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Preamble

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3. These Regulations are subject to requirements of any body under whose sponsorship the research project giving rise to the thesis/dissertation is carried on.
Conflicts and Conflict Resolution at Plant Level
in Britain and West Germany - a Theoretical
and Empirical Comparison

Karen Williams

A thesis submitted for the degree of Doctor of Philosophy.

Department of Linguistic
and International Studies,
University of Surrey.  

July, 1984
Abstract

In this comparative study a modified industrial relations system concept, combining both environmental, perceptual and operational influences on the system of industrial relations, is used to test the hypothesis that the technical and market contexts of industrial relations ('constants') produce similarities, whilst the power context ('variables') produces differences in industrial relations rules across national systems. The focus of the study are the rules of conflict resolution at plant level.

A combination of methodologies was used in the empirical study including literature surveys, expert interviews and a questionnaire survey of plant-level actors. The findings show considerable differences in both the type of conflicts arising and resolution processes in West German and British plants. In West German plants, conflicts took the form of collective procedural rights initiated by the works council in response to management decisions and were resolved by a process described as 'cooperative constitutionalism'. In Britain, conflicts take the form of collective procedural and substantive interests initiated by employees or their representatives in active pursuit of their own interests as well as in response to management decisions and are generally resolved by a collective bargaining process.

The findings point to a complex interaction between constants and variables in their influence on industrial relations rules. Whilst constants have greater explanatory power in the British system of conflict resolution at plant level, variables in the form of the state and the collective bargaining parties have influenced the West German system to a significant extent.

The hypothesis of a 'logic of industrialism' across industrial societies does not have sufficient explanatory power in view of the considerable differences outlined in the study. The modified industrial relations system concept used in the study is seen as a useful theoretical tool for generating hypotheses on industrial relations phenomena, which can be tested empirically.
In memory of my father, Ronald Proctor, who inspired my love of learning and awakened my interest in the study of industrial relations.
Acknowledgements

I would like to thank all the individuals, companies and organisations whose cooperation and support made this study possible.

Special thanks are due to the members of the Shopsteward Department at IGM, Frankfurt, especially Renate Hemsteg, who patiently organised a large number of interviews for me and provided encouragement and inspiration in the study of West German industrial relations, and to Dr. Sprengelmeier of the Regional Association of the Metalworking Industry Employers in Cologne.

Grateful thanks are also extended to all the companies who cooperated with this study and individual managers, works councillors, foremen and employees, who patiently answered my questions and willingly provided all the information I required in the interview and questionnaire surveys. Particular thanks are due to:- Peter Moschinski, Gunter Orth, Dieter Riemann, Herr Kutsche, Herr Kalinke, Siegfried Kowalzik, Herr Pieper, Josef Triller, Christian Rieger and Dietrich Rosenbleck.

The German Academic Exchange Service and the University of Surrey provided the financial support necessary for the years of study and fieldtrips to the FRG.

My supervisor, Karl Koch MA, was the inspiration behind the present study and a never failing source of encouragement throughout. Thanks are also due to Professor Nigel Reeves and the staff of the Department of Linguistic and International Studies at the University of Surrey for their help and support.

Particular thanks go to Linda, who skillfully and patiently typed the thesis, and to Leslie. Last, but not least, my special thanks are due to my husband, David, and friends, especially Ingo and Renate Psenner and Helma Nattermann, without whose encouragement and support this thesis would not have been completed.
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<td>ACAS</td>
<td>Advisory, Conciliation and Arbitration Service.</td>
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<tr>
<td>bra</td>
<td>'ae' and ordered as such in the bibliography.</td>
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<tr>
<td>AEG</td>
<td>Allgemeine Elektrizitätsgesellschaft.</td>
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<td>AG</td>
<td>Aktiengesellschaft.</td>
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<td>APSR</td>
<td>American Political Sciences Review.</td>
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<td>ASR</td>
<td>American Sociological Review.</td>
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<td>ASTMS</td>
<td>Association of Scientific, Technical and Managerial Staffs.</td>
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<tr>
<td>AUEW</td>
<td>Amalgamated Union of Engineering Workers.</td>
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<td>AuR</td>
<td>Arbeit und Recht.</td>
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<td>BAG</td>
<td>Bundesarbeitsgerichts.</td>
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<td>BDA</td>
<td>Bundesvereinigung der deutschen Arbeitgeberverbände.</td>
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<td>BDI</td>
<td>Bundesverband der deutschen Industrie.</td>
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<td>BetrVG</td>
<td>Betriebsverfassungsgesetz.</td>
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<td>BIM</td>
<td>British Institute of Management.</td>
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<td>BJIR/BJiR</td>
<td>British Journal of Industrial Relations.</td>
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<td>BJPS</td>
<td>British Journal of Political Science.</td>
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<tr>
<td>BJS</td>
<td>British Journal of Sociology.</td>
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<tr>
<td>CBI</td>
<td>Confederation of British Industry.</td>
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<td>CGB</td>
<td>Christlicher Gewerkschaftsbund.</td>
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<td>CIR</td>
<td>Commission on Industrial Relations.</td>
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<td>CMV</td>
<td>Christlicher Metallarbeiterverband.</td>
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<td>CNG</td>
<td>Computer Numerical Control.</td>
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<td>CUP</td>
<td>Cambridge University Press.</td>
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<td>DAG</td>
<td>Deutsche Angestelltengewerkschaft.</td>
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<td>DBB</td>
<td>Deutscher Beamtenbund.</td>
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<td>DE</td>
<td>Department of Employment.</td>
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<td>DEG</td>
<td>Deutscher Gewerkschaftsbund.</td>
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<td>Diss.</td>
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<td>DM</td>
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<td>DTV</td>
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<td>EETPU</td>
<td>Electrical, Electronic, Telecommunications and Plumbing Union.</td>
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<td>EIRR</td>
<td>European Industrial Relations Review.</td>
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<td>ER</td>
<td>Employee Relations.</td>
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<td>EVA</td>
<td>Europäische Verlagsanstalt.</td>
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<td>FH</td>
<td>Frankfurter Hefte.</td>
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<td>FRG</td>
<td>Federal Republic of Germany.</td>
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<td>CBR</td>
<td>Gesamtbetriebsrat.</td>
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<td>GMH</td>
<td>Gewerkschaftliche Monatshefte.</td>
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<td>GMWU</td>
<td>General and Municipal Workers' Union.</td>
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<td>HMSO</td>
<td>Her Majesty's Stationery Office.</td>
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<td>IALS</td>
<td>Institute for Advanced Legal Studies, University of London.</td>
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<td>IDE</td>
<td>Industrial Democracy in Europe.</td>
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<td>IG</td>
<td>Industriegewerkschaft.</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>IGCPK</td>
<td>IG-Chemie-Papier-Keramik.</td>
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<td>IGM</td>
<td>IG-Metall.</td>
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<tr>
<td>IILS</td>
<td>International Institute of Labour Studies.</td>
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<tr>
<td>IIMV</td>
<td>Internationales Institut für Management und Verwaltung, Berlin.</td>
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<tr>
<td>ILJ</td>
<td>Industrial Law Journal.</td>
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<tr>
<td>ILO</td>
<td>International Labour Organisation.</td>
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<td>LRL</td>
<td>International Labour Review.</td>
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<tr>
<td>IMSF</td>
<td>Institut für Marxistische Studien und Forschungen, Frankfurt.</td>
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<tr>
<td>IPM</td>
<td>Institute of Personnel Management.</td>
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<tr>
<td>IR</td>
<td>Industrial Relations.</td>
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<td>IRJ</td>
<td>Industrial Relations Journal.</td>
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<tr>
<td>IRRU</td>
<td>Industrial Relations Research Unit, University of Warwick.</td>
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<tr>
<td>ISF</td>
<td>Institut für Sozialforschung, Frankfurt.</td>
</tr>
<tr>
<td>ISO</td>
<td>Institut zur Erforschung sozialer Chancen, Köln and Saarbrücken.</td>
</tr>
<tr>
<td>ISWF</td>
<td>Institut für Sozialwissenschaftliche Forschung, München.</td>
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<tr>
<td>JIR/JIR</td>
<td>Journal of Industrial Relations.</td>
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<tr>
<td>JMS</td>
<td>Journal of Management Studies.</td>
</tr>
<tr>
<td>KBR</td>
<td>Konzernbetriebsrat.</td>
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<tr>
<td>KJ</td>
<td>Kritische Justiz.</td>
</tr>
<tr>
<td>KJB</td>
<td>Kritische Jahrbücher (Jacobi, O. et al. (ed), Frankfurt, Fischer TBV).</td>
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<td>KZFS</td>
<td>Kölner Zeitschrift für Soziologie.</td>
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<td>LAG</td>
<td>Landesarbeitsgericht.</td>
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<td>LRTV</td>
<td>Lohnrahmentarifvertrag.</td>
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<td>LSS</td>
<td>Landesinstitut Sozialforschungsstelle, Dortmund.</td>
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<td>Lohntarifvertrag.</td>
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<td>MbG</td>
<td>Mitbestimmungsgespräch.</td>
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<td>MBG</td>
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<td>MD</td>
<td>Management Decision.</td>
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<td>Management Today.</td>
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<td>Manteltarifvertrag.</td>
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<td>NC</td>
<td>Numerical Control.</td>
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<td>NY</td>
<td>New York.</td>
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<td>ÖTV</td>
<td>Gewerkschaft Öffentliche Dienste, Transport und Verkehr</td>
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<td>OS</td>
<td>Organisation Studies.</td>
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<tr>
<td>OU</td>
<td>Open University.</td>
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<td>OUP</td>
<td>Oxford University Press.</td>
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<tr>
<td>PBR</td>
<td>Payment by Results.</td>
</tr>
<tr>
<td>PEP</td>
<td>Policy and Economic Planning.</td>
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<td>PF</td>
<td>Pfennig.</td>
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<td>PM</td>
<td>Personnel Management.</td>
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| PSI | Policy Studies Institute.
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<tr>
<td>RCTUEA</td>
<td>Royal Commission on Trade Unions and Employers' Associations.</td>
</tr>
<tr>
<td>RdA</td>
<td>Recht der Arbeit.</td>
</tr>
<tr>
<td>SFI</td>
<td>Sozialforschungsinstitut</td>
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<td>SISU</td>
<td>Sozialwissenschaftliche Informationen für Studium und Unterricht, University of Göttingen.</td>
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<td>SJPE</td>
<td>Scottish Journal of Political Economy.</td>
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<td>SOFI</td>
<td>Soziologisches Forschungsinstitut, Göttingen.</td>
</tr>
<tr>
<td>SPD</td>
<td>Sozialdemokratische Partei Deutschlands.</td>
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<td>SPSS</td>
<td>Statistical Package for the Social Sciences.</td>
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<td>SR</td>
<td>Sociological Review.</td>
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<td>Soziologisches Seminar der Georg-August Universität, Göttingen.</td>
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<td>Social Science Research Council.</td>
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<td>TGWU</td>
<td>Transport and General Workers' Union.</td>
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<td>Trade Union Congress.</td>
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<td>UAMC</td>
<td>University of Aston Management Centre.</td>
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<td>'ue'</td>
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<td>UP</td>
<td>University Press.</td>
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<td>V</td>
<td>Verlag.</td>
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<tr>
<td>VDU</td>
<td>Visual Display Unit.</td>
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<td>VKL</td>
<td>Vertrauenskörperleitung.</td>
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<tr>
<td>VWAG</td>
<td>Volkswagen-Aktiengesellschaft.</td>
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<tr>
<td>WCA</td>
<td>Works Constitution Act.</td>
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CHAPTER ONE: Theoretical Framework for the Study of Conflict and Conflict Resolution at Plant Level

Introduction

There has been considerable debate about the definition of the field of industrial relations in recent years. This forms part of the process of theoretically establishing 'industrial relations' as a field of study in its own right, analytically distinct from the study of economics, politics, sociology, organisations and other areas of study. Behrend's concern about the concentration on one aspect of industrial relations so that:

'we get at least as many different approaches and emphases as there are disciplines in this field',

has led to a debate about how to integrate the many differing contributions to knowledge of how and why management—employee(s) relations develop as they do in Western industrial societies. This chapter will seek to provide a summary of research in Britain and the Federal Republic of Germany, which is thought to contribute to a greater understanding of conflict arising in the workplace in the two countries and the process by which conflict is resolved. The framework for both the analysis of existing literature on this subject area, and the empirical study of conflict and conflict resolution in the Federal Republic, is a modified and expanded version of J.T. Dunlop's 'Industrial Relations Systems', which is outlined below.

The relative German and British research contributions will not be considered separately but will be incorporated into the general framework. Mention must, however, be made of the different emphases of the literature in each country as these reflect the key characteristics of the respective system of industrial relations and the major concerns of practitioners and researchers.

In the Federal Republic, much work has focused on the legislative framework of industrial relations which, in comparison to Britain, is extensive. Early works in the 1950s and 1960s concentrated on the codetermination laws, especially the contrast between the legal norms and actual practice at company level in the iron, steel and coal industries. The two waves of unofficial strikes in 1969 and 1973 prompted research into the problems of a trade union movement, which is highly centralized and pursues cooperative policies vis-à-vis the economic policies of the government. There have also been studies both of the unofficial and official strike movements since 1969. Many works have been critical of the legalized system of industrial relations, both at the level of trade union - employer associations and in the workplace itself, and, in the early part of the 1970s at least, emphasis was placed on the development of a decentralized, conflictual approach to industrial relations based on the workplace shop-steward system and a new consciousness of class conflict among the trade union members. Since the mid-seventies, attention has shifted to the effects of the economic recession on trade union bargaining power and relations in the workplace. The increasing rationalisation of work processes both in the factory and the office has led to redundancies, dequalification of skilled employees and a growing concern about its impact on working conditions generally. Projects undertaken as part of the 'Humanisation of the workplace' programme show the low level of influence exercised by representatives of the workforce at workplace level to improve working conditions. These findings may reinforce the trend towards the greater regulation of workplace issues by the trade unions at regional and national levels as was the case with the second basic wage agreement (Lohnrahmentarifvertrag 2), which dealt with questions of work organisation. In the 1980s, the focus of research seems to be shifting to national level as the trade unions show renewed interest in the extension of company-level codetermination, unemployment figures continue to rise and the social welfare system comes increasingly under attack. The present chapter will deal
only with works which have some theoretical basis; other works will be covered in the chapters dealing with the national and workplace systems of industrial relations. As will be seen, the key areas of emphasis in the German studies include the role of the state and the legal system in industrial relations, national trade union organisation and policies, and some study of the workplace, particularly immediately after the two main unofficial strike waves and during works council elections, as a basis for a radical critique of existing co-operative trade union policies. In general, the workplace level of industrial relations has not been considered of major research interest except as an example of the effect of centralized state and trade union policies in industrial relations and in legal studies of workplace legislation.

