td>
</tr>
<tr>
<td>#110</td>
<td>Wednesday 17th May 1995</td>
<td>Health and Safety Expert, Gamma Transportation Technology GmbH.</td>
</tr>
<tr>
<td>#111</td>
<td>Wednesday 17th May 1995</td>
<td>Colloquium, Ruhr-Universität Bochum.</td>
</tr>
<tr>
<td>#112</td>
<td>Thursday 18th May 1995</td>
<td>Personnel Manager, Strip Production, Tango-Roger Steel AG.</td>
</tr>
</tbody>
</table>
Appendix 2: Workforce Questionnaire

1. Hier sind einige Aussagen über den Arbeitsschutz im Betrieb. Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th>Ausdruck</th>
<th>stimme ich absolut nicht zu</th>
<th>stimme ich kaum zu</th>
<th>weiß nicht</th>
<th>stimme ich eingeschränkt zu</th>
<th>stimme ich voll zu</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Ich achte immer auf die Arbeitsschutzvorschriften.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) Die Vorgesetzten achten immer auf die Arbeitsschutzvorschriften.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) Ich würde Arbeitsschutzmaßnahmen vorschlagen, die meine Sicherheit verbessern aber gleichzeitig meine Arbeitsleistung reduzieren würden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) Der Arbeitsschutz hat einen hohen Stellenwert innerhalb des Betriebes.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) Die Betriebsleitung kümmert sich sehr viel um die Sicherheit der Arbeitnehmer.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) Unter der Belegschaft werden Arbeitsschutzfragen ständig diskutiert.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) Die Gewerkschaft berät die Belegschaft immer in Arbeitsschutzfragen.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>H) Die Arbeitsschutzmaßnahmen erschweren meine Arbeit.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>I) Die Mehrheit der Arbeitsunfälle sind verhaltensbedingt.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>J) Ich bin mit der Arbeit der Sicherheitsfachkräfte zufrieden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

2. Wurden Sie bei Arbeitsantritt über die konkreten Gefahren an Ihrem Arbeitsplatz informiert?

Ja   □1           Nein □2
3. **Wenn ja, wer** hat Sie darüber informiert? *(Bitte nur ein Kreuz)*

**WER:**
- die Vorgesetzten  □₁  der Betriebsrat  □₅
- die Vertrauensleute □₂  ein Sicherheitsbeauftragter  □₆
- eine Sicherheitsfachkraft □₃  ein Betriebsarzt  □₇
- die Berufsgenossenschaft □₄
- Andere *(wenn ja, wer)* ................................................................. □

4. **Werden Sie ermutigt Verbesserungen im Bereich Arbeitsschutz vorzuschlagen?**

  *Ja* □₁  *Nein* □₂

5. **An wen würden Sie mit Arbeitsschutzvorschlägen herantreten?** *(Bitte nur ein Kreuz)*

- den Betriebsrat □₁  den Sicherheitsbeauftragten □₆
- die Vorgesetzten □₂  die Sicherheitsfachkraft □₇
- die Vertrauensleute □₃  die Gewerkschaft □₈
- die Betriebsleitung □₄  weiß nicht □₉
- den Betriebsarzt □₅
- Andere *(wenn ja, an wen)* ................................................................. □

6. **Haben Sie persönlich Verbesserungen im Bereich Arbeitsschutz schon vorgeschlagen?**

  *Ja* □₁  *Nein* □₂

7. **Haben Sie die Möglichkeit die folgenden Entscheidungen des Arbeitgebers zu beeinflussen?**  

   *Ja*  *Nein*

  - Die Auswahl der Körperschutzmittel □₁  □₂
  - Die Formulierung neuer Arbeitsschutzmaßnahmen □₁  □₂
8. An wen würden Sie mit Arbeitsschutzproblemen herantreten?

(Bitte nur ein Kreuz)

<table>
<thead>
<tr>
<th>Option</th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>den Betriebsrat</td>
<td>□ 1</td>
<td>□ 2</td>
</tr>
<tr>
<td>die Vorgesetzten</td>
<td>□ 2</td>
<td>□ 3</td>
</tr>
<tr>
<td>die Vertrauensleute</td>
<td>□ 3</td>
<td>□ 4</td>
</tr>
<tr>
<td>die Betriebsleitung</td>
<td>□ 4</td>
<td>□ 5</td>
</tr>
<tr>
<td>den Betriebsarzt</td>
<td>□ 5</td>
<td>□ 6</td>
</tr>
<tr>
<td>die Sicherheitsbeauftragten</td>
<td>□ 6</td>
<td>□ 7</td>
</tr>
<tr>
<td>die Sicherheitsfachkraft</td>
<td>□ 7</td>
<td>□ 8</td>
</tr>
<tr>
<td>die Gewerkschaft</td>
<td>□ 8</td>
<td>□ 9</td>
</tr>
<tr>
<td>weiß nicht</td>
<td>□ 9</td>
<td>□ 10</td>
</tr>
<tr>
<td>Andere (wenn ja, an wen)</td>
<td>□ 11</td>
<td></td>
</tr>
</tbody>
</table>

9. Nehmen Sie an der Entwicklung, der Durchführung und der Kontrolle der Arbeitsschutzmaßnahmen im Betrieb teil?

<table>
<thead>
<tr>
<th>Option</th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entwicklung</td>
<td>□ 1</td>
<td>□ 2</td>
</tr>
<tr>
<td>Durchführung</td>
<td>□ 1</td>
<td>□ 2</td>
</tr>
<tr>
<td>Kontrolle</td>
<td>□ 1</td>
<td>□ 2</td>
</tr>
</tbody>
</table>

10. Wie werden Sie informiert, wenn neue Arbeitsschutzmaßnahmen eingeführt werden?

<table>
<thead>
<tr>
<th>DURCH:</th>
<th>Ja</th>
<th>Nein</th>
<th>DURCH:</th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>die Vorgesetzten</td>
<td>□ 1</td>
<td>□ 2</td>
<td>die Sicherheitsbeauftragten</td>
<td>□ 1</td>
<td>□ 2</td>
</tr>
<tr>
<td>den Betriebsrat</td>
<td>□ 2</td>
<td>□ 3</td>
<td>die Sicherheitsfachkräfte</td>
<td>□ 2</td>
<td>□ 3</td>
</tr>
<tr>
<td>die Gewerkschaft</td>
<td>□ 3</td>
<td>□ 4</td>
<td>die Berufsgenossenschaft</td>
<td>□ 4</td>
<td>□ 5</td>
</tr>
<tr>
<td>die Betriebsärzte</td>
<td>□ 4</td>
<td>□ 5</td>
<td>die Betriebsversammlung</td>
<td>□ 5</td>
<td>□ 6</td>
</tr>
<tr>
<td>die Vertrauensleute</td>
<td>□ 5</td>
<td>□ 6</td>
<td>die betriebliche Zeitung</td>
<td>□ 6</td>
<td>□ 7</td>
</tr>
<tr>
<td>das schwarze Brett</td>
<td>□ 6</td>
<td>□ 7</td>
<td>Aufklärungsbroschüren</td>
<td>□ 7</td>
<td>□ 8</td>
</tr>
<tr>
<td>Kollegen</td>
<td>□ 7</td>
<td>□ 8</td>
<td></td>
<td>□ 8</td>
<td>□ 9</td>
</tr>
<tr>
<td>Andere (wenn ja, durch wen)</td>
<td></td>
<td></td>
<td></td>
<td>□ 9</td>
<td>□ 10</td>
</tr>
</tbody>
</table>
11. Wie reagiert die Belegschaft auf verschiedene Arbeitsschutzmaßnahmen?
Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th>A) Maßnahmen, die durch die Betriebsleitung und den Betriebsrat entwickelt werden.</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>B) Maßnahmen, die durch die Betriebsleitung entwickelt werden.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C) Maßnahmen, die durch interne Stellen mit direkter Beteiligung der Belegschaft entwickelt werden.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D) Maßnahmen, die durch externe Stellen entwickelt werden.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E) Maßnahmen, die durch interne Stellen ohne direkte Beteiligung der Belegschaft entwickelt werden.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. Hier sind einige Fragen über die Zusammenarbeit mit anderen Stellen. Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

Wie oft haben Sie Kontakt zu:

<table>
<thead>
<tr>
<th>A) der Betriebsleitung.</th>
<th>täglich</th>
<th>wöchentlich</th>
<th>alle vierzehn Tage</th>
<th>monatlich</th>
<th>seltener</th>
</tr>
</thead>
<tbody>
<tr>
<td>B) den Sicherheitsfachkräften.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C) den Betriebsärzten.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D) den technischen Aufsichtsbeamten.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E) den Vertrauensleuten</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F) den Gewerbeaufsichtsbeamten.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G) den Sicherheitsbeauftragten.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H) dem Betriebsrat.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
13. Welche der folgenden Zwischenfälle würden Sie melden?

<table>
<thead>
<tr>
<th></th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schnittverletzung ohne Erstversorgung</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
<tr>
<td>defekte Geräte</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
<tr>
<td>beschädigte Sicherheitskleidung</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Unfall ohne Personenschaden</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
</tbody>
</table>

14. Haben Sie persönlich einen der folgenden Arbeitsunfälle erlitten?

<table>
<thead>
<tr>
<th></th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfall mit bis zu 3 Tagen Krankmeldung</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Unfall mit mehr als 3 Tagen Krankmeldung</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Wegeunfall</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
</tbody>
</table>

15. Wenn ja, haben diese Unfälle Ihr Verhalten am Arbeitsplatz beeinflußt?

<table>
<thead>
<tr>
<th></th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfall mit bis zu 3 Tagen Krankmeldung</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Unfall mit mehr als 3 Tagen Krankmeldung</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Wegeunfall</td>
<td>☐ 1</td>
<td>☐ 2</td>
</tr>
</tbody>
</table>
16. Hier sind einige Aussagen über den Betriebsrat.  
Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th></th>
<th>stimme ich absolut nicht zu</th>
<th>stimme ich kaum zu</th>
<th>weiß nicht</th>
<th>stimme ich eingeschränkt zu</th>
<th>stimme ich voll zu</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Der Betriebsrat kümmert sich sehr viel um die Sicherheit der Arbeitnehmer.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) Betriebsbegehungen durch den Betriebsrat finden sehr oft statt.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) Arbeitsschutzfragen werden bei den Betriebsversammlungen immer diskutiert.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) Der Betriebsrat hat einen großen Einfluß auf die Entwicklung von Arbeitsschutzvorschriften im Betrieb.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) Im Falle einer Nichtwiederwahl des jetzigen Betriebsrates würde der Arbeitsschutz im Betrieb leiden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) Die Rolle des Betriebsrates als Vertretungsorgan der Belegschaft würde ich als sehr positiv beurteilen.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) Der Betriebsrat würde die Nichtbeachtung von Arbeitsschutzvorschriften dulden, um Verbesserungen für die Arbeitnehmer in anderen Bereichen zu bekommen.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

17. Wie unterrichtet der Betriebsrat die Belegschaft von seinen Tätigkeiten im Bereich Arbeitsschutz?

**DURCH:**

<table>
<thead>
<tr>
<th>Ja</th>
<th>Nein</th>
<th>DURCH</th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>die Vertrauensleute</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>die Kollegen</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>das schwarze Brett</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>weiß nicht</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Andere (wenn ja, durch wen)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
18. Wissen Sie wer im Betriebsrat für den Arbeitsschutz verantwortlich ist?

<table>
<thead>
<tr>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

19. Suchen Sie den Betriebsrat innerhalb der Sprechstunden auf?

<table>
<thead>
<tr>
<th>Nein</th>
<th>Manchmal</th>
<th>Ja, immer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

20. Haben Sie in diesem Zusammenhang jemals Arbeitsschutzfragen besprochen?

<table>
<thead>
<tr>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

21. Mit wem arbeitet der Betriebsrat hinsichtlich des Arbeitsschutzes AM MEISTEN zusammen?

(Bitte nur ein Kreuz)

*MIT:

- dem Vorstand
- den Vorgesetzten
- den Arbeitnehmern
- den Vertrauensleuten
- den technischen Aufsichtsbeamten
- den Gewerbeaufsichtsbeamten

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>dem Sicherheitsfachkräften</td>
<td></td>
<td></td>
<td>der Berufsgenossenschaft</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>den Sicherheitsbeauftragten</td>
<td></td>
<td></td>
<td>der Gewerkschaft</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>den Arbeitnehmern</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>den Vertrauensleuten</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>den technischen Aufsichtsbeamten</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>den Gewerbeaufsichtsbeamten</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>weiß nicht</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Anderen (wenn ja, mit wem) .................................................................
22. Wie würden Sie das Verhältnis zwischen dem Betriebsrat und den folgenden Körperschaften beschreiben? 
Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th></th>
<th>sehr kooperativ</th>
<th>kooperativ</th>
<th>weiß nicht</th>
<th>unkooperativ</th>
<th>sehr unkooperativ</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) der Betriebsleitung</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) den Arbeitnehmern</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) den Sicherheitsfachkräften</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) den Vorgesetzten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) den Betriebsärzten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) den Vertauensleuten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) der Gewerkschaft</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

23. Hier sind einige Aussagen über Ihren Arbeitsplatz. 
Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th></th>
<th>stimme ich absolut nicht zu</th>
<th>stimme ich kaum zu</th>
<th>weiß nicht</th>
<th>stimme ich eingeschränkt zu</th>
<th>stimme ich voll zu</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Mein Arbeitsplatz ist für die Zukunft sicher.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) Ich würde meine Arbeit als monoton beschreiben.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) Das Arbeitsklima ist sehr gut.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) Wir werden ständig gezwungen, unsere Arbeitsleistung zu erhöhen.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) Ich bin mit meiner Arbeit sehr zufrieden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) Unter humaneren Arbeitsbedingungen könnte ich produktiver arbeiten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

24. Wie würde Ihrer Ansicht nach die Betriebsleitung die folgenden Punkte einordnen?

Bitte bilden Sie eine Rangfolge zwischen 1 (am wichtigsten) und 3 (am unwichtigsten)

Eine Reduzierung der Lohnkosten ..........  
Eine Steigerung der Produktivität ..........  
Eine Reduzierung der Arbeitsunfälle ..........  
25. Wie würden Sie die folgenden Punkte einordnen?

Bitte bilden Sie eine Rangfolge zwischen 1 (am wichtigsten) und 5 (am unwichtigsten)

- Mehr Urlaub
- Eine Reduzierung der Arbeitsunfälle
- Mehr Geld
- Eine Humanisierung der Arbeitsbedingungen
- Eine Reduzierung der Arbeitswoche

26. Wären Sie bereit, einen geringeren Lohn in Kauf zu nehmen, wenn dadurch eine höhere Sicherheit am Arbeitsplatz gewährleistet werden könnte?

- Ja
- Nein

27. Geschlecht?

- Männlich
- Weiblich

28. Alter?

- Unter 18
- 18-25
- 26-35
- 36-45
- 46-55
- 56-65

29. Seit wann sind Sie in diesem Werk beschäftigt?

- 0-5 Jahre
- 6-10 Jahre
- 11-15 Jahre
- 16-20 Jahre
- 21-25 Jahre
- Mehr als 25 Jahre
30. Sind Sie gewerkschaftlich organisiert?