Workplace industrial relations has, on the other hand, been a major research interest in Britain since the late 1960s. Prior to this, the emphasis had been placed on national level trade union organisation against the background of criticism about undemocratic trade union practices. Another key area was organisational sociology, with special attention given to the effect of technology on management organisation and general characteristics of organisation structure. During the 1960s, public attention shifted to the evidence of a lack of central trade union control over their membership reflected in increased unofficial strike figures and wage drift at workplace level, which endangered the implementation of government pay policies. The Royal Commission on Trade Unions and Employers Associations Report, published in 1968, prompted a major debate on the need for industrial relations reform in Britain. Works debated the respective merits of voluntary and statutory reforms, especially in the wake of the failure of the Industrial Relations Act in 1971 to initiate fundamental reform in the industrial relations system. Major works adopted an 'institutionalist' approach to industrial relations, focussing on the need for the reform of the institutions of collective bargaining at industry, company and workplace levels. More recently, the premises of pluralism, which was the
foundation of 'institutionalist' thinking, has been subject to a radical critique and a renewed concern about the inequality embodied in the social structure of society in Britain. The 'social action approach' to the study of industrial relations has stressed the need to look at the orientations of the actors in industrial relations and the meanings they give to their institutions and procedures. Recent concerns have been the effects of technological changes on trade union organisation and structures, management roles in industrial relations and industrial democracy or participation at work. In contrast to the key subject areas of German research, attention in Britain has focused more consistently on the workplace as the major level of industrial relations activity. The impact of the recession on the workplace, however, and on manufacturing industry in particular, is probably contributing to a shift of research emphasis to national level concerns including national economic policies, unemployment, national level trade union policies and action and the extension of the role of the state in industrial relations by way of increased labour legislation.

1) The Industrial Relations System - J.T. Dunlop's Version\textsuperscript{10}

Dunlop's model for industrial relations systems was published in 1958 and offered a tentative theoretical framework for the large amount of data thus far collected on industrial relations themes. His framework was derived from earlier work on the definition of social systems by Pareto, and Talcott Parsons's\textsuperscript{11} work on the economic system.

Dunlop adapted Parsona's model to provide a general theory of industrial relations, which was multidisciplinary but had a focal point in the rules of employment relations, which were seen as the goal of the industrial relations system. The key elements of Dunlop's model were:\textsuperscript{12} the actors - management, workers and government agencies; the context in which the
actors operate, comprising the technical, market (budgetary) and power contexts; the ideology of the industrial relations system, viewed as the commonly held ideas and beliefs of the actors which bind the system together; and the idea of the industrial relations system as an autonomous subsystem of industrial society, which entailed a functional differentiation of the industrial relations system according to the four sub-systems developed in Parsons's work.13

The concept of 'industrial relations systems' was deliberately variable in scope:-

'... it may be used to characterize an immediate workplace, an enterprise, a sector, or a country as a whole.'14

Dunlop argued its usefulness in analyses of the internal structures and characteristics of an industrial relations system; of the relations between the industrial relations system and other subsystems such as the economy; and of the relations between the industrial relations system and the total society.15

In his elaboration of the contexts of the industrial relations system, Dunlop stressed their distinction was for analytical purposes only as in practice all three were interdependent. He also emphasized that he did not see them as having a deterministic effect on the actors.16

The technical context was viewed as very significant by Dunlop, who criticized the neglect of it by the Human Relations School in the U.S.A.17 He emphasized seven key characteristics of the technical context. Four were related to the workplace: fixed or variable workplace, the relation between the workplace and residence of the workforce, a stable or variable workforce and work operations, the size of the work group.18 A further three were related to the work operations themselves: job content, the locus of attention of the actors in the workplace (i.e. operations paced by the workers or machine-paced, customer-centred) and the hours of operation of the workplace.19

The technical context was seen to be 'to a degree unique,
defined by a wide variety of particular facets', and Dunlop conceded that there were differences in organisations where the actors faced similar technical contexts. His emphasis was, however, on the determinist effects of technology:–

'many features of an organizational configuration are narrowly constrained by the particular technical context'21

'The technical context is decisive both to the substantive rules established for the workplace in the industrial relations system and to the organizational configuration and the interaction of the actors'22

The market context comprised both the product market and the labour market. The important features of the product market were the size of the total market, competitive constraints, expansion or contraction of the market, market homogeneity and seasonal fluctuations. Dunlop looked at the effect of those features on the degree of uniformity and centralization of industrial relations rules, the size of the enterprise and the consequent effect of size on the rules and the interactions of the actors, the effect on the substance of rules, on compensation rules such as wages and on the timing of the revision of rules. A further important effect was the influence of the product market on the scope of the industrial relations system itself. Dunlop argued that management usually choose which industrial relations system they belong to on the basis of 'enterprises or workplaces subject to the same or similar product-market competition'.23 In his assessment of the importance of the labour market, Dunlop included the particular characteristics of the labour force (racial, national, cultural, religious, geographical affiliation, social community), the effect of labour market stringencies on wage rates, and the ratio of labour costs to total costs.

With changes in the technical and market contexts, Dunlop foresaw changes to the industrial relations system since workplaces were not 'neatly divided or assigned into a small group of permanent industrial relations systems'.24 Though management may choose to define their industrial relations system as those firms facing similar product market competition, labour
may have quite different preferences, which can change with changes to the context of the system.

Finally, the power context was described as being 'the locus and distribution of power in the larger society', and its main impact on the industrial relations system was on the status of the actors, i.e. 'the prescribed functions of that actor and the relations with other actors in the same system'.

In his later work on political systems and the industrial relations system, Dunlop argued that for the industrial relations system, the power context is given and is not to be explained. The political system sets up the main players in the industrial relations game and defines the major rules of play, whilst:

'Industrial relations provide the results of the play in a given technological and economic environment and at a given stage of economic development.'

Those rules considered to be more dependent on national policy such as the form of representation of the workforce and dispute settlement machinery were seen as less likely to be transferable from one national industrial relations system to another unless the actual national systems showed convergence and thus provided the necessary basis of consistency between the larger society and the industrial relations system, necessary for the continuity of both. Elements of the industrial relations system related to the technical and market contexts were most transferable. The status of the actors and their relations with each other could be imposed from outside the industrial relations system by a political process, or could develop from within the industrial relations system and be confirmed by community recognition.

Thus far, the industrial relations system is viewed as a structural cross section at one point in time. Dunlop stressed the importance of an 'historical perspective and an appreciation of change through time' in order to more fully understand the operation of industrial relations systems, and outlined five major factors which need to be considered in the study of growth and development of industrial relations systems. The first is the change in technical and market contexts with economic
development. This is expected to influence the shape of the whole industrial relations system:

'a significant change in one facet of the context or the ideology may be expected to displace an old equilibrium (in the comparative statics sense) and to create new positions within the system and new rules.'\textsuperscript{31}

The second factor is the historical period of formation of the industrial relations system:

'The major characteristics of a national industrial relations system appear to be established at a relatively early stage in the industrial development of a country, and in the absence of a violent revolution in the larger community, a national industrial relations system appears to retain those characteristics despite subsequent evolution'.\textsuperscript{32}

The third factor is the sequence of national, political and industrial revolutions. The fourth, the process of economic development. The fifth, the characteristics and objectives of the elite directing the industrialization process. Dunlop differentiated dynastic-feudal, middle-class and revolutionary-intellectual elites and studied the effects of their respective ideologies on the relations between management and workers, the functions of worker organisations, the structure of the labour movement, attitudes to industrial conflict, mechanisms for dispute resolution, the scope of decision-making in the industrial relations system and its ideology.\textsuperscript{33}

2) Critiques of Dunlop's Model of Industrial Relations Systems

The basis of the critiques of Dunlop's model as outlined above is his emphasis on the structures and environment of the industrial relations system at the expense of the processes whereby the rules of the system are generated. This omission has left him open to the charge of structural determinism, which ignores the role of the actors' own goals, values, ideologies in the establishment of rules to regulate the system. Further, the assumptions behind Parsons's use of the systems
model - that conflict is inherent in society but the systems model is an aid to explaining how order is attained nonetheless - have been continued in Dunlop's model. The emphasis on the explanation of order means a neglect of the factors promoting disorder, conflict and instability in society and in the industrial relations system in particular. Thus Hyman's comment that:

'If it is part of the definition of an industrial relations system that it contains built-in tendencies towards equilibrium, and that radical conflict is excluded from the actors' ideologies, then it cannot be assumed that industrial relations in the real world constitute a system at all.'

If the model of industrial relations systems is to be used in the analysis of the conflicts between employers and employees as well as the regulation of these conflicts, there will need to be modifications to the basic concept as outlined by Dunlop. Recent analyses of the systems model provide a basis from which these modifications can be undertaken:

1) Processes in the Industrial Relations System

Several commentators have pointed out the problem of explaining the output from the industrial relations system solely in terms of the environment of the system. Singh has outlined a model to incorporate both the structures of industrial relations and the processes whereby rules are made:

\[ \text{Input} \rightarrow \text{Environment} \rightarrow \text{Actors} \rightarrow \text{Processes} \rightarrow \text{Output} \]

* From the industrial relations system to other systems and subsystems.
Craig has suggested the following mechanisms in the industrial relations system for converting inputs into outputs: day to day interpersonal relations, the structure of negotiation units, collective bargaining, grievance procedures, continuous works committees, conciliation, inquiry commissions, arbitration, strikes. Blain and Gennard base their categorisation of processes on a mixture of the Webb's schema and that developed by Flanders: individual bargaining, collective bargaining, unilateral action, tripartite regulation, state regulation, social regulation via custom and practice, open warfare.

This solution to the problem of processes in the industrial relations system is seen as inadequate by other analysts, because it still neglects important behavioural variables and the importance of the actors' own goals and perceptions of their environment in the rule-making processes.

II) Meaning, Goals and Values in the Industrial Relations System

Blain used Dunlop's model in his study of the reasons for major strikes among airline pilots after thirty years of industrial peace. His work highlights the key role of the change in pilots' attitudes to industrial conflict due to changes in independent environmental variables: status of pilots, increasing technological nature of their work, the capital-intensive character of the operations of the airlines. Blain recommended the inclusion of a personality variable into the industrial relations system to take into account the role of individual personalities and how the goals of the actors are influenced by environmental changes. His study together with Gennard saw the role of personality as follows:

'Personality influences rules through its effect on the processes by which they are derived.'

The personality variable is viewed as having a similar status in the industrial relations system as the rules, actors,
technical, market and power contexts and ideology of the actors.

There are various approaches to the relative importance of structural and behavioural variables in the industrial relations system. As we have seen, Dunlop omitted behavioural variables from his model. The action frame of reference, which will be considered in greater detail in a later section of this chapter, tends to ignore the structures and begin the analysis with the actors' definitions of their situation and goes on to explain social behaviour on the basis of their definitions.

Hyman has pointed to the danger of accepting the actors' definitions as the basis of social action since this may lead to the neglect of structural factors of which the actors themselves are unaware. He thus argues the need for a 'structured dialectic of social structure and social consciousness,' which assumes that although men's consciousness has certain independence from structural factors and can influence the development of these factors: -

    'Yet consciousness is not wholly autonomous. Definitions of reality are themselves socially generated and sustained and the ability of men to achieve their goals is constrained by the objective characteristics of their situation.'

This approach is reflected in works on the industrial relations systems. Craig's work distinguishes 'within-puts' (goals, values and power of the actors) and the 'conditioning input' from the other social systems (ecological, economic, political, legal, social or cultural). He views the conditioning input as imposing: -

    '... a range within which the within-puts and the outputs will fall. Specification of the outputs within that range, however, is determined by the goals, values and power of the actors in the system. This suggests that the outputs are not deterministic but rather that the actors do have some degree of control over the inputs and outputs of the industrial relations system.'
The goals, values and perceptions of the actors are usually represented diagramatically as intervening variables between the environment and the processes of converting inputs into outputs.\textsuperscript{52}

**IIT Conflict and Change in the Industrial Relations System**

Dunlop's emphasis on the control of conflict and on ideology as a unifying factor in the industrial relations system has been criticized by Hyman. He argues that conflict and change need to be incorporated into the outputs of the system.\textsuperscript{53} The extent to which the beliefs and values of the actors converge or diverge is also problematic.\textsuperscript{54}

Wood differentiates between the differing philosophies and values of the actors and the outcome of this which may provide integrative norms or a conflict of ideologies in the industrial relations system.\textsuperscript{55} Other works emphasize the temporal limitations of stability in the industrial relations system in the face of changes in relative power and issues at stake.\textsuperscript{56}

Dunlop's view of the power context as external to the industrial relations system has also been subject to modifications. Wood\textsuperscript{57} argues that power is also internal to the industrial relations system whilst Walker\textsuperscript{58} shows how power is not only derived from environmental factors but the values and capacities of the actors within the system itself.

Blain and Gennard\textsuperscript{59} have sought to reflect the reality of change in industrial relations systems by comparing a system at different points in time. Both Walker\textsuperscript{60} and Reynaud\textsuperscript{61} emphasize the importance of shifting power relations between the actors in generating change in the system.

Although Dunlop did foresee the possibility of change in the system as contextual changes affected the power position of the actors and thus the rules emerging from their interaction,\textsuperscript{62}
his concepts of power and ideology need to be modified to include the fact of conflict and instability as well as conflict regulation and stability at all levels of the system.