Ja, bei der IG Metall □ 1  
Ja, bei einer anderen Gewerkschaft □ 4  
Ja, bei der DAG □ 2  
Nein □ 5  
Ja, bei dem CGB □ 3

31. Welchen Beruf üben Sie aus?

32. Sind Sie gleichzeitig Sicherheitsbeauftragte/Sicherheitsbeauftragter?

Ja □ 1  
Nein □ 2

33. Nach welcher Lohnform werden Sie bezahlt?

Akkordlohn □ 1  
Stundenlohn □ 2  
Monatslohn □ 3  
Monatsgehalt □ 4  
Andere Entlohnungsform (Wenn ja, welcher Art)

........................................................................................................................................ □
Appendix 3: Works Council Questionnaire

1. Geschlecht?

<table>
<thead>
<tr>
<th></th>
<th>Männlich</th>
<th>Weiblich</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

2. Alter?

<table>
<thead>
<tr>
<th>Alterbereich</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-25</td>
<td>1</td>
</tr>
<tr>
<td>26-35</td>
<td>2</td>
</tr>
<tr>
<td>36-45</td>
<td>3</td>
</tr>
<tr>
<td>46-55</td>
<td>4</td>
</tr>
<tr>
<td>56-65</td>
<td>5</td>
</tr>
</tbody>
</table>

3. Seit wann sind Sie in diesem Werk beschäftigt?

<table>
<thead>
<tr>
<th>Zeitspanne</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5 Jahre</td>
<td>1</td>
</tr>
<tr>
<td>6-10 Jahre</td>
<td>2</td>
</tr>
<tr>
<td>11-15 Jahre</td>
<td>3</td>
</tr>
<tr>
<td>16-20 Jahre</td>
<td>4</td>
</tr>
<tr>
<td>21-25 Jahre</td>
<td>5</td>
</tr>
<tr>
<td>Mehr als 25 Jahre</td>
<td>6</td>
</tr>
</tbody>
</table>

4. Seit wann sind Sie Betriebsratsmitglied?

<table>
<thead>
<tr>
<th>Zeitspanne</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4 Jahre</td>
<td>1</td>
</tr>
<tr>
<td>5-8 Jahre</td>
<td>2</td>
</tr>
<tr>
<td>9-12 Jahre</td>
<td>3</td>
</tr>
<tr>
<td>13-16 Jahre</td>
<td>4</td>
</tr>
<tr>
<td>17-20 Jahre</td>
<td>5</td>
</tr>
<tr>
<td>Mehr als 20 Jahre</td>
<td>6</td>
</tr>
</tbody>
</table>

5. Sind Sie freigestellt?

<table>
<thead>
<tr>
<th></th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>2</td>
<td>□</td>
<td></td>
</tr>
</tbody>
</table>
6. Sind Sie gewerkschaftlich organisiert?

Ja, bei der IG Metall □1  
Ja, bei einer anderen Gewerkschaft □4
Ja, bei der DAG □2  
Nein □5
Ja, bei dem CGB □3

7. Haben Sie eine gewerkschaftliche Funktion?

Ja □1  
Nein □2

8. Wenn ja, welche?

........................................................................................................................................

9. Sind Sie Arbeitsschutzbeauftragte/Arbeitsschutzbeauftragter des Betriebsrates?

Ja □1  
Nein □2

10. Wieviel Zeit verbringen Sie persönlich mit Arbeitsschutzfragen?

0 - 25% □1  
51 - 75% □3
26 - 50% □2  
Mehr als 75% □4

11. Wieviel Zeit verbringt der Betriebsrat als Gremium mit Arbeitsschutzfragen?

0 - 25% □1  
51 - 75% □3
26 - 50% □2  
Mehr als 75% □4
Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th></th>
<th>stimme ich absolut nicht zu</th>
<th>stimme ich kaum zu</th>
<th>weiß nicht</th>
<th>stimme ich eingeschränkt zu</th>
<th>stimme ich voll zu</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Bei den Betriebsversammlungen werden Arbeitsschutzfragen immer diskutiert.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) Bei den Vier-Augen Gesprächen mit der Betriebsleitung werden Arbeitsschutzfragen immer diskutiert.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) Der Betriebsrat schlägt der Betriebsleitung Arbeitsschutzmaßnahmen regelmäßig vor.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) Bei der Entwicklung von Arbeitsschutzmaßnahmen werden die Kosten immer berücksichtigt.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) Der Betriebsrat würde die Nichtbeachtung von Arbeitsschutzvorschriften dulden, um Verbesserungen für die Arbeitnehmer in anderen Bereichen zu bekommen.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) Im Betrieb werden die Rechte des Betriebsrates realisiert, genauso wie sie im BetrVG und im ASiG niedergeschrieben sind.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) Bei den Betriebsbegehungen und Unfalluntersuchungen nimmt der Betriebsrat immer teil.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Fortsetzung .....................
<table>
<thead>
<tr>
<th></th>
<th>stimme ich absolut nicht zu</th>
<th>stimme ich kaum zu</th>
<th>weiß nicht</th>
<th>stimme ich eingeschränkt zu</th>
<th>stimme ich voll zu</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>II) Bei den Gesprächen zwischen der Betriebsleitung und den Sicherheitsbeauftragten nimmt der Betriebsrat immer teil.</strong></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td><strong>I) Der Betriebsrat wird von der Betriebsleitung umfassend und rechtzeitig informiert.</strong></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td><strong>J) Im Falle einer Nichtwiederwahl des jetzigen Betriebsrates würde der Arbeitsschutz im Betrieb leiden.</strong></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

13. Wird der Betriebsrat bei der Auswahl der folgenden Personen beteiligt?

| Ja | Nein |
|默 |     |
|    |     |
|    |     |
|    |     |
|默 |     |
|默 |     |
|默 |     |

*der Sicherheitsbeauftragten*

*der Sicherheitsfachkräfte*

*der Betriebsärzte*
14. Wie würden Sie das Verhältnis zwischen dem Betriebsrat und den folgenden Körperschaften beschreiben?
Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th>Zwischen dem Betriebsrat und ..........</th>
<th>sehr kooperativ</th>
<th>kooperativ</th>
<th>weiß nicht</th>
<th>unkooperativ</th>
<th>sehr unkooperativ</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) der Betriebsleitung</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) den Arbeitnehmern</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) den Sicherheitsfachkräften</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) den Vorgesetzten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) den Betriebsärzten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) den Vertauensleuten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) der Gewerkschaft</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>H) den Sicherheitsbeauftragten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>I) der Berufsgenossenschaft</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>J) den Gewerbeaufsichtsbeamten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>K) dem Arbeitsdirektor im Aufsichtsrat</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

15. Hier sind einige Fragen über die Zusammenarbeit mit anderen Stellen. Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

Wie oft haben Sie Kontakt zu:

<table>
<thead>
<tr>
<th></th>
<th>tägl.</th>
<th>wöchentlich</th>
<th>alle vierzehn Tage</th>
<th>monatlich</th>
<th>seltener</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) den Arbeitnehmern.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) der Gewerkschaft.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) der Betriebsleitung.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) den Sicherheitsfachkräften.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) den Betriebsärzten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) den technischen Aufsichtsbeamten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) der Berufsgenossenschaft.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>H) den Gewerbeaufsichtsbeamten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>I) den Sicherheitsbeauftragten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>J) den Vertrauensleuten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Aussage</th>
<th>stimme ich absolut nicht zu</th>
<th>stimme ich kaum zu</th>
<th>weiß nicht</th>
<th>stimme ich eingeschränkt zu</th>
<th>stimme ich voll zu</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Arbeitsschutz ist eine Voraussetzung des Unternehmenserfolges.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) Eine effektive Arbeitsschutzpolitik ist der Belegschaft zuträglich.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) Akkordlohn ist dem Arbeitsschutz abträglich.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) Die Betriebsleitung steht unter ungenügendem Druck, Arbeitsschutzmaßnahmen durchzuführen.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) Die Betriebsleitung kümmert sich sehr viel um die Sicherheit der Arbeitnehmer</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) Das Arbeitsklima ist sehr gut.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) Die Mehrheit der Arbeitsunfälle sind verhaltensbedingt.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>H) Der Arbeitsschutzausschuß ist sehr effizient.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>I) Die Einführung von Gesundheitszirkeln ist dem Arbeitsschutz zuträglich.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

17. Nimmt der Betriebsrat an der Entwicklung, der Durchführung und der Kontrolle der Arbeitsschutzmaßnahmen im Betrieb teil?

<table>
<thead>
<tr>
<th></th>
<th>Ja</th>
<th>Nein</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entwicklung</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Durchführung</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Kontrolle</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>
18. Was halten Sie von den Rechten des Betriebsrates hinsichtlich des Arbeitsschutzes?

| Könnten erweitert werden | ☐ 1 |
| Bin zufrieden            | ☐ 2 |
| Weiß nicht               | ☐ 3 |

19. Wie reagiert die Belegschaft auf verschiedene Arbeitsschutzmaßnahmen?

Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th></th>
<th>werden immer beachtet</th>
<th>werden gelegentlich beachtet</th>
<th>weiß nicht</th>
<th>werden selten beachtet</th>
<th>werden nie beachtet</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Maßnahmen, die durch die Betriebsleitung und den Betriebsrat entwickelt werden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) Maßnahmen, die durch die Betriebsleitung entwickelt werden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) Maßnahmen, die durch interne Stellen mit direkter Beteiligung der Belegschaft entwickelt werden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) Maßnahmen, die durch externe Stellen entwickelt werden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) Maßnahmen, die durch interne Stellen ohne direkte Beteiligung der Belegschaft entwickelt werden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
### Appendix 4: Line Management Questionnaire

1. **Alter?**

<table>
<thead>
<tr>
<th>Alter</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unter 18</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-25</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26-35</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. **Geschlecht?**

<table>
<thead>
<tr>
<th>Geschlecht</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Männlich</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weiblich</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. **Seit wann sind Sie in diesem Werk beschäftigt?**

<table>
<thead>
<tr>
<th>Zeitspanne</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5 Jahre</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>6-10 Jahre</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>11-15 Jahre</td>
<td></td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Mehr als 25</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

4. **Sind Sie gewerkschaftlich organisiert?**

<table>
<thead>
<tr>
<th>Gewerkschaft</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ja, bei der IG Metall</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Ja, bei der DAG</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Ja, bei dem CGB</td>
<td></td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Ja, bei einer anderen Gewerkschaft</td>
<td></td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Nein</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

5. **Nach welcher Lohnform werden Sie bezahlt?**

<table>
<thead>
<tr>
<th>Lohnform</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akkordlohn</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Stundenlohn</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Monatslohn</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Monatsgehalt</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

*Andere Entlohnungsform (Wenn ja, welcher Art)*

<table>
<thead>
<tr>
<th>Aber anderer Art</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Aussage</th>
<th>stimme ich absolut nicht zu</th>
<th>stimme ich kaum zu</th>
<th>weiß nicht</th>
<th>stimme ich eingeschränkt zu</th>
<th>stimme ich voll zu</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Ich achte immer auf die Arbeitsschutzvorschriften.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) Die Beschäftigten achten immer auf die Arbeitsschutzvorschriften.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) Ich informiere die Beschäftigten bei Arbeitsantritt über die Gefahren am Arbeitsplatz.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) Die Betriebsleitung kümmert sich sehr viel um die Sicherheit der Arbeitnehmer.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) Der Betriebsrat kümmert sich sehr viel um die Sicherheit der Arbeitnehmer.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) Im Falle einer Nichtwiederwahl des jetzigen Betriebsrates würde der Arbeitsschutz im Betrieb leiden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) Das Arbeitsklima ist sehr gut.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>H) Die Arbeitnehmer werden ständig gezwungen, ihre Arbeitsleistung zu erhöhen.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>I) Die Mehrheit der Arbeitsunfälle sind verhaltensbedingt.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>J) Der Arbeitsschutz hat einen hohen Stellenwert innerhalb des Betriebes.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>K) Das Arbeitsschutzsystem im Betrieb könnte verbessert werden.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

7. Haben Sie persönlich Verbesserungen im Bereich Arbeitsschutz schon vorgeschlagen?

Ja [ ] Nein [ ]

8. Wie werden Sie informiert, wenn neue Arbeitsschutzmaßnahmen eingeführt werden?
9. Wissen Sie wer im Betriebsrat für den Arbeitsschutz verantwortlich ist?

Ja □ 1  Nein □ 2

10. Mit wem arbeitet der Betriebsrat hinsichtlich des Arbeitsschutzes AM MEISTEN zusammen?

(Bitte nur ein Kreuz)

MIT:

dem Vorstand □ 1  den Sicherheitsfachkräften □ 7
den Vorgesetzten □ 2  den Sicherheitsbeauftragten □ 8
den Arbeitnehmern □ 3  der Gewerkschaft □ 9
den Vertrauensleuten □ 4  der Berufsgenossenschaft □ 10
den technischen Aufsichtsbeamten □ 5  den Betriebsärzten □ 11
den Gewerbeaufsichtsbeamten □ 6  weiß nicht □ 12
Anderen (wenn ja, mit wem) .......................................................... □

11. Hier sind einige Fragen über die Zusammenarbeit mit anderen Stellen. Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

Wie oft haben Sie Kontakt zu:

<table>
<thead>
<tr>
<th></th>
<th>täglich</th>
<th>wöchentlich</th>
<th>alle vierzehn Tage</th>
<th>monatlich</th>
<th>seltener</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) der Betriebsleitung.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>B) den Sicherheitsfachkräften.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>C) den Betriebsärzten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>D) den technischen Aufsichtsbeamten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>E) den Vertrauensleuten</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>F) den Gewerbeaufsichtsbeamten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>G) den Sicherheitsbeauftragten.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>H) dem Betriebsrat.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
12. Wie reagiert die Belegschaft auf verschiedene Arbeitsschutzmaßnahmen?
Bitte kreuzen Sie die Zahl an, die Ihrer Meinung am besten entspricht.

<table>
<thead>
<tr>
<th>A) Maßnahmen, die durch die Betriebsleitung und den Betriebsrat entwickelt werden.</th>
<th>werden immer beachtet</th>
<th>werden gelegentlich beachtet</th>
<th>weiß nicht</th>
<th>werden selten beachtet</th>
<th>werden nie beachtet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B) Maßnahmen, die durch die Betriebsleitung entwickelt werden.</th>
<th>werden immer beachtet</th>
<th>werden gelegentlich beachtet</th>
<th>weiß nicht</th>
<th>werden selten beachtet</th>
<th>werden nie beachtet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C) Maßnahmen, die durch interne Stellen mit direkter Beteiligung der Belegschaft entwickelt werden.</th>
<th>werden immer beachtet</th>
<th>werden gelegentlich beachtet</th>
<th>weiß nicht</th>
<th>werden selten beachtet</th>
<th>werden nie beachtet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D) Maßnahmen, die durch externe Stellen entwickelt werden.</th>
<th>werden immer beachtet</th>
<th>werden gelegentlich beachtet</th>
<th>weiß nicht</th>
<th>werden selten beachtet</th>
<th>werden nie beachtet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E) Maßnahmen, die durch interne Stellen ohne direkte Beteiligung der Belegschaft entwickelt werden.</th>
<th>werden immer beachtet</th>
<th>werden gelegentlich beachtet</th>
<th>weiß nicht</th>
<th>werden selten beachtet</th>
<th>werden nie beachtet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