IV) The Output of the Industrial Relations System

The controversy about Dunlop's concentration on rules as the output of the system will be considered in depth in the next chapter, which covers actual procedures for resolving conflict in the workplace. Much of the debate has focused on the definition of 'rules' and whether Dunlop's model only provided for rules which arose from formal negotiation between worker and employer organisations and ignored 'rules' generated by the interaction of workgroups in the workplace and lower level management representatives. The need to include the lack of agreement and overt conflict as possible outputs of the industrial relations system is related to the earlier discussion on conflict and stability, which need to be seen 'as problematic' and 'determined by reference to the empirical reality of the system under study.'

V) The Uses of the Industrial Relations System Model

Gill and Golding view the deficiencies of the model as serious enough to reject its usefulness as a theoretical framework. It is seen as a useful 'filing system' to identify and analyse variables, but the value-laden and ideological assumptions of the industrial relations system mean it has limited use as a predictive model and needs to be supplemented with other models including the action approach. Hill and Thurley argue that the concept of an industrial relations system encourages description not explanation, and is useful only as a classifying system not a theoretical model. Their own approach emphasizes industrial relations as an element in the wider social relations of production and the need to look at social structure and the way social forces have moulded industrial
relations systems as a basis for comparative industrial relations. Hyman\textsuperscript{66} agrees with this argument and defines the study of industrial relations as:-

'The study of processes of control over work relations; and among these processes, those involving collective worker organisation and action are of particular concern.'\textsuperscript{67}

Patchett and Whittingham point to the neglect of socio-economic data, action approaches, conflict and power variables in Dunlop's model and cite the Donovan Commission's Report\textsuperscript{68} as an example of the negative influence of systems models on industrial relations in the U.K. The Report's neglect of the impact of social and economic changes on the actor's goals is said to have led to the wrong diagnosis of Britain's industrial relations' ills and the wrong remedy for a cure: that is, the proposal for new procedures to deal with workplace issues rather than an attack on the inequality embodied in the social structures of society. Bains and Clegg\textsuperscript{69} also view the industrial relations system model chiefly as 'a heuristic device for structuring data'. Although they recommend a broadening of the model to include behavioural variables. The study of industrial relations covers, in their view:-

',.. all aspects of job regulation and the making and administering of the rules which regulate employment relationships... regardless of whether these are seen as being formal or informal, structured or unstructured.'\textsuperscript{70}

This definition accords closely with Dunlop's concept of the industrial relations system as a rule-making body.

Blain and Gennard\textsuperscript{71} list the uses of the systems approach as:- a checklist of factors to consider, capable of generating hypotheses of relations between variables, capable of the analysis of industrial relations at different levels and of specific issues, capable of explaining change and with some predictive value. Wood similarly views the industrial relations system as a theoretical not just a descriptive model, although modifications are necessary.\textsuperscript{72}
The assumptions behind the use of an industrial relations system model in this thesis and further modifications to the model to facilitate its practical application to the analysis of different processes of conflict resolution at workplace level in two national industrial relations systems will be outlined at the end of the present chapter.

3) Literature Survey of Structural and Social Action Approaches to the Study of Conflict and Conflict Resolution in the Industrial Relations System

The survey incorporates studies with a theoretical rather than just a descriptive approach to the subject of conflict and conflict resolution. The section headings reflect the differing preoccupations with either social and industry structures thought to promote conflict and influence its resolution or the actors themselves, emphasizing their values, goals, decisions which influence conflict levels and issues as well as conflict resolution. A further subdivision of structural approaches reflects the different levels of structural influences: national, industry, workplace.

The logic behind these different approaches varies: - the structural approach tends towards a convergency view of industrial relations systems as the structures of industrial societies follow a natural law of development - the logic of industrialism - and thus influence conflict and conflict resolution in similar ways in different societies. The social action approach underlines the differences between industrial relations systems as the responses of the actors to their environment vary due to differing values, perceptions, goals.

The general models covered in section 3 include both structures and actors although the tendency is to view structures as independent influences which shape the perceptions and values.
of the actors which are thus dependent factors, i.e. actors are in effect 'puppets' of their environment.

I) Structural Approaches to the Study of Conflict and Conflict Resolution in the Industrial Relations System

i) National System Level

A) The Material Infrastructure of Society

Extreme versions of a structural approach to industrial conflict have a tendency to view actors as mere agents of structural determinants, which condition their behaviour, values and decisions. The majority of structural studies accord the actors varying degrees of 'choice' in their response to structural exigencies but since the studies emphasise external constraints to human action, the actors' own values and orientations are omitted in the analysis. Thus Marx and Engels trace social relations, including conflict, to the ownership of the means of production which leads to the dominance of capital owners and the exploitation of labour. From this derives the concept of the inevitable conflict of interests between the owners of the means of production and those dependent on them for their livelihood.

Hyman argues that Marx provided for an area of choice in the structures of social relationships. In practice this has been neglected in Marxist studies in favour of an emphasis on the dominant influence of the material structure of society on all aspects of social relations. Marxist studies of industrial behaviour have provided a useful counterbalance to studies positing the end of industrial conflict during the immediate postwar years of relative economic stability for they emphasize a basic divergence of interests, which economic prosperity only conceals by providing scope for both capital and labour to achieve their goals by bargaining. Fox and Goldthorpe
have criticized liberal pluralist analyses of industrial relations in Britain for ignoring the basic disparity of power between capital and labour interests and positing a false consensus between the two. Both writers call for a radical restructuring of the economic and social basis of society for real consensus based on social justice to emerge.\textsuperscript{78}

The view that conflict and conflict resolution problems are related to unequal economic class structures in society\textsuperscript{79} is questioned by Dahrendorf in his study of different types of class.\textsuperscript{80} Even where private ownership of the means of production has been removed, authority structures continue to shape social relations in industry\textsuperscript{81} and provide the 'ultimate source of class antagonism in industry' in his view.\textsuperscript{82}

Various aspects of the economic system are included in studies of industrial relations issues. Ingham,\textsuperscript{83} in his study of Great Britain and Scandinavia, relates the institutions of industrial relations to the material infrastructure of society when they first originated. Thus low concentration, complex industrial structure and product differentiation and specialisation in Britain promoted a decentralised, fragmented, custom based system of bargaining on industrial relations issues. The opposite was the case in Sweden. In his view, the British system does not provide a secure basis for the regulation of conflict in a period of major economic and technological change such as the system has been facing since the early seventies. He thus calls for institutional changes towards more comprehensive, uniform regulation of issues at national level.

Other studies relate trade union membership, patterns of industrial conflict, state industrial relations policies to the economic cycle.\textsuperscript{84} German studies assess the importance of a sustained period of economic growth for centralised cooperative trade union policies.\textsuperscript{85} Lupton\textsuperscript{86} has considered
the impact of the trade cycle of particular industries on the extent of workgroup regulation of production output.

Studies of the significance of the material infrastructure of society show how the balance of power in the workplace, conflicts and conflict resolution need to be seen in relation to the wider social and economic structures of power. The material infrastructure of society at the onset of the industrial revolution had an important influence on the emerging system of industrial relations and continues to influence its operation today by providing an economic and power context within which the actors interact to achieve their goals.

B) The Role of the State in Industrial Relations

In his study of the strategy of dominant interest groups, Crouch has emphasized the role of state in industrial relations - the extent to which it is coercive, active or passive. In the British context the role of the state has developed from a passive policy in the 1950s and 1960s, where the interest groups had great scope in regulating their relationships by free collective bargaining - the so-called voluntarist system - towards increasing involvement in aspects of industrial relations either by way of agreements with the trade unions on industrial relations issues ('bargained corporatism') under a Labour government or anti-trade union legislation and monetarist policies under the present Conservative government.

Various explanations are offered for the extraordinary passive role of the state until the mid-sixties. Kahn-Freund related it to the development of the trade unions and employers' associations outside the law and their development of norms and sanctions by industrial pressure not legislation. More recent studies underline the economic and political conditions which rendered state involvement unnecessary until the 1960s when the low level of economic growth and high rate of
inflation forced greater government intervention. The increased intervention has taken various forms including corporatist solutions such as incomes policies and the Social Contract and direct legal intervention as in the case of the Industrial Relations Act 1971, Employment Protection and other Acts passed by the Labour government and the most recent Employment Acts designed to reduce trade union immunities from civil action in the courts and influence internal trade union government.

Most commentators foresee an increasing role for the state in the economy and the possibility of greater state control over industrial relations issues, particularly wages and industrial conflicts, unless the trade unions recognise the legitimacy of the state's role in the economy and control the sectionalism within their own ranks. This was indeed the argument of pro-trade union researchers in industrial relations during the 1960s. Both Flanders and Kahn-Freund foresaw increasing state intervention in industrial relations unless the two sides of industry responded positively to the changed economic context and were able to bring the wage drift and high conflict levels under control thus obviating the need for state intervention.

England and Weekes argue that the combination of legal regulation and the recession have changed the conditions which originally facilitated collective laissez-faire or voluntarism in industrial relations in Britain. The trade unions, however, are not expected to radically alter their character, which has developed over 200 years, in the near future. Studies of the effect of government legislation on the conduct of industrial relations, particularly at plant level, are limited. Daniel and Stilgoe's study of the effects of the Employment Protection Act commented on 'how modest had been the influence of an apparently major package of employment legislation' on firms surveyed. The widest effects were felt in small companies with a low level of trade union organisation. On strikes Edwards concludes that the practice of resolving
disputes at the point of production is firmly embedded in British industrial relations and would require a major upheaval to alter this pattern. On workplace bargaining, Sisson and Brown point to the continuation of the basic collective bargaining model based not on joint regulation but each side seeking to impose its views on the other. Collective labour law on bargaining rights has been piecemeal and in keeping with the voluntary model of industrial relations.

The role of the state is increasing in Britain but, as Palmer points out, there is no agreement on how its role should evolve. Corporatist solutions have been rejected by the present government in favour of economic liberalism and legislation to restrict trade union influence.

In West Germany, by contrast, the state has had a dominant role in the shaping of the industrial relations system. The extent of the legalisation of industrial relations has led some commentators to argue that there is no concept of industrial relations as an autonomous sphere of action in the FRG. Dahrendorf has argued that this non-recognition of the autonomy of the industrial relations parties has led to attempts by the state to eliminate industrial conflict per se by altering the structure of firms in the codetermination legislation.

Various reasons have been suggested for the preference for legislation rather than collective action on industrial relations. Ramm emphasizes the importance of the continuation of the authoritarian state ('Obrigkeitsstaat') in Germany, intervening to protect the common interest and stave off social revolution. Unterseher also stresses the tradition of social conservatism and state intervention in Germany in contrast to the tradition of non-intervention in Britain. The high level of industrial conflict in Germany in the late nineteenth century is also said to have promoted the establishment of legal definitions of illegal and legal industrial action,
legally binding collective agreements and peace obligations on trade unions.105

The reasons behind the trade unions' acceptance of the state's dominant role in industrial relations prior to the second world war have been related to their development from the political parties in Germany, their weak position especially at workplace level, and the dominance of the employers, especially in heavy industry. This is said to have caused the trade unions to rely on state help at national level.106 Bahl traces the debate in the trade union movement in the early twentieth century on trade union autonomy, showing how some trade unionists welcomed reliance on the state (Sinzheimer) and others rejected it (Heimann). The former won the day and the trade unions concentrated their strategies on the representation of their interests via parliament to attain their goal of economic democracy at all levels of society (Naphtali). The organisational strength of the trade unions was not built upon and this reinforced the trend towards reliance on the state. What Bahl describes as the 'conservative understanding of the state's role in society' ('das konservative Staatsverständnis der Gewerkschaften'), whereby the trade unions rely on social change via state action instead of by their own actions, has continued into the present day programmes of the trade unions. Many works have criticized trade union reliance on legislations since 1945, as this is said to have led to the incorporation of the trade unions into the present economic and social system, and the neglect of the organisational strength necessary to enforce reforms at parliamentary level and at regional and workplace levels.107

There have been many studies of corporatism in West Germany in light of the concerted action of the state, trade unions and employers, which ceased to operate in the late seventies formally, although trade unions and employers continue to base their negotiations on economic trends forecast by the government as shown in studies of the annual wage bargaining rounds. Lehmbruch108 has considered the development of liberal
corporatism in West Germany as the response to negative economic developments and the inability of the state to control them. His 'liberal corporatism' is akin to Crouch's 'bargained corporatism', being based on voluntary cooperation of the parties concerned. Alemann\(^{109}\) has pointed out what he sees as the convergence of the British and German systems towards a system of pluralist corporatism, although they have trodden different paths to reach it due to different historical, economic and political environments.

Traditional trade union attitudes towards the state facilitated their cooperation in the concerted action, especially when the Social Democratic Party (SPD) came to take over government in 1969. An additional factor in the explanation of trade union reliance on and cooperation with the state since 1945 has been their reorganisation on the lines of industrial trade unions. Whereas the previously fragmented structure of the movement was said to lead to reliance on the state in the face of great opposition from the employers to any trade union role, the present industrial trade union structure with its centralized decision-making is said to lead to cooperation with the state due to the macro-economic impact of any trade union policies.\(^{110}\) Streeck argues that there is an inevitable link between industrial trade unions and cooperation with the state in its policies for economic stability. The centralization of the trade union structure to ensure solidarity can also be used for external compromises. He further argues that state legislation has supported the trade unions in their resolution of organisational problems, by creating works councils at workplace level, which carry out important functions for industrial trade unions yet do not compete with the trade unions because they have no role in wage bargaining and are depoliticized so they cannot endanger the solidarity of the unions. Streeck emphasizes the importance of state support for trade unions in resolving organisational problems by comparing the German railway union with the fragmented union structure in Britain.\(^{111}\)
Trade union cooperation with the state in West Germany has not been problem-free as rank and file members have challenged its effects on basic wage rates both during periods of economic expansion in the late 1960s and the onset of recession with rising inflation in the early 1970s.

The role of the state in industrial relations thus has an important influence on the type of system which emerges and its ongoing operation. Later sections will consider the impact of the industrialising elite groups on the emergent industrial relations system in Britain and West Germany and the factors which constrain and facilitate an increasing state involvement in industrial relations today. The tradition of legalisation of industrial relations and trade union cooperation with state policies in the FRG will be compared with the voluntarist tradition in Britain, which has limited the success of corporatist policies as well as legal regulation of industrial relations issues.