13. Wie würde Ihrer Ansicht nach die Belegschaft die folgenden Punkte einordnen?
Bitte bilden Sie eine Rangfolge zwischen 1 (am wichtigsten) und 5 (am unwichtigsten)

- Mehr Urlaub
- Eine Reduzierung der Arbeitsunfälle
- Mehr Geld
- Eine Humanisierung der Arbeitsbedingungen
- Eine Reduzierung der Arbeitswoche

14. Wie würde Ihrer Ansicht nach die Betriebsleitung die folgenden Punkte einordnen?
Bitte bilden Sie eine Rangfolge zwischen 1 (am wichtigsten) und 3 (am unwichtigsten)

- Eine Reduzierung der Lohnkosten
- Eine Steigerung der Produktivität
- Eine Reduzierung der Arbeitsunfälle
Appendix 5: The Health and Safety Measures Hamper My Work!

- Agree totally: 4%
- Agree slightly: 29%
- Slightly disagree: 29%
- Don't know: 12%
- Totally disagree: 26%
Appendix 6: Single European Act: Selected Articles

§100
The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, issue directives for the approximation of such laws, regulations or administrative provisions of the Member States as directly affect the establishment or functioning of the common market.

§100a
1. By way of derogation from Article 100 and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of the objectives set out in Article 7a. The Council shall, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.

2. Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons.

3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection.

4. If after the adoption of a harmonization measure by the Council acting by a qualified majority, a Member State deems it necessary to apply national provisions on grounds of major needs referred to in Article 36, or relating to protection of the environment or the working environment, it shall notify the Commission of these provisions. The Commission shall confirm the provisions involved after having verified that they are not a means of arbitrary discrimination or a disguised restriction on trade between Member States. By way of derogation from the procedure laid down in Articles 169 and 170, the Commission or any other Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in this Article.

5. The harmonization measures referred to above shall, in appropriate cases, include a safeguard clause authorizing the Member States to take, for one or more of the non-economic reasons referred to in Article 36, provisional measures subject to a Community control procedure.
§118a
1. Member States shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers, and shall set as their objective the harmonization of conditions in this area, while maintaining the improvements made.

2. In order to help achieve the objective laid down in the first paragraph, the Council, acting in accordance with the procedure referred to in Article 189c and after consulting the Economic and Social Committee, shall adopt by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

3. The provisions adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent measures for the protection of working conditions compatible with this Treaty.

§118b
The Commission shall endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement.

Appendix 7: The German Health and Safety Arena - An Overview

MACRO-LEVEL HEALTH AND SAFETY SYSTEM

- Legislators
- State (§74.12 GG)
- Federation / Fed. States
  - Laws and Ordinances
- Professional Associations
- Private Organisations
  - Technical Rules
- Micro-Level Health and Safety

MICRO-LEVEL HEALTH AND SAFETY SYSTEM

- Enforcers
- State
- Statutory Labour Inspectorates
- Professional Associations
- Private Organisations
- Advisory role
- Professional Associations

- Responsibility lies with
- Employers / Senior Managers
- Statutory Labour Inspectorates
- Joint decision-makers
- Technical Inspectorate
- Technical advisory role

- Providing advice and support
- Health and Safety Expert / Works Doctors
- Required to cooperate
- Works Council
- All Employees
- Coordinating role
- Industrial Health and Safety Committee
- Supporting role
- Safety Reps

Micro-Level Health and Safety
Macro-Level Health and Safety

Source: Schliephacke, J., and Hundt, A., 1993
Nach Eintritt des Arbeitsunfalls gewährt der Träger der Unfallversicherung nach Maßgabe der folgenden Vorschriften an Leistungen insbesondere
   Heilbehandlung,
   Übergangsgeld,
   besondere Unterstützung,
   Wiederherstellung oder Erneuerung von Körperersatzstücken,
   Berufshilfe,
   Verletzenrente,
   Sterbegeld,
   Rente an Hinterbliebene.

Appendix 9: §§76–78 Basic Law

Artikel 76
[Gesetzesvorlagen]

(1) Gesetzesvorlagen werden beim Bundestage durch die Bundesregierung, aus der Mitte des Bundestages oder durch den Bundesrat eingebracht.

(2) Vorlagen der Bundesregierung sind zunächst dem Bundesrat zuzuleiten. Der Bundesrat ist berechtigt, innerhalb von sechs Wochen zu diesen Vorlagen Stellung zu nehmen. Die Bundesregierung kann eine Vorlage, die sie bei der Zuteilung an den Bundesrat ausnahmsweise als besonders eilbedürftig bezeichnet hat, nach drei Wochen dem Bundestage zuleiten, auch wenn die Stellungnahme des Bundesrates noch nicht bei ihr eingegangen ist; sie hat die Stellungnahme des Bundesrates unverzüglich nach Eingang dem Bundestage nachzureichen.

(3) Vorlagen des Bundesrates sind dem Bundestage durch die Bundesregierung innerhalb von drei Monaten zuzuleiten. Sie hat hierbei ihre Auffassung darzulegen.

Artikel 77
[Gesetzgebungsverfahren]

(1) Die Bundesgesetze werden vom Bundestage beschlossen. Sie sind nach ihrer Annahme durch den Präsidenten des Bundestages unverzüglich dem Bundesrat zuzuleiten.


(3) Soweit zu einem Gesetze die Zustimmung des Bundesrates nicht erforderlich ist, kann der Bundesrat, wenn das Verfahren nach Absatz 2 beendet ist, gegen ein vom Bundestage beschlossenes Gesetz binnen zwei Wochen Einspruch einlegen. Die Einspruchsfrist beginnt im Falle des Absatzes 2 letzter Satz mit dem Eingange des vom Bundestage erneut gefaßten Beschlußes, in allen anderen Fällen mit dem Eingange der Mitteilung des Vorsitzenden des in Absatz 2 vorgesehenen Ausschusses, daß das Verfahren vor dem Ausschusses abgeschlossen ist.

(4) Wird der Einspruch mit der Mehrheit der Stimmen des Bundesrates beschlossen, so kann er durch Beschluß der Mehrheit der Mitglieder des Bundestages zurückgewiesen werden. Hat der Bundesrat den Einspruch mit einer Mehrheit von mindestens zwei Dritteln seiner Stimmen beschlossen, so bedarf die
Zurückweisung durch den Bundestag einer Mehrheit von zwei Dritteln, mindestens der Mehrheit der Mitglieder des Bundestages.

Artikel 78
[Zustandekommen der Bundesgesetze]

Ein vom Bundestage beschlossenes Gesetz kommt zustande, wenn der Bundesrat zustimmt, den Antrag gemäß Artikel 77 Abs. 2 nicht stellt, innerhalb der Frist des Artikels 77 Abs. 3 keinen Einspruch einlegt oder ihn zurücknimmt oder wenn der Einspruch vom Bundestage überstimmt wird.

Source: Grundgesetz für die Bundesrepublik Deutschland, 1993.
Appendix 10: Accident-Prevention Regulation 1.0: Selected Articles

I. Allgemeine Vorschriften und Pflichten des Unternehmers

Allgemeine Anforderungen

§2

(2) Technische Erzeugnisse, die nicht den Unfallverhütungsvorschriften entsprechen, dürfen verwendet werden, soweit sie in ihrer Beschaffenheit die gleiche Sicherheit auf andere Weise gewährleisten.

(3) Tritt bei einer Einrichtung ein Mangel auf, durch den für die Versicherten sonst nicht abzuwendende Gefahren entstehen, ist die Einrichtung stillzulegen.

Ausnahmen

§3
(1) Die Berufsgenossenschaft kann im Einzelfall auf schriftlichen Antrag des Unternehmers Ausnahmen von Unfallverhütungsvorschriften zulassen, wenn
   1. der Unternehmer eine andere, ebenso wirksame Maßnahme trifft oder
   2. die Durchführung der Vorschrift im Einzelfall zu einer unverhältnismäßigen Härte führen würde und die Abweichung mit dem Schutz der Versicherten vereinbar ist.

Dem Antrag ist eine Stellungnahme der Betriebsvertretung beizufügen.

(2) Von den in §2 Abs.1 bezeichneten allgemein anerkannten Regeln darf nur abgewichen werden, soweit die gleiche Sicherheit auf andere Weise gewährleistet ist.

Persönliche Schutzausrüstungen

§4
(1) Ist es durch betriebstechnische Maßnahmen nicht ausgeschlossen, daß die Versicherten Unfälle- oder Gesundheitsgefahren ausgesetzt sind, so hat der Unternehmer geeignete persönliche Schutzausrüstungen zur Verfügung zu stellen und diese in ordnungsgemäßigen Zustand zu halten.

(2) Der Unternehmer hat insbesondere zur Verfügung zu stellen:
   1. Kopfschutz, wenn mit Kopfverletzungen durch Anstoßen, durch pendelnde, herabfallende, umfallende oder wegfliegende Gegenstände oder durch lose hängende Haare zu rechnen ist.
   2. Fußschutz, wenn mit Fußverletzungen durch Stoßen, Einklemmen, umfallende, herabfallende oder abrollende Gegenstände, durch Hineintreten in spitze und scharfe Gegenstände oder durch heiße Stoffe, heiße oder ätzende Flüssigkeiten zu rechnen ist.

4. Atemschutz, wenn Versicherte gesundheitsschädlichen, insbesondere giftigen, ätzenden oder reizenden Gasen, Dämpfen, Nebeln oder Stäuben ausgesetzt sein können oder wenn Sauerstoffmangel auftreten kann.


(3) Die Vorschriften über die ärztlichen Vorsorgeuntersuchungen sind unabhängig davon anzuwenden, ob persönliche Schutzausrüstung benutzt werden.

Auslegung von Unfallverhütungsvorschriften, Unterweisung der Versicherten

§7
(1) Der Unternehmer hat die für sein Unternehmen geltenden Unfallverhütungsvorschriften an geeigneter Stelle auszulegen. Den mit der Durchführung der Unfallverhütung betrauten Personen sind die Arbeitsschutz- und Unfallverhütungsvorschriften auszuhändigen, soweit sie ihren Arbeitsbereich betreffen.

(2) Der Unternehmer hat die Versicherten über die bei ihren Tätigkeiten auftretenden Gefahren sowie über die Maßnahmen zu ihrer Abwendung vor der Beschäftigung und danach in angemessenen Zeitabständen, mindestens jedoch einmal jährlich, zu unterweisen.

Förderung der Mitwirkung der Versicherten an der Unfallverhütung

§8
Der Unternehmer hat die Mitwirkung der Versicherten an der Verhütung von Arbeitsunfällen zu fördern. Er hat den mit der Durchführung der Unfallverhütung betrauten Personen die Teilnahme an Ausbildungsveranstaltungen aus dem Gebiet der Unfallverhütung unter Berücksichtigung der betrieblichen Belange zu ermöglichen.

Sicherheitsbeauftragte

§9
(1) Die Zahl der nach §719 RVO zu bestellenden Sicherheitsbeauftragten ergibt sich aus der Anlage 1 zu dieser Unfallverhütungsvorschrift.

(2) Der Unternehmer hat den Sicherheitsbeauftragten Gelegenheit zu geben, ihre Aufgaben zu erfüllen, insbesondere in ihrem Bereich an den Betriebsbesichtigungen und Unfalluntersuchungen der Technischen Aufsichtsbeamten teilzunehmen. Den Sicherheitsbeauftragten sind auf Verlangen die Ergebnisse der Betriebsbesichtigungen und Unfalluntersuchungen zur Kenntnis zu geben.
Besichtigung des Unternehmers durch Technische Aufsichtsbeamte, Erlaß einer Anordnung
§10
(1) Der Unternehmer hat dem Technischen Aufsichtsbeamten die Besichtigung seines Unternehmens zu ermöglichen und ihn auf sein Verlangen dabei zu begleiten oder durch einen geeigneten Vertreter begleiten zu lassen.
(2) Erläßt die Berufsgenossenschaft eine Anordnung und setzt sie hierbei eine Frist, innerhalb der die verlangten Maßnahmen zu treffen sind, so hat der Unternehmer nach Ablauf der Frist unverzüglich mitzuteilen, ob er die verlangten Maßnahmen getroffen hat.

Auskunftspflicht
§11
Der Unternehmer hat der Berufsgenossenschaft die im Zusammenhang mit der Verhütung von Arbeitsunfällen stehenden Angaben zu machen und Auskünfte zu erteilen.

Pflichtenübertragung
§12

Aufsichtspersonen
§13
Der Unternehmer hat die Verantwortungsbereiche der von ihm zu bestellenden Aufsichtspersonen abzugrenzen und dafür zu sorgen, daß diese ihren Pflichten auf dem Gebiet der Unfallverhütung nachkommen und sich untereinander abstimmen.

II. Pflichten der Versicherten

Befolgung von Weisungen des Unternehmers, Benutzung persönlicher Schutzausrüstungen
§14

Bestimmungsgemäßige Verwendung von Einrichtungen
§15
Die Versicherten dürfen Einrichtungen nur zu dem Zweck verwenden, der vom Unternehmer bestimmt oder üblich ist.
Beseitigung von Mängeln
§16
(1) Stellt ein Versicherter fest, daß eine Einrichtung sicherheitstechnisch nicht einwandfrei ist, so hat er diesen Mangel unverzüglich zu beseitigen. Gehört dies nicht zu seiner Arbeitsaufgabe oder verfügt er nicht über Sachkunde, so hat er den Mangel dem Vorgesetzten unverzüglich zu melden.
(2) Absatz 1 gilt entsprechend, wenn der Versicherte feststellt, daß
1. Arbeitsstoffe sicherheitstechnisch nicht einwandfrei verpackt, gekennzeichnet oder beschaffen sind oder
2. das Arbeitsverfahren oder der Arbeitsablauf sicherheitstechnisch nicht einwandfrei gestaltet bzw. geregelt sind.

Unbefugte Benutzung von Einrichtungen
§17
Versicherte dürfen Einrichtungen und Arbeitsstoffe nicht unbefugt benutzen. Einrichtungen dürfen sie nicht unbefugt betreten.

Appendix 11: §130 Administrative Offences Act

(1) Wer als Inhaber eines Betriebes oder Unternehmens vorsätzlich oder fahrlässig die Aufsichtsmaßnahmen unterläßt, die erforderlichen sind, um in dem Betrieb oder Unternehmen Zuwiderhandlungen gegen Pflichten zu verhindern, die den Inhaber als solchen treffen und deren Verletzung mit Strafe oder Geldbuße bedroht ist, handelt ordnungswidrig, wenn eine solche Zuwiderhandlung begangen wird, die durch gehörige Aufsicht hätte verhindert werden können. Zu den erforderlichen Aufsichtsmaßnahmen gehören auch die Bestellung, sorgfältige Auswahl und Überwachung von Aufsichtspersonen.