C) National Value Systems

The significance of national value or cultural systems forms part of the debate on the convergency or divergency of industrial societies. Organisational theorists have focused on what Lammers and Hickson describe as diachronic, monosocietal and monoinstitutional studies which emphasize structural aspects and tend to conclude that organisations are all 'brothers under the skin'. On a wider level, Kerr and Dunlop have underlined the dominant influence of technological and market factors in industrial societies, which promote similar structures and processes in industrial relations in what is termed the 'logic of industrialism'.

Recently studies have emerged which question the logic of industrialism with reference to organisation of industry and industrial relations. Child and Kieser have developed a culture-specific' theory arguing that:-
'even if organisations located within different societies do face similar contingencies and adopt similar models of formal structure, deep-rooted cultural forces will still reassert themselves in the way people actually behave and relate to each other. Structure will remain purely formal if it is not consonant with culturally derived expectations.'

Whilst Child and Kieser emphasize expectations, Maurice's 'societal effect' looks at the social conditions surrounding the formation and development of organisations. This entails the study of how actors construct organisations and how their decisions are influenced by the societal context. In the study on manufacturing units in France, Germany and Britain emphasis is laid on the educational systems in the different countries and how they transmitted social values to firms and with what effects. Values include the criteria of social selection and rewards, whereby Britain and France accord higher rewards to academic non-manual professions whilst Germany emphasises professionalism and technical competence. These differences are underlined in studies by Marsden, Lawrence and Granick.

Further studies by Maurice and Sorge consider the 'socio-historical sources of unity and diversity', relating differences in worker and management organisations and in forms of industrial democracy to 'the constraints to rationality prevailing at the time when decisions to create the institutions are typically made.' Constraints include management and worker ideologies, power structures in society including the role of the state and dominant elites. Similar constraints or influences on the development of industrial relations institutions are recorded in many studies which compare two or more different national systems. Clarke contrasts the bureaucratic pathology expressed in centralised rule-making of French industry with the 'adaptive bureaucracy' of British firms and relates them to the pattern of social change and power structures in society. Eyraud and Gallie draw similar conclusions from their study of industrial relations in France and Britain.
Once structures become 'institutionalised' they in turn act as constraints on social behaviour and reduce the scope for choice in actor decision-making. These institutions become a socialisation process through which the actors pass and they perpetuate particular forms of behaviour in industrial relations as well as in other sectors of society. Faucheux argues that the differences between national societies which emerge in terms of conflict management are quantitative not qualitative. Others like Shalev argue the differences undermine the logic of industrialism postulated in industrial societies.

The present study will include a historical survey of the development of the industrial relations systems in Britain and Germany, which highlights the differing power structures and ideologies which shaped the current institutions of industrial relations. Differences in the role of the state and judiciary in industrial relations and the organisation and policies of the interest groups are shown to have influenced both conflicts arising and the processes of conflict resolution at workplace level.

ii) Industry Level

The main elements covered in this section are the relations between the trade unions and employers and the institutions of collective bargaining.

Wood has described the Oxford school of industrial relations as 'the dominant school' in British industrial relations research. According to Poole, its key characteristics are: pragmatism, pluralism and rejection of an increased role of the state in industrial relations and the focus on the institutions of collective bargaining and of job regulation in particular.
Allan Flanders was a leading exponent of the Oxford school. He applied Dunlop's concept of an industrial relations system to an explanation of British industrial relations in the 1960s. Industrial relations was defined as a system of rules dealing with the employment relationship at workplace level and the level of collective bargaining between trade unions and employers' associations. The study of industrial relations was the 'study of the institutions of job regulation.' The major influences on rule making at workplace level were the factors 'associated with the changing character of those enterprises', such as size. The key influences on the external rule-making process were Dunlop's technical, market power and cultural contexts of the bargaining unit, which varied from industry to industry but were united into one system by the system's 'ideology':

'The unity in this diversity is to be found in certain underlying principles, expressing value judgements, which are broadly accepted throughout the nation...without some elements of a common ideology or a number of 'shared understandings' the system would lose its coherence and stability.'

The main characteristics of the common ideology in the British system of industrial relations were: - the preference for collective bargaining rather than other methods of job regulation and autonomy of the parties to regulate their own relations, the preference for voluntary rather than compulsory procedural rules for collective bargaining and the absence of legal restrictions, the preference for procedural rather than substantive rules. These preferences will be considered in greater detail in later chapters. Flanders argued that this normative order was being challenged from above (the state) and below (workplace bargaining) and he formulated a series of reforms to the system of industrial relations to adapt the system to the change in power relations in society which had taken place since the second world war. The way to reestablish normative agreement was by reforms of the institutions of collective bargaining at national, company and workplace levels.
Although Flanders incorporated environmental influences on the industrial relations system, his emphasis was on the institutions of collective bargaining. This has been criticized by exponents of the social action and behavioural schools, as he is said to have ignored unstructured, informal relations, the role of personalities, status. He is also said to have run the risk of 'reification' of the institutions, by focussing on the goals of the institutions rather than the people who formulated the goals. The radical school, including Fox and Goldthorpe, argue that merely a change in the institutions of collective bargaining will not bring normative order. They propose instead changes to the environment, to the structures of society as a whole.

One of the main difficulties arising from the studies of the Oxford school are their limitation to the British system of industrial relations. Clegg's work on collective bargaining is said by him to cover only those countries where collective bargaining predominates. It does not, therefore, constitute a general theory as it cannot be applied to France where political action is preferred to collective bargaining, and also may be said to have limited applicability to Germany, where legislative action predominates. Clegg bases his work on the Webb's theory that the methods by which trade unions regulate the terms of employment of their members influence all other aspects of their behaviour. In applying this to countries where collective bargaining predominates, Clegg argues that: 'Differences in trade union behaviour can be explained by differences in collective bargaining.' In his six country study he assesses the structures of collective bargaining, including the extent of bargaining, the level, the degree of control and the scope. These structures are seen to derive from the structure and attitudes of employers associations and management, as collective bargaining takes place where decisions are made if it is to be effective, and the role of the state in the formative period of the industrial relations system. Clegg's study of strikes and industrial action is also based on the structure of collective
bargaining, especially for the regulation of wages issues. Clegg's work draws attention to the importance of employer and management organisation and preferences in an explanation of collective bargaining systems. He does not, however, explain how these preferences arise except in terms of the level of pay bargaining seen by them to be most appropriate, and admits that there is a wide variation in employer preferences between industries in one country and in a comparison of similar industries in different countries. He points out the need to refer to political and cultural preferences and values of employers' associations, management, trade unions and at the level of the state to explain these differences between industrial relations systems and different industries. The major critiques of Clegg's work have been from the radical school and focus on the assumptions of pluralism in his studies, which are said to obscure the inequalities in the power structure of society and, like Flanders, focus on the need for changes in institutions to achieve normative agreement based on concession and compromise. Fox argues the need for changes in the economic and social structures of society in order to obtain the objectives of pluralism, for example, social justice, a widespread diffusion of power so no one group can dominate. Clegg and Flanders's analyses are seen as being limited to highly developed industrialized countries, where there is no one dominant interest and good economic conditions prevail, i.e. Britain in the 1950s and 1960s. Clegg, in his reply to Fox, accepts that pluralism, defined as autonomous interest groups engaging in continuous compromises, works best in highly developed countries, where the governments can allow a wide scope for group activities. He sees signs of failure of the pluralist stabilisation mechanism to contain inflation, competition, greed and social disorder in Britain, and can foresee the possibility of egalitarian policies, outlined by Fox, overriding pluralist values. The conflict between egalitarianism and political liberties is a continuing one in all societies.
Analyses made by members of the 'Oxford school' are therefore limited in their applicability to certain countries in specific historical periods. They represent an attempt to use Dunlop's model to explain conditions prevailing in a particular industrial relations system at a specific point in time. The importance of the school in the study of industrial relations in Britain is reflected in its influence on the Royal Commission on Trade Unions and Employers' Associations Report. The diagnosis of Britain's ills was the conflict of the formal system of industrial relations with the informal, which has arisen due to the former's failure to reflect new demands and new power relations. The proposals for reform adhered closely to Flanders's reforms of the collective bargaining institutions.

The difficulties of applying the analyses of the Oxford school on collective bargaining institutions to other national systems are reflected in the different concerns of the major studies on trade unions and employers' associations in the Federal Republic of Germany. The focus of analyses has been on the problems which the trade unions' external cooperation with the state and the employers' associations creates for internal cooperation, particularly the relationship between the trade union leadership and the members. Bergmann points out that the cooperative policies of the German unions require that they work as effective representatives of their members within a given institutional framework, and that they consider the prerequisites of the capitalist economy in the formulation of their wages policies. He links the development of cooperative trade union strategies to economic and political factors: economic prosperity and the state pursuing policies favourable to the trade unions. The disappearance of these preconditions for cooperative policies creates a crisis in the relationship between the trade unions and the state and their members. Many works deal with this crisis in the trade unions' cooperative policies. HoB deals with the crisis in 1963, when trade unions were unable to meet their members' expectations by their policies and the
Employers pressed for centralised wage negotiation at the end of the 'economic wonder' period. Many studies made of the unofficial strike waves in 1969 and 1973 are based on a critique of trade union cooperative policies. The trade unions are criticised for operating as an organisation promoting order in a capitalist economy instead of leading opposition to it. Müller-Jentsch's critique is that the unions do not represent the true workers' interests against capitalism, they are dominated by the national leadership and subjugated to the Social Democratic government. The trade unions are 'junior partners' in the crisis management programme of the government. The reasons for the development of this type of policy are seen as:

- the destruction of the radical workers' movement by Hitler and the privatisation of individual workers after 1945,
- economic prosperity, centralised collective bargaining and legislation which cuts the trade unions off from the workplace and imposes legal restrictions on their action. In another article, he contrasts cooperative trade union policies with their basis in centralised trade union decision-making apparatus and concessions made by the capitalist system, which leads to system stability but apathy among the membership, with conflictual policies, which require decentralized decision-making to mobilize the members and contribute to crises in the system, promoting collective experiences of the workforce. The German unions, in his view, have to perform a balancing act to maintain cooperative policies yet uphold their strike capability to ensure representation of their interests.

These works which are critical of the trade unions often view the shop stewards as bearers of an alternative democratic trade union policy, especially on wages, and call on the trade unions to rely more on their own organisational power and less on the state, especially in view of the loss of the government's reform momentum in the economic crisis, and its pursuance of anti-Keynesian economic policies.
Streeck's studies have considered the organisational problems of large industrial trade unions especially the dilemma of their role as a stabilising factor and the continued legitimacy from their members. Cooperative centralised policies lead to apathy, the view of the trade unions as a service organisation, problems of solidarity, loss of members' union dues. His book on the subject looks at the difficulties of mobilisation of trade union members in a liberal corporatist state and trade union attempts to improve organisational security. In his view, the dual system of workforce representation, expressed in trade union organisation outside the workplace and works councils within, enables the trade unions to overcome some of their organisational problems. To maintain solidarity of the membership, industrial trade unions need to prevent workers in prospering firms following their own independent policies. This requires a representative body in the workplace which cannot make key decisions on wages but can fulfill important functions for the union such as the transmission of members' interests to the union and union policy to the members. Streeck argues that the works council fulfills this requirement. Far from having a negative effect on the unions, the works councils fulfill an important role, which involves the generalisation of issues at workplace level, the prevention of the emergence of splinter groups, the necessary flexibility for centralised union policies without endangering general norms (i.e. the second round of wage bargaining at workplace level). In Britain, where the unions have not received the same organisational support from legislation, there is severe fragmentation and decentralisation. Miller also points out the interdependence of trade unions and works councils, so that far from pursuing independent policies contrary to trade union interests, the two work closely together. Since 1974, the growing bargaining weakness of the works councils is leading to their increasing dependence on trade union action. Miller's conclusion is that the stability of workplace relations in the Federal Republic
is due to the inter-relations operating between the works council, the trade union apparatus and management, and 'their ability to control or stifle alternative interests.' Threats to this stability came with the increased power of the works councils during economic prosperity and the unofficial strikes in 1969 and 1973. Streeck shows how these threats were largely overcome by the incorporation of their new powers in the Works Constitution Act of 1972. However, new threats are posed by the emergence of qualitative demands which cannot be fully represented by centralised trade union policies and could, therefore, lead to new channels of workplace representation, and by what Streeck calls the 'cooperative syndicalism' threat - the increased power of works councils especially at company-level. Müller-Jentsch sees further threats to stability in the inability of works councils in the recession to protect the interests of key groups of workers, and the employers' attempts to block the transference of problems in the workplace, created by rationalisation, to higher levels. He points to an increase in oppositional candidates for works council elections and the emergence of new groups at workplace level, which will pose a serious threat if group militancy increases.

Although the studies of trade unions and employers' associations focus on the problems involved in the co-ordination of national union and workplace interests, the context of the problems and the problems themselves are very different in Britain and West Germany. The West German unions are centralized, cooperative and are a factor promoting stability of the system. The British trade union movement operates a decentralised, conflictual policy and has been viewed as a factor promoting instability in the British system. Proposals for reform differ: in Germany, emphasis is placed on the need for greater devolution of decision-making to enhance member participation; in Britain, attention has been focused on the centralisation and formalisation of decision-making to reduce shopfloor power.
iii) Plant Level

A) Organisational Structure

Organisation theory has emphasised the study of contextual influences such as size, relations of dependence and technology of specific plants and components of organisational structure including workflow integration, structuring of activities, functional specialisation, formalisation of documentation, diffusion of authority. Management variables include role definition, role routine, formalisation and expectations of innovation.\textsuperscript{162}

The postulation of a 'culture-free context of organisational structure'\textsuperscript{163} emphasises the constraints which a firm's environment places on management decisions about organisational structure and strategies.\textsuperscript{164} Divergences due to differing socio-cultural contexts are seen to be in degree only, such as a greater or lesser level of formalisation relating to size of firm. Horvarth's study of firms in Britain, Japan and Sweden found very different responses of organisations to similar environmental pressures in terms of the centralisation or decentralisation of control.\textsuperscript{165} Hofstede discovered very different power distances between employees and their superiors in the same multinational company in forty countries.\textsuperscript{166}

Child has developed the concept of 'strategic choice', i.e. 'the agency of choice by whomever has the power to direct the organisation'\textsuperscript{167} to explain these differences in organisational structures and processes. His study of British and German companies upheld the link between size and structure but not that between contextual factors and management characteristics such as authority relations, structures of decision-making, management roles and attitudes. This divergence is explained by the fact that:-
'culturally specific factors such as people's expectations about authority will mediate between contextual variables such as size of organisation and the nature of structures, roles and behaviour within organisations.'

Sorge found differences in the actual configuration of manufacturing units in Britain, France and Germany including staff-worker ratios, structure of work, qualifications and career systems. This extends Child's scope for strategic choice beyond the roles and relationships between the actors to actual organisational and work structures. Mansfield argues that decisions about structural arrangements must be within the range of what management sees as acceptable. Management perception is influenced by economic interests, cultural values, ideological views, current management theories, the interests of other interested parties including employees. Other recent works on managerial strategy in Britain emphasise cognitive and behavioural influences. Loveridge, for example, rejects the idea of an impelling structural imperative towards centralisation of organisations in industry, for, as is the case in Britain, companies can cope with uncertainty in their environment by diffusion of risk in a decentralised policy.

Purcell outlines differing approaches to industrial relations by management and emphasizes the important role of key personalities in shaping strategies. Thurley similarly illustrates the widely diversing business and industrial relations strategies in British industry which he relates to the decentralised organisation of industry.

Studies of aspects of organisations do not therefore support either a universalistic or culturalist view of their structure and operation. The perception and decisions of dominant coalitions do not merely mediate between context and behaviour but are instrumental in the development of organisations in the first place. Although, as Gospel points out in his study, once a specific organisational structure is established it can constrain future decisions of the actors. In his view structure
both follows and embodies management strategies.\textsuperscript{175} The empirical study of individual firms will thus incorporate an assessment of managerial strategies, particularly as they affect the institutions of conflict resolution at plant level, as well as the general organisational context.

B) Size of Organisation

'Size' has been a key element in the study of organisations. McMillan\textsuperscript{176} argues that it has an overwhelming influence on the structuring of activities, although the size of the parent organisation rather than the unit itself was a more important indicator. Brown's\textsuperscript{177} survey of the factors shaping shop-steward organisation in Britain emphasized the important influence of size via its effect on the size and homogeneity of interest groups, the continuity of shop-stewards, hierarchy and specialisation, regular meetings, written minutes, stoppages and sanctions. The critical size was 500 employees and he argued that once establishment size was taken into account, there was little difference in the complexity of shop-steward organisation across manufacturing industry in Britain. The differences between the manufacturing and public sectors, however, could not be accounted for by size.

'Size' is often included as a factor influencing the power resources of a trade union and its representatives at workplace level,\textsuperscript{178} and the degree of dependence or independence of workplace organisation on the external trade union.\textsuperscript{179} Ingham\textsuperscript{180} considered the impact of size on structural changes in the organisation and workgroup dynamics. He concluded that major structural changes affecting workgroup behaviour via the size of work crews occurred at the critical size of 30 to 60, after which the changes were less dramatic until the organisation reached a size of 50,000 plus.

Studies of industrial conflict often include size as a factor influencing conflict. Brown's study\textsuperscript{181} rejected the view that
large plants were more strike-prone, arguing that if size of the labour force was taken into account, smaller plants have more strikes and forms of industrial action per employee than large plants. Edwards also found size explained only 15 - 20% of the variance in the number of strikes, technology had very little impact. He stresses the importance of daily management and shop-steward relations and decisions in an explanation of strike levels. Prais, in his study of Sweden and Britain, however, related large scale production such as car assembly, steel production, ship-building to higher frequency of strikes due to the difficulties in communication, reaching agreements and observing them. Edwards found some evidence of a relation between complex management organisation and the degree of trade union organisation and strike-proneness. Turner also found a link between the bureaucratisation of management, which may be related to size, and an increased strike incidence.

The relationship between size and conflict levels is, however, a complex one involving many different elements including specific responses of management to specific industrial relations situations.

The common view that smaller firms enjoy more harmonious relations is not always supported by research. Nash has considered differences in management motivation in smaller firms (2 - 200 employees), including the prevalence of a unitary ideology, the view of 'industrial relations' as a threat, the rejection of collectivism and externally imposed regulation and the low level of experience of employment law. Studies carried out as part of the humanisation of the workplace research project in West Germany have focused on the specific problems of smaller firms: the difficulty of applying legal provisions due to the lack of knowledge of both management and workforce representatives, the evidence of exploitation as trade union organisation is often low, no works council exists and there is a lack of alternative job opportunities in the
community. The studies have shown the great organisational obstacles of works councils in small firms due to the existential threat posed by management and the powerful role of the foreman. Curran and Stanworth's study of social relations in printing and electronic firms of varying size showed, however, that differences in the social relations in the workplace were related less to size than to the 'industrial subculture' of each industry branch. Relations in the small printing plant were very different to those in the electronics plant.

Studies of the structure of industry in Britain point to the increasing concentration of industry, especially in chemicals, metalworking and engineering. Hannah links the growth in concentration to the increase in mergers and points out how Britain is developing larger scale firms more rapidly than any other European country. The social and political effects of this are seen as a drop in worker satisfaction, an increase in labour costs and strike-proneness, the growth of bureaucracy and inefficiency and the risk of more government intervention as the decisions taken by such large firms have a macro-economic impact. Prais shows how the growth in concentration is not linked to a growth in plant size but in the size of the controlling group. For example, in 1972, the 100 largest firms in Britain owned 72 plants each, each plant averaged 430 workers. Concentration was found to be much lower in West Germany, with small firms three to four times more frequent.

The important effect of size on the structure of organisations and especially on management structure and functions in terms of its bureaucratization, formalisation, specialisation needs to be included in the assessment of workplace relations. Ford has, however, pointed out the ways in which management choice influences size in the case of managers of small firms. Their motivation in setting up a business is often to 'be their own boss' and this influences their decisions about expansion;
they prefer to keep their businesses small so they can stay in control. The significance of size of firm for conflict and conflict resolution processes will be assessed in the empirical study by the inclusion of firms of different sizes.

C) Technology

Studies under the 'technical implications' approach look at the effect of technology on organisation, social relations and behaviour in the workplace. Blauner's\textsuperscript{196} definition of 'technology' is as follows:

\begin{quote}
'technology refers to the complex of physical objects and technical operations (both manual and machines) regularly employed in turning out the goods and services produced by an industry.'\textsuperscript{197}
\end{quote}

This definition covers the machine system, technical know-how and mechanical skills. Woodward's categorisation of different types of technology based on their production system, includes unit and small batch, large batch and mass production and continuous flow or process production.\textsuperscript{198} These are the categories used in most studies of technology. Woodward considered the impact of technology on the organisation of manufacturing industry, and found that the process and small batch systems had similar organisational structures, characterized by delegation and decentralisation, whereas large batch systems had more centralised, bureaucratic organisational structures.\textsuperscript{199} Technology was found to influence factors such as the length of the line, the span of control, percentage turnover allocated to wages and salaries, the ratio of managerial to total personnel, the ratio of administrative and clerical staff to manual workers. However, the relations between technology and organisational characteristics was not direct. The relation was more obvious in small batch and process production as the actual physical workflow limited the organisational choice. In mass production, there was more choice. Technology was not seen to determine
organisation but defined the limits within which it could be determined. The management control system depended partly on the physical workflow, partly on the policies of top management. Later studies looked at the role of the management control system, seen as having a mediating effect on the relation between technology and behaviour and explaining the different effects of similar technological systems. Technology was seen as a 'partial predictor'. This reflects the findings of other projects using technology as a variable. McMillan found technology had little impact on structure except in areas directly linked to the workflow.

Burns and Stalker's study of the impact of technology on organisation structure, especially of management, distinguishes between a mechanistic system of management, associated with a routine technology, a low level of technological sophistication, large size and large capital investment, and an organic system, associated with a non-routine technology, high level of sophistication, small size and small capital investment. The mechanistic systems stressed quantity and cost and were found in mass production industries; the organic emphasized quality and innovation and were associated with small batch production. They looked at difficulties arising where there was no fit between the technology and the management organisation.

Most of the studies stressing technology as a key variable have looked at its effect on workgroup behaviour in terms of alienation and conflict. Woodward's view of the impact of technology on behaviour was not deterministic. She argued that there was a two-way interaction: the behaviour of an operator was constrained by the portion of the technology he is directly concerned with and the requirements of the administration and workgroup, but much depends on how the operator interprets his environment and he is able to bring about changes in his technological situation.
A number of studies have looked at the alienating effect of assembly line technology via its effect on job tasks and social contacts in the workplace. Process and craft production led to lower levels of alienation. Blauner emphasized, however, that technology did not have a deterministic effect and other factors such as the 'conscious organisational policies' of management and the social character and personality of the workforce can be 'critical in their effect on employee alienation.' Goldthorpe's studies of assembly lines in the car industry showed that the motivation of the workers affected their perception of and reaction to the alienating effects of the technology. The fact that they sought their fulfilment in life not at work but in the home and the assembly line job gave them high incomes and job security in order to do that meant that their attitudes to the work were positive. Form's study also showed that the majority of assembly line workers were satisfied with their jobs.

This contrasts with those studies which view workers' attitudes as being shaped by their work experience not by factors outside the workplace or intrinsic to the workers themselves. Sayles' study related grievance activity to the technology and organisation of the plant, which are said to affect the groups' inherent ability to function in a certain way and relationships within the groups. He recommended structural reforms to promote the ideal type of workgroup from management's point of view. Euler argued that conflict behaviour was related to the level of enforced compliance rather than choice which the technology imposed on the workforce. Popitz, too, looked at the types of worker cooperation required by the technology to explain behaviour, although he introduced what he called 'individual prerequisites' to explain why two workers doing the same job can have totally different subjective assessments of the work. The prerequisites were, however, limited to 'in-plant' factors such as job experience and
knowledge and also individual temperament, but not family
status, age, origin etc. Peach and Livernash\textsuperscript{212} emphasized
task organisation and work environment as key influences on
grievance initiation but introduced other variables to
explain resolution processes including trade union leader-
ship type and trade union organisation.

Whereas earlier studies often emphasized the influence of
technology on all aspects of industrial behaviour and argued
the case for a convergence of industrial societies due to the
convergence of technological processes,\textsuperscript{213} recent studies
consider how the application of technology is influenced by
actor decision-making within the wider socio-economic and
cultural system. Manwaring considers how social organisation
in Japan, specifically paternalism and strategies of incorp-
oration, facilitates the use of specific organisational and
technical techniques in industry.\textsuperscript{214} Sorge and Warner show
how new computer technology is adapted to fit in with the
existing structure of work in German and British companies.\textsuperscript{215}
Wilkinson looks at the application of computer technology from
a trade union standpoint and considers various attempts by
workforces to influence its application in line with their
interests in the control of the work process.\textsuperscript{216} Technology
is no longer viewed as a functional imperative but as a 'man-
made and man-controllable factor.' Thus the application of
technological processes needs to be analysed within the wider
context of management and workforce interests and environ-
mental constraints.\textsuperscript{217}

The empirical survey will include a number of different
technological processes and an assessment of their effect on
the type of conflicts emerging and the industrial relations
institutions and processes developed to deal with them. An
attempt will be made to compare the effects of similar
technologies on conflicts and conflict resolution in Britain
and West Germany.
II) Social Action Approaches to the Study of Industrial Conflict

Whereas systems approaches view human actors as being 'acted upon' by social forces, the action approaches stress the importance of human actors as they create the society in which they live. In contrast to the emphasis on formal aspects of organisations in the 'systems' approach, the action approach is particularist, pluralist and focuses on the informal aspects of behaviour and processes not structures. Kirkbride is critical of the application of the methodology and epistemology of the natural sciences to the study of social phenomena, because the latter, unlike natural phenomena, have their own intrinsic meaning. The action approach looks at these meanings which lie behind actions to explain behaviour. Meaning is thought to derive from the context of the action (past, present and future) and the actor's rationale for action.

Silvermann argues that the action approach is useful in the explanation of the origins of organisations by considering their conscious creation with respect to the goals of the founders, the nature of behaviour by looking at members' expectations, and organisational change with reference to the participants' definitions of their external environment. The physical environment sets some constraints within which the participants can interpret their environment in different ways and respond differently. Silvermann's theory bears close resemblance to Child's concept of strategic choice, although Child only looked at the choices of 'dominant coalitions'. The major difference perhaps is that those studies stressing environmental factors view choice as a residual category and do not seek to explain its operations, whereas the action approach focuses on the area of choice, which requires the study of questions such as the nature of the actors' involvement in an organisation, the actors' own definitions of situations. Silvermann gives Gouldner's study of a wildcat strike as an example of the approach, whereby the change
in management leads to the end of the old 'indulgency pattern', based on informal interactions, and a new stress on efficiency. The effect of this change on the workforce leads to a wildcat strike, which is only settled by an agreement on formal rules which prevents conflict between the different expectations of management and the workforce. Most of the works using an action approach focus on the workforce and trade union actors.

Lane and Roberts's study of the Pilkington strike looks at the change in attitudes of the workforce towards authority, especially the autocratic paternalism of the management. The change in attitude is related to changes in the community and the society at large: changing attitudes to work, the erosion of the insularity of the community, the decline of the firm's dominance over local labour markets. Chinoy's study of automobile workers looks at how their aspirations have been influenced by changes in society, for example, the American dreams of equal opportunity and independence. Confronted with the lack of opportunity in their jobs, the workers transfer their objectives to their children. Goldthorpe's study of car workers uses a social action approach to refute the thesis of the embourgeoisement of the working classes due to the affluence of the 1950s and 1960s. The workers were found to have adopted an instrumental attitude to work due to socially generated factors outside the workplace including: their position in the life cycle, their geographical mobility and downward social mobility. The priority given to their standard of living and the material rewards from their jobs led to a positive orientation to the firm and the segregation of work and non-work areas of their lives. Partridge has applied an action approach to the study of shop-steward activity, focusing on their problem of defining issues in a way consonant with the frames of reference held by their members.

There are numerous studies of worker consciousness. Two key works from the British research are Mann's concept of dual consciousness of the working classes and Runcimann's concept of
clusions about 'relative deprivation'. Mann shows how co-operation in the workplace coexists with an inherent opposition of the workforce to management interests. He outlines four elements in class consciousness: identity, opposition, view that one's whole situation is determined by the opposition of the classes and ideas about an alternative society. Usually one or more of the elements is missing thus preventing class consciousness from emerging. His conclusion is that the working class does not have the power to be a class in itself in capitalist societies. In Britain, trade union consciousness prevails and the trade unions' concentration on economic demands not control of work has reduced the class conflict and makes it possible for 80% of workers questioned in his study to feel that management and workers are on the same side. Runciman also emphasizes the dominance of pluralist trade union ideology in Britain. This has led to the fragmentation of the working class, thus preventing class consciousness. The response of workers to difficult economic circumstances is to contract their reference groups to remove the sense of relative deprivation. Goldthorpe does, however, point to the effects of incomes policies in broadening reference groups and thus increasing the sense of grievance.230

A major focus of German research has been worker consciousness and the prospects for collective action. Adorno and Habermas's work on the repression in modern industrial society has led to the prevalence of the concept of 'the dual construction of society', i.e. 'reality is rooted both in the objective relationships of production and the interpretation which individuals give to the circumstances of their own life.'231 This, together with the problems of access to firms, has led to the prevalence of action research. Kern and Schumann's232 work on different types of work and worker consciousness involved the intervention of the researchers in the group processes to initiate changes in attitudes by working out the
contradictions in the consciousness of 'partial collectives' in the workplace. Socio-biographies were used by Osterland\textsuperscript{233} to look at the effect of crises on the attitudes of workers. Present attitudes are seen as 'the complex, historical and social products of change in the lives of individuals'. In the Dortmund study\textsuperscript{234} of workplace conflicts, worker correspondents were used to record continuously the development of conflicts out of everyday working conditions. Other works have emphasized the political culture of the workplace as an independent factor in the development of workforce consciousness.\textsuperscript{235} Gross\textsuperscript{236} used the conflict traditions of the workplace community as well as occupational consciousness and attitudes pertaining to the age of the workers to explain how conflicts are processed in the workplace.

Finally, many studies have looked at the effect of economic developments on worker attitudes. Schumann's\textsuperscript{237} study showed passivity of the workers in the economic crisis, viewing the crisis as unavoidable. He argued this was due to the absence of a frame of reference by which to interpret the crisis. Arzberger's\textsuperscript{238} attitude survey in four metalworking firms revealed similar findings as well as considerable optimism about the government's ability to overcome it by economic planning. He pointed to the important influence of the media and continued trust in the state and social welfare system. Herkommer's\textsuperscript{239} most recent study pointed to a change in attitudes towards the trade unions. His early study\textsuperscript{240} showed that workers felt the trade unions were important but not for their own personal situation, as they trusted in their ability to achieve their own improvements. The economic recession has meant that the trade unions are seen as vital to the achievement of any improvements as the state's reform policies have declined and workers not only cannot secure any improvements themselves, but are threatened with job losses. The evidence given for this is the growth in trade union membership from 30\% (1969) to 35.9\% (1978).
Hartmann's conclusion on the state of German research based on the action approach is a wealth of qualitative data but the absence of generalisations from it. He is concerned about the abdication of the research scholar as an independent source of observation (ethnomethodology) and the consequent problems of validity, representativity and subjective bias.

Similar criticism has been voiced of social action studies in Britain, although social action studies do not claim any theoretical status but stress the use of the approach to highlight particular themes and gain additional insights. The approach has not been widely used in the study of management decisions and actions due to the focus on organisational constraints to decision-making. Some recent studies emphasize the need to look at cognitive and behavioural structures in the assessment of managerial strategies particularly in relation to their perception and response to uncertainty in their environment.

In response to the social action approach both Walker and Rose argue that equal weight must be given to the study of the person and the situation as determinants of industrial relations behaviour. Thus:-

'worker response to the objective features of a work situation... are mediated by socially structured subjective aims and perceptions.'

The trend away from a concentration on institutions and structures to the study of attitudes and informal behaviour permits the introduction of a psychological/behavioural perspective into the study of industrial relations. The key subjects of behavioural studies of industrial relations are negotiating behaviour and industrial conflict. In their study of negotiating behaviour Walton and McKersie outlined four types of labour negotiating activity. Variables thought to influence the different patterns of relationships included technology, market and power contexts, the basic personality
dispositions of key actors and their shared bargaining experiences. Emphasis was placed, however, on the different bargaining processes, the strategies, tactics and issues associated with these. The four processes were:-

distributive bargaining ('the process by which each party attempts to maximize his own share in the context of fixed sum pay-offs'),
integrative bargaining which 'finds common or complementary interests and solves problems confronting both parties',
attitudinal structuring where the actors 'seek to influence the attitudes of the participants towards one another and affect the basic bonds of the two parties',
and intraorganisational bargaining to reach consensus within each of the interacting groups.

Peterson and Tracy's application of Walton and McKersie's theory to identify 'the conditions, behaviours and procedures that enhance problem-solving in labour negotiations,' i.e. integrative bargaining, supported the importance of independent variables such as a cooperative working relationship, the anticipated recognition and approval from constituent and opponents, the frequency of contacts and openness of communications, team policy and administration. Their findings did not support the need for a professional orientation of the negotiators, recognition and approval from one's own team members or the length of the bargaining relationship. The personality of the negotiators was thought to be more important than length of bargaining relationship. Other important factors were perceived bargaining power and the likelihood of strike action - the latter variable was negatively correlated with bargaining success.

The concern to discover the variables leading to an integrative bargaining relationship is reflected in behavioural studies of conflict. Deutsch distinguished between constructive and destructive processes of conflict resolution:

'A conflict clearly has destructive consequences if its participants are dissatisfied with the outcomes and feel they have lost as a result of the conflict. Similarly, a conflict has productive consequences if the participants all are satisfied with their outcomes and feel they have gained as a result of the conflict.'
His study considered many types of conflict of which inter-group conflict is only one. The conditions thought to be conducive to the emergence of inter-group conflict include: contact, visibility, competition and social change. He looks at the conditions necessary for the institutionalisation of conflict and as these have a direct bearing on grievance procedures, they will be considered in more detail in the next chapter. His list of variables affecting the course of conflict, i.e. destructive or constructive include: the social environment, in so far as it offers facilities or constraints to certain types of conflict resolution, interested third parties and the consequences of the conflict to them, the nature of the issue in conflict, the characteristics of the parties to the conflict (values, goals, intellectual and social resources), their prior relationship, strategies and tactics and the consequences of the conflict to them. Coser and Galtung also assess the destructive and constructive potential of social conflicts.

Both social action and behavioural approaches provide a useful counterbalance to a structural determinist approach by focusing attention on the industrial relations actors and the actual processes of industrial relations. The theoretical model and empirical surveys of individual firms will include both environmental influences and the actual policies and behaviour of the actors in the consideration of conflicts arising and processes of resolution at plant level.

IID General Models of Plant Level Industrial Relations

These models seek to combine structural and perceptual variables in one model. Hill's model to study workgroup formation and activity included structural conditions, which impede or facilitate formation, group consciousness and the
power position of the group. Poole covered three dimensions of power:—its latent sources (structural), its exercise and the values of the parties regarding the legitimacy of the structures of decision-making in the workplace. The values of the shop-stewards were the most important factor explaining the pattern of dispute settlement at workplace level, although in one firm, management policy played a crucial role in limiting the power of the shop-stewards. Parker included structural variables, perception and historical influences in his model of workplace industrial relations. Thomson and Murray differentiated independent variables (process, contextual and procedural) and dependent variables (perceptions, conflict manifestation and outcome) to explain grievance resolution at workplace level, although their own empirical studies emphasized contextual variables, especially technology, as the primary factor influencing the grievance resolution process. Technology influenced resolution by way of its effect on the work situation, the main source of grievances. The type of grievances arising influenced the resolution processes in the firms they considered.

German models of workplace industrial relations focus on models of representation by the works councils. Fürstenberg cited Neumann's categories of ideal—typical models of works councils, which have dominated the German research. These include:- the democratisation-integration model of early studies such as those by Potthoff and Blume, where emphasis is placed on the works councils' role in the process of joint conflict resolution; the compensation-surrogate model, where the works council is seen as compensation for the lack of rights of the workforce due to the private ownership of production - the interest here is on decision-making processes; conflict and oppositional model, where the works council operates to increase the self-determination of the workforce and curtail the influence of the employer; the partnership and
fairness model; and the corruption model, which views the works council, as instituted by law, as obscuring the objective conflict of interests in the workplace and emphasis is placed on the use of works council rights to promote a conflictual policy and mobilize the workforce. Fürstenberg points out how ideological assumptions about the works council have influenced the methodology and results of German studies on the workplace.

Kotthoff's interest was empirical: what type of participation processes do works councils in different industrial and organisational settings engage in? His key variables were size of firm, industry branch, ownership relations, qualification level of the workforce, level of trade union organisation and number of shop-stewards. Kotthoff looked at the effect of those variables on the attitudes of the parties, their relations and the effectiveness of the works council as a representative of workforce interests. A further study on the development of collective interest representation in the workplace distinguishes general variables (industry branch, location, legal type, size, economic development of firm), workplace variables (composition and qualification of workforce, work situation, technical conditions, wage levels and differentials) and two other elements, which help to explain differences in representation in firms with similar situations from the point of view of the first two sets of variables: social anchorage of the workforce (e.g. working class subculture, rural area, commuters) and their historical experiences of continuity and discontinuity in their firm's development. The interest of the study is in a conflict model of works council representation. Dzielak's study of workplace conflict looks at the effect of structural variables on the perception and representation of conflict in the workplace with particular emphasis being placed on the internal communication system of the workplace representatives as a mediating factor between structural conditions and actual perception and representation of conflict. Finally, Wilpert's model for
the study of the effects of industrial democracy distinguishes between different levels of influence: extra-organisational and intraorganisational. Within the organisation he considers structural variables and cognitive/attitudinal variables and then looks at the intended and unintended functions of the relationship between structural and attitudinal variables and the consequences of these functions both for the organisation and the extra-organisational environment. His model bears great resemblance to a systems model as developed by Dunlop with the addition of social action perspectives such as meaning and attitudes of the actors themselves.

A general model for the study of industrial relations issues will need to cover both the environmental and social action perspectives at different levels of the system. Henemann suggested five levels which are important: national, the level of the associations, organisational level, informal group level and the individual.

A variety of theories and theoretical models on industrial relations institutions and processes have now been outlined. Many aspects of these studies are incorporated into the general model of an industrial relations system to be used in the present analysis of conflict and conflict resolution. The Power School which emphasizes social power relations based on ownership of the means of production or authority relations needs to be incorporated in a wider model which will explain differences in social power relations across different societies and also relate the wider social power relations to the plant level and the pattern of conflicts and resolution processes prevalent there. Theories which emphasize structures of organisations need to be combined with theories on how structures emerge and how they influence and are influenced by the perceptions and actions of the industrial relations actors. Although the social action and behavioural approaches
provide an additional dimension to the study of industrial relations phenomena by focusing on the actors themselves they must be analysed in conjunction with environmental factors at all levels of the system and in a historical perspective, particularly in a cross-national study of industrial relations issues. The liberal-pluralist analysis of industrial relations based on structures of collective bargaining needs to be included in a study of the British system but is limited in its applicability to a specific period of time in the British system and in a cross-national comparison of Britain and Germany since in the latter the state has played a vital role in the development of the industrial relations system, supported by both the trade unions and employers' associations.

Dunlop's model of an industrial relations system is thought to provide the best possibility of combining numerous partial theories in order to study a plant level phenomena within two national systems. A number of modifications have been incorporated into the original model to reflect recent research findings on the industrial relations system. These are outlined below.

4) **The Modified Industrial Relations System Concept**

I) **Theoretical Modifications to the Industrial Relations System**

i) **The Place of the Industrial Relations System in the Wider System**

Dunlop's view of the industrial relations system was:-

> 'to treat the industrial relations system (analogous to the economy) as an analytical sub-system of society.\(^{270}\)

He therefore analysed the industrial relations system in terms of the four functional imperatives of a social system as outlined
by Parsons:-- adaptive, goal gratification, integrative and latent pattern maintenance. Wood has pointed out that Parsons only described four functional subsystems of industrial society:-- the economy, the polity, the integrative subsystem and pattern maintenance, and therefore suggests that the industrial relations system should be seen as a subsystem of the economy, with the function of integrating the labour resource in the economic system. Parsons described the role of the integrative subsystem as follows:--

'(it) relates the cultural value patterns to the motivational structures of individual actors in order that the larger social system can function without undue internal conflict.'

Wood interprets this in terms of the industrial relations system as the goal of satisfying the functional need for order within the production system. The industrial relations system produces rules to govern the production system. This could be used to describe the goals of those who govern the wider social system and the production system. It could not be used to describe the goals of different interest groups within the industrial relations system itself unless the groups' ideology emphasized order and stability as a prerequisite for the achievement of their goals as could be argued in the case of the German trade union movement.

11) The Levels of the Industrial Relations System

Dunlop had a flexible definition of an industrial relations system. It could be used 'to characterize an immediate work­place, an enterprise, a sector, or a country as a whole', depending on what problem was being studied. The actors themselves could have different definitions of the industrial relations system to which they belong:-- management tend to choose as their industrial relations system those enterprises subject to similar product market competition, the workforce may choose similar or differentiated labour markets with more
favourable rules. Dunlop argued that in many cases there was no conflict about which was the appropriate system. His example of the railroad network as constituting one industrial relations system points to the view of industrial relations systems as industry branches.

The levels which will be used in the comparative study of grievance resolution are national, industry and plant levels although the impact of the company on the plant and different departments within one plant will be considered in the case studies of individual German plants and their systems of grievance resolution. The assumption made by Dunlop that the context of individual plants will have a significant impact on their internal functioning will be assessed.

Conflict and Change in the Industrial Relations System

A study of conflict resolution includes the study of conflicts and how and why they arise in the workplace. Differences of interest precede the development of procedures to regulate the differences, and procedures can be seen as representing a balance of power between management and employees at a specific point in time - a negotiated conditional state of stability if, indeed, the procedures are adhered to.

The fact that objective differences of interest between the owners and managers of capital and labour exist and differences of interest also arise within these interest groups is not the only source of instability in the industrial relations system. The context of the industrial relations system is not fixed but changes and affects factors such as the power balance between the different interest groups, the issues in conflict and the procedures for resolution themselves. Thus any study of conflict procedures involves a consideration of how the procedures came to be established and their operation, and the factors which are contributing to changes in the operation and form of procedures.
Reynaud has spoken of the basic fragility of industrial relations systems and Parson's aim was to explain the apparent stability of social systems in the face of the ubiquitous conflict in society. Conflict and change are therefore seen as basic to societies and to industrial life in particular. The association of systems approaches with an emphasis on consensus and stability stems in part from what is described in the political sciences as 'equilibrium analysis', which stresses the propensity of a system to revert back to equilibrium if it is temporarily affected by changes in the environment. This is related to the application of concepts from medical science and the operation of the human body to social organisations. Easton stressed the need for a dynamic analysis of political systems and the recognition that disequilibrium may be deliberately promoted by parties seeking the establishment of a new equilibrium in their favour. His adaptations to the political systems model were carried over into industrial relations systems by Craig, who described the idea of a feedback from the industrial relations system into the wider system, which could promote changes in the industrial relations system itself.

If it is accepted that the object of the industrial relations system is the regulation of the labour resource within the economic system in the face of basic differences of interest between capital and labour and changes in the context of the industrial relations system, then conflict and change are basic elements of the study of industrial relations issues. This is particularly evident in the study of conflict at plant level.

iv) Power and Ideology in the Industrial Relations System

Dunlop's concept of power as being chiefly located in the external environment of the industrial relations system must be modified if basic differences of interest between the parties in the industrial relations system itself are accepted as objective fact.
Power relations in the wider society do affect the industrial relations system, particularly where the state plays a dominant role in its regulation. Different social groupings in society cannot all be seen solely in relation to whether they support the owners of capital or labour. Groups such as the executive body of the state, the military, the administrative body of the state, taxpayers and so on do not simply reflect the interests of capital or labour but have their own interests, which they seek to represent in society. Cultural and educational values are also not simply a reflection of relations in industry but shape those relations in many ways, including the expression of their power relations, the resolution of disputes, the predominance of technical vis-à-vis administrative strata in industry, the goals pursued by the different parties in the industrial relations system. The effects of the wider society on power relations in the workplace need to be assessed. It is, however, also important to look at the actual power relations in the industrial relations system itself and how they affect, in this particular study, the plant level resolution process.

Power is usually described as the ability to carry out one's own definition of a situation in the form of a policy or programme and to impose changes on one's environment. Several works have emphasized the need to analyse power in terms of its structural bases and the values of the actors themselves. Thus the position of a trade union in the technological process, labour market, organisation and its resources in terms of membership, skills, finances are part of its structural power resources. This power resource, however, needs to be harnessed to particular values concerning the legitimacy of the structure of decision-making in industry, the conflict of interests between employers and employees, in order to be effective. The power positions of the respective actors will need to be considered in the explanation of processes of regulation not only of issues relating to the status of the actors but also technical and market issues.
arising in the industrial relations system.

Dunlop's concept of ideology was of 'a set of ideas and beliefs commonly held by the actors (in the industrial relations system) that helps to bind or integrate the system together as an entity.'\textsuperscript{285} He acknowledged that each of the actors would have their own ideology\textsuperscript{286} but argued that 'an industrial-relations system requires that these ideologies be sufficiently compatible and consistent so as to permit a common set of ideas which recognise an acceptable role for each actor.'\textsuperscript{287} Voluntarism in the British system was an example of an industrial relations system ideology, which all parties accepted until recently.

Examples of incongruent ideologies include firms where management has a paternalistic philosophy and the workforce an instrumental attitude to their relations. Incongruities concerning the basic organisation of an industrial relations system were more serious than disputes within an agreed framework. Thus Dunlop distinguishes between an industrial relations system ideology and the ideologies of different actors in the system. His emphasis on elements of ideologies which bind the actors rather than divide them needs to be modified to include both elements of the actors' ideologies. Giner's\textsuperscript{288} distinction between values and ideology is helpful in considering these aspects of the industrial relations system:

values - 'cultural and social predispositions which...fashion links between patterns of social action on the basis of ethical and moral criteria.'

ideology - 'a conception of the social world explicitly or coercively maintained by a collectivity, which explains its existence through it, which derives from it a general plan of action and an identification of the sources of legitimate authority, and attempts to control its social environment in a way consistent with this conception.'\textsuperscript{289}

Values thus can be related to the influence of the wider socio-cultural context, ideology to deliberate strategies by collectivities to justify a power relation. Values transcend
the specific interests of different groups in the industrial relations system, ideologies enhance the difference of interests. Both influence the actors' perceptions of conflict procedures and thus the actual operation of procedures. Personality influences are recognised as important in the analysis of individual firms, where individuals on the management and worker representative sides have had a significant influence on the present shape of the plant level industrial relations system.

v) The Processes and Output of the Industrial Relations System

The study of conflict procedures involves a study of the form and operation of the procedures in the workplace. The actual rules for resolution of conflicts will be described but it is assumed that actual practice often differs from that laid down in legislation, agreements or understandings between the representatives of the parties. The empirical work of the thesis emphasizes the processes of conflict resolution. The different categories involved in the assessment of the processes are outlined in the section on methodology and the theoretical framework of procedures in chapter two.

The actual output of the system is also considered in greater detail in chapter two, where the different types of rules to emerge from the regulatory process are assessed. The acknowledgement of a conflict of interests between the different actors in the industrial relations system, however, requires the assessment not only of the resolution of conflict by the actors or relevant third parties, but also the possibility of non-resolution of conflict and intensification of the conflict relationship between the parties.

II) The Application of the Modified Industrial Relations System to the Study of Conflicts and Conflict Resolution at Plant Level in Two National Systems

The modified Industrial Relations System is seen as a comprehensive theoretical tool for the study of industrial conflicts
and conflict resolution at plant level in two national systems. Recent studies argue the case for broad explanatory frameworks for the investigation of industrial relations phenomena, which incorporate the macro-environment of an organisation as well as intra-organisational factors and view organisations in their historical as well as their temporal perspective.

The recent history of attempts to induce procedural reforms in the British system has underlined the importance of analysing industrial relations themes in their wider context. Dunlop's model of the industrial relations system has formed the basis of a broad theoretical framework which can be used to investigate one aspect of the system, i.e., conflict resolution at plant level. The modified system incorporates several of Dunlop's original model components including actors (the state and its agencies, trade unions and employers' associations), the concept of a context within which the actors operate with the basic categories of technical, market and power contexts, different levels within the system (national, industry, plant) and the need to view the current system in its historical context by considering the timing and context of the origins of the system and the type of industrialising elites who shaped the system on the basis of their particular values and interests.

However, a number of modifications to Dunlop's original model were necessary to develop a more viable theoretical model to study plant level industrial relations phenomena in their wider context. The present study does not view the Industrial Relations System as a subsystem of society but as a part of the economic subsystem which focuses on the relationship between capital and labour and the development of rules to govern the production system by these actors and the state. The theme of the study necessitates the isolation of one element of the industrial relations system: the procedures and processes whereby conflicts between the interests of the two actors are resolved at plant level.

Dunlop's concept of ideology was that of 'shared understandings' where the values of the actors represent responses to their
environment which is perceived by them in broadly similar
terms and they have similar views on appropriate industrial
relations behaviour. However, values can be incongruent
as well as congruent as interests differ. The present study
considers those factors which produce congruency in the values
of the actors as well as those producing incongruencies by
investigating social values, the values and goals of trade
unions and employer associations and particularly those of the
plant level actors, which are expected to influence their
perception of conflicts and the means used to resolve them.
An explanation of how these values emerge is derived from the
study of the context in which the current industrial relation
systems emerged particularly the power relationship between
the state, capital and labour interests.

The power context, originally described by Dunlop as focusing
on the relationship between the above actors at national level,
has been extended to include the interrelationships between
the actors at all levels of the system. The power position
of the actors is derived from objective material resources as
well as their respective values and goals, which are investi­
gated in the case studies of individual firms. It affects
both the perception and resolution of conflict issues arising.
It is also an important factor in the decisions made by
dominant actors about work organisation, economic strategies,
technological processes and other areas which constitute the
context of plant level industrial relations.

The context of industrial relations is not viewed in a
deterministic light as regards behaviour of the actors but is
shaped by the actors in accordance with their particular aims
and values. Changes arise in the system of industrial relations
as changes in its context are perceived and acted upon by the
actors and as values and aims change within the system itself.
Further modifications to Dunlop's original model include the importance accorded to perception, goals and values of the actors and thus a rejection of the determinist model of influence as illustrated below in favour of a complex interaction between the actors and their environment in a historical perspective.

\[
\text{environment} \rightarrow \text{actors} \rightarrow \text{behaviour} \rightarrow \text{output}
\]

Since the study focuses on conflict resolution, processes of interaction in the system form an important part of the system. The modified system includes a consideration of the actors involved, the levels at which they are involved and the type of interactions which take place. Processes are seen as distinct from actual procedures which may or may not be reflected in the actual practice of conflict resolution.

The basic categories of the industrial relations system context as devised by Dunlop have been incorporated into the theoretical model and empirical survey used in this study. The implications of the market and technological context of individual firms for conflict issues and resolution processes were investigated in both the interviews with key workplace actors and in the questionnaire survey.

Dunlop assumed that the technical and market contexts would tend to produce similar rules in all industrial relations systems by posing similar problems.\(^{297}\) The power context would produce different rules affecting procedures in particular.\(^{298}\) Thus by comparing national industrial relations systems where technical and market contexts were kept constant it would be possible to investigate the effects of the power context and the extent to which its influence overrides any similarities in technical and market contexts.\(^{299}\) In the present study a distinction has been made between 'constants' (those influences derived from the technical and market contexts thought to lead to similarities in conflict issues and their resolution) and 'variables' (those influences derived from the power context thought to promote differences in conflict issues and their resolution). These two factors are illustrated in the diagram.
below, where several assumptions about their complex interaction are outlined.

**Constants**
- conflict between capital and labour and its regulation
- size of firm
- technology of firm
- general economic climate

**Variables**
- organisation of trade unions and employers associations, their policies and relations
- role of the state in regulation of industrial relations
- social structures
- cultural values
- role of workplace level

1 - the constants generate similar issues which lead to conflicts
2 - the issues are mediated through the variables and this promotes differences in the type of conflicts, the rate of conflicts and the resolution process.
3 - the conflicts arising and the processes of resolution have an impact on variables, e.g. the process of resolution which emerges from the effect of the Works Constitution Act in West Germany influences the views of trade unions, employers, the state and wider society on the relative roles of the works council and shop-stewards in the workplace. A further example of this type of feedback is the influence of the operation of the Works Councils Act of 1920 on the development of industrial trade unionism in Germany.
4 - The differences in conflicts and resolution processes influence the effect of the constants on conflicts arising. For example, the removal of wage bargaining from the workplace to regional and national levels and the central role of the works council in the regulation of workplace issues reduces the impact of particular technologies on the relative power position of workgroups and wages conflicts.

5 - The constants can effect changes in the variables. The economic pressures to concentrate business operations and rationalise technological processes are influencing the traditional informal system of conflict resolution in Britain.

6 - The variables can promote changes in the constants. Cultural values which emphasise a partnership between the two sides of industry and a responsibility of the state to promote industrial peace and consensus can influence the objective impact of the conflict between capital and labour.

The respective influence of constants and variables on conflicts and conflict resolution at plant level in Britain and West Germany is investigated in the empirical research undertaken in German firms. Dunlop's categorisation of the three aspects of the industrial relations system's context (technical, market, power) formed the basis for the choice of constants and variables used in the model. Extensive literature surveys of the German and British systems provided further indication of the key elements which have influenced the pattern of conflicts and conflict resolution at plant level in the two systems. Interview schedules and the questionnaire layout reflected these key elements in the theoretical model, which is shown in diagrammatic form on p.65. The model does incorporate a feedback effect although this is not illustrated. The output of the resolution process can influence future relations between
management and the workforce as well as relations at higher levels in the industrial relations system if the output is generalised across many plants. Thus change in the industrial relations system can arise both from the impact of its wider environment and from the feedback effect from lower levels in the system.

The distinction between constants and variables does not reflect the complexity of the interaction between the actors and different aspects of their environment but provides a theoretical construct whereby this interaction can be investigated in practice. The application of this construct and the empirical findings are outlined in later chapters.
National System Level
- Role of state in industrial relations
- General economic context
- Social structures and power relations
- Cultural context

Industrial Relations System (Extra-Plant)
- Trade union and employer's associations:
  - organisation
  - policies
  - power relations
  - history of relations
  - present day relations
  - Industry branch
  - Company/concern
  - level of plant

Plant Level Industrial Relations System
- Size of plant
- Technology
- Management structure and policies
- Structure of worker representation and policies
- Structure of workforce, level of trade union membership and activity
- Relations management and workforce

Inputs into Conflict Resolution Process
- Conflicts:
  - type
  - form
  - rate
  - Goals and values
  - Power relations
  - Normative framework of resolution

Process of Conflict Resolution
A) Actors involved in the resolution process
B) Levels of resolution process - workgroup, department, works and above
C) Form of interaction in resolution process:
  - collective bargaining
  - codetermination
  - consultation
  - information
  - informal contacts
  - third party involvement
  - unilateral decision-making etc.

Model of Industrial Relations System with Reference to the Study of Conflict Resolution Procedures

Outputs from the Conflict Resolution Process
- Form of resolution
  - written/unwritten agreement
  - joint/unilateral decision
  - binding arbitration
  - legal judgement
- No resolution
  - overt conflict measures
  - 'agree to disagree'
- Type of resolution
  - conflictual
  - consensual
  - mutual respect on basis of conflict of interests
III) Methodology

i) Choice of Methodologies

Some of the key works on the operation of disputes procedures in Britain have focused their attention on national and industry levels and their methodology has been based on a documentary analysis of formal procedures laid down at national level,\textsuperscript{303} of cases referred to national and regional levels of dispute resolution\textsuperscript{304} and cases of disputes coming before Industrial Courts.\textsuperscript{305} American studies\textsuperscript{306} have emphasized the actual workplace level to a greater extent but have stressed the influence of technology on grievance rates, selecting pairs of high and low grievance rate departments and explaining the differences with reference to the effect of technological processes. Their methodology has consisted of a documentary study of written grievances, interviews with management, trade union officials and workers, and the observation of grievance meetings, which are characteristic of the American system of grievance resolution.\textsuperscript{307} The work which has influenced the methodology adopted in this study is by Thomson and Murray.\textsuperscript{308} They interviewed four management levels in thirty-five plants, which represented three industrial groups (food, chemicals, textiles). They drew up three different questionnaires to obtain information about the environmental influences on grievance procedures from senior management and personnel management, and about the actual procedures from departmental and supervisory managers. The weaknesses of their study which they drew attention to were the exclusion of shop-steward respondents, the limited attention to institutional influences, the lack of control over the selection of plants and respondents and the absence of statistical validity of their findings.

Comparative studies concentrate on the selection of a small number of plants, in which case studies are undertaken to find out the role of trade union representatives in the workplace,\textsuperscript{309}
the way specific issues are dealt with, especially wages issues, and general information on the workplace system of industrial relations.

Studies of workplace industrial relations are based on a wide variety of methodologies, including mass surveys, questionnaire surveys in one particular firm, observation. Generally, the aim is a combination of different methodologies to highlight different aspects of the workplace situation ('triangulation').

An assessment of the different methodologies in the light of limited resources and access led to the decision that a combination of literature and documentation analyses, case studies based on 'expert' interviews in selected firms and a questionnaire survey to discover the actual operation of resolution at lower levels in the workplace would provide the best means of assessing the impact of environmental and workplace factors on grievances arising and their resolution. The empirical work was particularly necessary in the German system due to the limited number of works dealing with the actual operation of the workplace system of conflict resolution in comparison with the British system, where attention has been focused on the workplace since the late 1960s.

ii) The Choice of Firms and Technological Processes

The choice of the metalworking branch as the basis of the empirical study was made for a number of reasons. This branch has been the focus of studies on the workplace in Britain and West Germany and the information which can be gleaned from the literature helped to overcome some of the problems of the limited resources available for the project, especially the impossibility of an empirical study in Britain and Germany, and the impracticability of a mass survey in Germany to supplement
the general dearth of information on actual workplace conflict resolution. The fact that metalworking is an old established industry branch with a tradition of workplace representation dating back to the nineteenth century, i.e. pre-works council legislation, gave a closer basis for comparison than the chemical industry, for example, whose system of workplace relations has been shaped by works council legislation in West Germany. Finally, the opportunities for access to firms in this branch were good due to prior contacts with the Metalworkers' Union in West Germany, who offered their assistance. The implications of this choice of industry branch for the study include a possibly exaggerated picture of the importance of shop-steward organisation at workplace level, higher levels of trade union organisation and contacts between the workplace and union outside than in other industries, a more favourable picture of works council activity in terms of a strong representative of the workforce and a more conflictual approach to industrial relations than other industry branches, where the partnership aspect of the Works Constitution Act is emphasized by both the unions and parties in the workplace. The fact that representatives at the national level of the Metalworkers' Union selected the plants and access was dependent on the cooperation of management and works council in the firm probably implies a more effective operation of works council and shop-steward representation than may be the case in other firms in the industry, and the existence of what the parties see as non-problematic industrial relations in the workplace.

The choice of technological processes was made after discussion with trade union representatives and researchers in West Germany. The steel sector was not seen as a good basis for comparison due to the prevalence of national peculiarities relating to the Iron, Coal and Steel Act of 1953 in Germany and its nationalized status in Britain, as well as indicators of the centralization of resolution processes at works council and works management level or above. Two steel firms are, however, covered in the case studies to give some impression
of the characteristics of workplace relations in this sector. The electro-technical, car manufacture and engineering sectors were chosen for comparison. Initial discussions with workplace representatives covered maintenance, assembly, metal processing and other departments represented in the respective firms. It was recognised that each department had its own grievance patterns and resolution processes, which would require different sets of questions to obtain the necessary information. The processes of assembling parts was therefore chosen as it provided a basis of comparison between electro-technical and engineering plants and between differently sized firms, as well as being associated in British and American studies with higher grievance rates than other departments or technological processes.  

The particular sizes of firms chosen were related to the interest in the different effects of small batch or unit production with an emphasis on craftsmanship, and mass or large batch production, which focused on mass assembly processes. These different processes of production were expected to influence grievance rates and resolution processes. Size levels represented in the study were small (under 200 employees, though over 100 to facilitate access and the study of worker representatives' activities), medium-sized (up to 3,000 employees) and large (over 5,000).

iii) Sample Size

The case studies covered ten firms visited during the course of four visits to West Germany. In most of the firms it was possible to hold separate discussions with the works council chairman and manager responsible for industrial relations at works level, although in the small firms it was difficult to obtain interviews with both parties.

The questionnaire survey was piloted in three firms, where qualitative interviews on the basis of the questionnaires were
held with representatives from the four groups of respondents: shop-stewards, works councillors, employees and foremen. Forty questionnaires were completed and discussed.

The actual survey took place in six firms who were prepared to assist the project. Five hundred questionnaires were sent out and three hundred were completed and collected in person by the researcher. The missing questionnaires are accounted for by the steel production plant's inability to complete its questionnaires due to a sudden deterioration in the economic situation necessitating extensive short-time working and a consequent deterioration in relations with management, which affected the cooperation with the survey. The steel manufacturing plant was only able to complete forty of its one hundred questionnaires due to a variety of circumstances and was not included in the data analysis based on the SPSS system. The completed questionnaires by firm and by respondent group are as follows:

<table>
<thead>
<tr>
<th>By firm:</th>
<th>By respondent group:</th>
</tr>
</thead>
<tbody>
<tr>
<td>car manufacturing</td>
<td>shop-stewards</td>
</tr>
<tr>
<td>electro-technical (medium)</td>
<td>108</td>
</tr>
<tr>
<td></td>
<td>foremen</td>
</tr>
<tr>
<td>electro-technical (small)</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>employees</td>
</tr>
<tr>
<td>engineering (small)</td>
<td>36</td>
</tr>
<tr>
<td>steel manufacturing</td>
<td>employees</td>
</tr>
<tr>
<td></td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>works council</td>
</tr>
<tr>
<td></td>
<td>37</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>300</td>
</tr>
<tr>
<td></td>
<td>300</td>
</tr>
</tbody>
</table>

The respondents could not be selected by a statistically valid procedure. The choice of respondent and the sample size were dependent on the cooperation of the works council and management. The implications of this for the survey are, firstly, that the respondents probably reflect a greater level of activity in the workplace and satisfaction with the workplace
system than is generally the case. Where management representa­tives were responsible for the distribution, there is probably a higher level of satisfaction with the management organisation among respondents, and the contrary, where works councillors or shop-stewards were responsible. The fact that there was no choice of sample size meant that the size needed for a statistical analysis (50 - 100 in each subgroup) could not be attained especially in the small firms. The sample size thus affected the statistical validity and generalisation of the findings. The frequencies and cross-tabulations by size and technology cannot therefore claim to provide a statistically representative sample of blue collar workers involved in assembly processes in the metalworking sector. The application of the findings is discussed in the final section of this chapter.

iv) Application of the Empirical Findings

Details of the interview schedules and questionnaires are given in the appendices. Despite the problems associated with the lack of statistical validity and thus generalisation of the empirical findings together with the problem of definitional terms in a cross-cultural study, the findings present an illustration of conflict resolution processes under specific conditions including a legislative framework for conflict resolution, a particular size of plant and technological process, a specific level of trade union organisation and workforce structure.

The findings can be compared with German and British studies of similar plants to reveal differences and similarities and to provide a safeguard against the findings being purely coincidental. They illustrate conflict resolution processes not only from the point of view of 'experts' but also the actual actors involved including employees who raise the actual problems studied. A variety of influences shape the process
of conflict perception, initiation and resolution. The relative impact of the different influences, both constants and variables, will be investigated in the final chapters of the thesis.

IV) Summary of the Thesis

Chapter one has dealt with the major theoretical approaches to the study of industrial relations topics and has outlined the theoretical and methodological bases of the investigation of conflict and conflict resolution in this study.

Chapter two looks in detail at conflict resolution procedures as one aspect of the industrial relations system and discusses the difficulties associated in a cross-national comparison of procedural systems.

Chapter three provides a historical perspective of the development of the British and German systems of industrial relations, underlining those factors which contributed towards a voluntaristic system in Britain and a legalised, centralised system in the FRG.

Chapter four focuses on the plant level systems of industrial relations in the two countries. The British system emerges from the literature survey as a voluntary, decentralised, conflictual system whilst the German system's main characteristics are its legal framework, its centralised and co-operative structure. The implications of these two different frameworks for conflicts and conflict resolution are assessed in detail.

Chapter five presents the empirical findings of the case studies of nine German plants in the metalworking and electro-technical branches of the economy. Each case study describes the specific plant level industrial relations context as well as outlining actual conflict issues and procedures.
Chapter six represents an analysis of the main influences on conflicts and conflict resolution in the German plants and compares the findings with the situation in the U.K., outlining similarities and differences in the patterns emerging.

Chapter seven suggests further modifications to the theoretical concept of an industrial relations system in the light of the empirical findings and suggests a typology of conflict and conflict resolution which is incorporated into the system model.
CHAPTER TWO: Conflict Resolution Procedures in the Industrial Relations System: Some Theoretical and Definitional Distinctions

1) The Function of Conflict Resolution Procedures in the Industrial Relations System

I) The Institutionalisation of Conflict

The key function of conflict resolution procedures in the industrial relations system is the institutionalisation of conflicts arising, so that differences can be resolved peaceably by means of joint decisions on appropriate substantive rulings.

Geiger has been accredited with the initial development of the concept of the 'institutionalisation' of conflict in industrial society. His work traces the development of the workers' organisations and the replacement of open warfare between labour and capital by negotiation. The recognition of the conflict between the two interest groups led to its control and legitimation. Dahrendorf summarises the nature of the institutionalisation of conflict as follows:

'...in post capitalist societies industrial conflict has become less violent because its existence has been accepted and its manifestations have been socially regulated ... Today industrial conflict is recognised as a necessary feature of industrial life. This recognition, as well as the establishment of regulatory institutions, constitutes in itself a structural change which is due to no small extent to the effects of industrial conflict.'

The process of institutionalisation protects the mutual survival of the two parties, reduces injury, introduces predictability and protects third parties. Conflict resolution

* Footnotes in Volume Two p. 18.
procedures provide a mechanism to ensure this institutionalisation. Hawkins describes them as 'an agreed code of voluntary restraints on the use of power'; Singleton as 'providing an accepted method of dealing with such business' i.e. the resolution of differences; and Thomson and Murray as a 'help to bring about accommodation between the two sides in the context of divergent interests'.

There are preconditions which need to be met for the institutionalisation of industrial conflict. Dahrendorf's work outlines four preconditions:— the recognition by both parties of the necessity and reality of the conflict situation and of the justice of their opponent's cause, the organisation of the two interest groups as regulation is impossible where there are 'diffuse incoherent aggregates', joint agreement on the formal rules of the game including procedural norms, and the development of rules which put the parties on an equal footing and do not disable one or the other group. These conditions are reiterated in most works on conflict and conflict resolution. Conflict theorists in the behavioural school expand on these elements. Morton Deutsch, for example, adds the need for willingness to accept the outcome of the regulation even where it is unfavourable to one's own interest, and the advantages accruing from the parties being part of a common community. In his view, adherence to the rules is made easier where the rules are known and are clear and consistent, where they are not perceived to be biased against one's own interests, where the other party adheres to the rules and violations are quickly known by significant third parties, where past adherence has been rewarding and thus encourages the parties to seek the preservation of the system of regulation. These represent some of the factors contributing towards the legitimacy of the procedures for conflict resolution in the eyes of those who use them and hence their commitment to use them.
II) Legitimacy and Commitment in the Institutionalisation of Industrial Conflict

For the institutionalisation of conflict to result from the use of resolution procedures the parties need to recognise the legitimacy of the procedures and be committed to their use to resolve conflicts peaceably rather than resorting to open warfare. In industrial relations practice procedures are used in a variety of ways depending on the actors' interests and perceptions of the conflict relationship. In his study of the 1922 Engineering Procedure Hyman revealed its use as a bargaining instrument, as shown in the large number of pay claims referred through the procedure, and as a form of intra-organisational bargaining to show trade union members that their demands were unrealistic. Thomson and Murray outline various models of grievance procedures including the administrative model (where the procedure is a means of finding the best answer to a problem in the shortest time), the judicial model (where the procedure operates as a process of law to interpret substantive rules), the power model (where the procedure is used to press claims) and procedures as an information processing system (where a problem is taken as quickly as possible to the person who has the authority to make a decision on it). These models form the basis of the analysis in chapter six of the different modes of operating plant-level conflict resolution procedures in Britain and West Germany.

A number of theories exist on which factors are crucial in the promotion of legitimacy and commitment. Goldthorpe and Fox emphasise the social balance of power and the need to relate procedures to the actors' social power positions before a sense of legitimacy can be established. The history of the 1922 Engineering Procedure provides an example of how procedures need to change to reflect the
social balance of power. The procedure was imposed on the trade unions by management when the former were in a weak position after a failed strike in 1898 and a successful lockout in 1922. The procedure contained many features favouring the employers' prerogative to manage their firms in their own way including a system of employer conciliation whereby conflicts were reviewed by panels of employers not joint committees and a 'management functions clause' which permitted management to introduce changes and compelled the unions to work on managements' terms until their objection to the change had been through the procedural stages. As trade union strength increased in the postwar era they voiced serious objections to the procedure and began to use it as an instrument to press their own interests, particularly wage claims. Thus the operation of the procedure itself became a matter of dispute and lead to the reliance on informal procedures which could be 'put in obeyance unilaterally to suit the changing convenience or strategy of either party.' The procedure was eventually discarded in 1971 but not before a legacy of distrust and power bargaining to obtain one's own interests had been established in the engineering industry, thus presenting considerable