## Appendix 12: Industrial Health and Safety Committees

<table>
<thead>
<tr>
<th>Recommendation - §11 Works Safety Law</th>
<th>Composition</th>
<th>Frequency of Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Iron &amp; Steelworks GmbH</td>
<td>Representative of Works Director, Plant Managers of Foundry, Engineering Works, Service and Repair Department, Medical Representative, Health and Safety Expert, 2 Works Councillors, Safety Representatives</td>
<td>3 per year Supplemented by a Steering Committee meeting once every month</td>
</tr>
<tr>
<td>Beta GmbH</td>
<td>Workshop Manager, Medical Representative, Health and Safety Expert, 2 Works Councillors, 4-5 Safety Representatives</td>
<td>2 per year</td>
</tr>
<tr>
<td>Foxtrot GmbH</td>
<td>Employer, Medical Representative, Health and Safety Expert, 2 Works Councillors, 3 Safety Representatives</td>
<td>As and when is necessary</td>
</tr>
<tr>
<td>Echo AG - 'Branch A'</td>
<td>2 Full-Time Health and Safety Experts from Regional UAS Department, Management Representative, Chairman of Works Council Health and Safety Subcommittee, Medical Representative, Part-Time Health and Safety Expert, Safety Representatives from 'Branch A'</td>
<td>1 per year</td>
</tr>
<tr>
<td>Echo AG - 'Branch B'</td>
<td>2 Full-Time Health and Safety Experts from Regional UAS Department, Management Representative, Chairman of Works Council Health and Safety Subcommittee, Medical Representative, Part-Time Health and Safety Expert, Safety Representatives from 'Branch A'</td>
<td>1 per year</td>
</tr>
<tr>
<td>Tango-Roger Steel AG</td>
<td>Joint Committee Attended by Personnel Manager, Plant Managers, Representatives of the Works Safety Department, 8 Works Councillors, Chairman of the Safety Representatives</td>
<td>6 per year</td>
</tr>
<tr>
<td>Gamma Transportation Technology GmbH</td>
<td>Production Manager, Plant Managers, Medical Representative, Health and Safety Expert, Chairman of Union Stewards, Unlimited Number of Works Councillors, Safety Representatives</td>
<td>4 per year Supplemented by a Safety Committee of similar composition meeting 8 times per year</td>
</tr>
</tbody>
</table>
### Appendix 13: Source of Health & Safety Information for New Employees

<table>
<thead>
<tr>
<th>Source</th>
<th>Alpha Iron &amp; Steelworks GmbH</th>
<th>Beta GmbH</th>
<th>Foxtrot GmbH</th>
<th>Echo AG 'Branch A'</th>
<th>Echo AG 'Branch B'</th>
<th>Tango-Roger Steel AG</th>
<th>Gamma Transportation Technology GmbH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Line Management</td>
<td>31.7%</td>
<td>23.3%</td>
<td>47.1%</td>
<td>71.4%</td>
<td>71.4%</td>
<td>39.1%</td>
<td>42.1%</td>
</tr>
<tr>
<td>Union Stewards</td>
<td>2.4%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>4.5%</td>
<td>2.6%</td>
</tr>
<tr>
<td>Health &amp; Safety Expert</td>
<td>1.2%</td>
<td>13.3%</td>
<td>29.4%</td>
<td>7.1%</td>
<td>0%</td>
<td>13.6%</td>
<td>38.2%</td>
</tr>
<tr>
<td>Works Council Safety Representative</td>
<td>0%</td>
<td>3.3%</td>
<td>11.8%</td>
<td>0%</td>
<td>0%</td>
<td>9.9%</td>
<td>0%</td>
</tr>
<tr>
<td>Colleagues</td>
<td>2.4%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>2.7%</td>
<td>0%</td>
</tr>
<tr>
<td>More than one Response Insurance Association</td>
<td>7.3%</td>
<td>0%</td>
<td>11.8%</td>
<td>21.4%</td>
<td>0%</td>
<td>18.2%</td>
<td>3.9%</td>
</tr>
</tbody>
</table>

*Figures underlined and in bold type indicate the source of information for the highest percentage of new employees in each company.*
Appendix 14: Source of New Health & Safety Information*

<table>
<thead>
<tr>
<th></th>
<th>Alpha Iron &amp; Steelworks GmbH</th>
<th>Beta GmbH</th>
<th>Foxtrot GmbH</th>
<th>Echo AG 'Branch A'</th>
<th>Echo AG 'Branch B'</th>
<th>Tango-Roger Steel AG</th>
<th>Gamma Transportation Technology GmbH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisor</td>
<td>69.1%</td>
<td>61.1%</td>
<td>53.6%</td>
<td>90.5%</td>
<td>72.7%</td>
<td>63.8%</td>
<td>54.7%</td>
</tr>
<tr>
<td>Works Council</td>
<td>17.6%</td>
<td>2.8%</td>
<td>32.1%</td>
<td>33.3%</td>
<td>18.2%</td>
<td>21%</td>
<td>24.7%</td>
</tr>
<tr>
<td>Union</td>
<td>1.5%</td>
<td>2.8%</td>
<td>0%</td>
<td>4.8%</td>
<td>36.4%</td>
<td>4.3%</td>
<td>5.2%</td>
</tr>
<tr>
<td>Union Stewards</td>
<td>10.3%</td>
<td>2.8%</td>
<td>0%</td>
<td>14.3%</td>
<td>27.3%</td>
<td>47.1%</td>
<td>42.3%</td>
</tr>
<tr>
<td>Notice Board</td>
<td>38.2%</td>
<td>36.1%</td>
<td>32.1%</td>
<td>47.6%</td>
<td>9.1%</td>
<td>32.6%</td>
<td>46.4%</td>
</tr>
<tr>
<td>Safety Representatives</td>
<td>27.2%</td>
<td>41.7%</td>
<td>17.3%</td>
<td>76.2%</td>
<td>27.3%</td>
<td>53.6%</td>
<td>69.1%</td>
</tr>
<tr>
<td>Health &amp; Safety Expert</td>
<td>14.7%</td>
<td>11.1%</td>
<td>39.3%</td>
<td>57.1%</td>
<td>18.2%</td>
<td>15.9%</td>
<td>40.2%</td>
</tr>
<tr>
<td>Works Assembly</td>
<td>10.3%</td>
<td>27.8%</td>
<td>25%</td>
<td>23.8%</td>
<td>27.3%</td>
<td>18.8%</td>
<td>6.2%</td>
</tr>
<tr>
<td>Works Newspaper</td>
<td>0.7%</td>
<td>2.8%</td>
<td>0%</td>
<td>33.3%</td>
<td>36.4%</td>
<td>14.5%</td>
<td>4.1%</td>
</tr>
<tr>
<td>Health &amp; Safety</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information Brochure</td>
<td>15.4%</td>
<td>11.1%</td>
<td>35.7%</td>
<td>61.9%</td>
<td>63.6%</td>
<td>20.3%</td>
<td>42.3%</td>
</tr>
</tbody>
</table>

*Figures underlined and in bold type indicate the source of information for the highest percentage of employees in each company.*
Appendix 15: Point of Contact for Employees With Health & Safety Suggestions*

<table>
<thead>
<tr>
<th>Line Management</th>
<th>Alpha Iron &amp; Steelworks GmbH</th>
<th>Beta GmbH</th>
<th>Fortrot GmbH</th>
<th>Echo AG 'Branch A'</th>
<th>Echo AG 'Branch B'</th>
<th>Tango-Roger Steel AG</th>
<th>Gamma Transportation Technology GmbH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union Stewards</td>
<td>3%</td>
<td>0%</td>
<td>3.6%</td>
<td>0%</td>
<td>0%</td>
<td>4.5%</td>
<td>10.9%</td>
</tr>
<tr>
<td>Health &amp; Safety Expert</td>
<td>5.3%</td>
<td>2.8%</td>
<td>28.6%</td>
<td>15%</td>
<td>27.3%</td>
<td>5.2%</td>
<td>9.8%</td>
</tr>
<tr>
<td>Works Council</td>
<td>14.4%</td>
<td>8.3%</td>
<td>32.1%</td>
<td>0%</td>
<td>0%</td>
<td>23.9%</td>
<td>17.4%</td>
</tr>
<tr>
<td>Safety Representative</td>
<td>25.8%</td>
<td>25%</td>
<td>10.7%</td>
<td>30%</td>
<td>27.3%</td>
<td>32.1%</td>
<td>48.2%</td>
</tr>
<tr>
<td>Plant / Workshop Management</td>
<td>5.3%</td>
<td>16.7%</td>
<td>3.6%</td>
<td>5%</td>
<td>18.2%</td>
<td>8.2%</td>
<td>3.3%</td>
</tr>
<tr>
<td>Medical Representative</td>
<td>0.8%</td>
<td>0%</td>
<td>0%</td>
<td>5%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>More than one Response</td>
<td>9.8%</td>
<td>5.6%</td>
<td>0%</td>
<td>30%</td>
<td>0%</td>
<td>15.7%</td>
<td>1.1%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>3.8%</td>
<td>2.8%</td>
<td>7.1%</td>
<td>0%</td>
<td>0%</td>
<td>2.2%</td>
<td>3.3%</td>
</tr>
</tbody>
</table>

* Figures underlined and in bold type indicate the point of contact for the highest percentage of employees in each company.
Appendix 16: Point of Contact for Employees With Health & Safety Problems*

<table>
<thead>
<tr>
<th></th>
<th>Alpha Iron &amp; Steelworks GmbH</th>
<th>Beta GmbH</th>
<th>Foxtrot GmbH</th>
<th>Echo AG 'Branch A'</th>
<th>Echo AG 'Branch B'</th>
<th>Tango-Roger Steel AG</th>
<th>Gamma Transportation Technology GmbH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Line Management</td>
<td>19.4%</td>
<td>19.4%</td>
<td>14.3%</td>
<td>10%</td>
<td>40%</td>
<td>6.7%</td>
<td>9.4%</td>
</tr>
<tr>
<td>Union Stewards</td>
<td>4.4%</td>
<td>5.6%</td>
<td>3.6%</td>
<td>0%</td>
<td>0%</td>
<td>5.2%</td>
<td>9.4%</td>
</tr>
<tr>
<td>Health &amp; Safety Expert</td>
<td>10.4%</td>
<td>2.8%</td>
<td>32.1%</td>
<td>20%</td>
<td>10%</td>
<td>3.7%</td>
<td>12.5%</td>
</tr>
<tr>
<td>Works Council</td>
<td>20.1%</td>
<td>19.4%</td>
<td>32.1%</td>
<td>0%</td>
<td>0%</td>
<td>20.1%</td>
<td>30.2%</td>
</tr>
<tr>
<td>Safety Representative</td>
<td>27.6%</td>
<td>36.1%</td>
<td>7.1%</td>
<td>20%</td>
<td>40%</td>
<td>39.6%</td>
<td>29.2%</td>
</tr>
<tr>
<td>Plant / Workshop</td>
<td>3.2%</td>
<td>8.3%</td>
<td>3.6%</td>
<td>20%</td>
<td>10%</td>
<td>6%</td>
<td>0%</td>
</tr>
<tr>
<td>Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>More than one Response</td>
<td>9.7%</td>
<td>5.6%</td>
<td>3.6%</td>
<td>30%</td>
<td>0%</td>
<td>16.4%</td>
<td>7.3%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>3%</td>
<td>2.8%</td>
<td>3.6%</td>
<td>0%</td>
<td>0%</td>
<td>2.2%</td>
<td>2.1%</td>
</tr>
</tbody>
</table>

*Figures underlined and in bold type indicate the point of contact for the highest percentage of employees in each company.
### Appendix 17: Information Flow Within the Case-Study Companies*

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Line Management</strong></td>
<td>54.2%</td>
<td>64.5%</td>
<td>13.4%</td>
</tr>
<tr>
<td><strong>Union Stewards</strong></td>
<td>2.7%</td>
<td>31.3%</td>
<td>5.5%</td>
</tr>
<tr>
<td><strong>Health &amp; Safety Expert</strong></td>
<td>16.1%</td>
<td>23.6%</td>
<td>9.8%</td>
</tr>
<tr>
<td><strong>Works Council</strong></td>
<td>1.2%</td>
<td>20.6%</td>
<td>22.1%</td>
</tr>
<tr>
<td><strong>Safety Representative</strong></td>
<td>13.7%</td>
<td>46.5%</td>
<td>31%</td>
</tr>
<tr>
<td><strong>Plant / Workshop Manager</strong></td>
<td>0%</td>
<td>0%</td>
<td>4.9%</td>
</tr>
<tr>
<td><strong>Colleagues</strong></td>
<td>1.5%</td>
<td>34%</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Medical Representative</strong></td>
<td>0%</td>
<td>5.1%</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Notice Board</strong></td>
<td>0%</td>
<td>37.5%</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Plant Newspaper</strong></td>
<td>0%</td>
<td>7.9%</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Safety Brochures</strong></td>
<td>0%</td>
<td>26.6%</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Plant Assembly</strong></td>
<td>0%</td>
<td>15.2%</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>&gt;1 Response / Don’t Know</strong></td>
<td>10.1%</td>
<td>0%</td>
<td>13.2%</td>
</tr>
</tbody>
</table>

*Figures underlined and in bold type indicate the source of information/point of contact for the highest percentage of employees in all companies.**

**Employees were encouraged to give more than one response to this particular question.
Primary Sources


German Bundestag, 1984. 2nd (updated) edition. *Questions on German History: ideas, forces, decisions from 1800 to the present.* Bonn: German Bundestag.

Grundgesetz für die Bundesrepublik Deutschland, 1993. Bonn: Deutscher Bundestag.


Health and Safety Executive, 1990b. *Workplace Health and Safety in Europe - The Study of Regulatory Arrangements in France, West Germany, Italy and Spain*. Basingstoke: HMSO.


Schliephacke, J., 1988b. Der Sicherheitsbeauftragte überzeugt durch Persönlichkeit. Blick durch die Wirtschaft, 20/06/1988, Frankfurt am Main: FAZ.

Schliephacke, J., 1988c. Der Sicherheitsingenieur - Berater mit umfassenden Aufgaben. Blick durch die Wirtschaft, 01/06/1988, Frankfurt am Main: FAZ.

Schneider, A., 1992. Wer im Betrieb für die Arbeitssicherheit zuständig ist. Blick durch die Wirtschaft, 31/07/1992, Frankfurt am Main: FAZ.


Siller, E., 1988a. Der Chef muß klar sagen, daß er Arbeitssicherheit will. Blick durch die Wirtschaft, 01/07/1988, Frankfurt am Main: FAZ.

Siller, E., 1988b. Die Arbeitssicherheit hängt von guter Organisation und Führung ab. Blick durch die Wirtschaft, 19/04/1988, Frankfurt am Main: FAZ.


Ziller, P., 1995. FDP will Arbeitnehmer zur Kasse bitten. Frankfurter Rundschau, 03/05/1995, Nr. 102, 4.

**Secondary Sources**


Bispinck, R., 1993. Daten und Fakten zum bundesdeutschen Tarifsystem. WSI Mitteilungen, 46(8), 529-531.


Lampert, H., 1988. Die Wirtschafts- und Sozialordnung der BRD. München and Wien:


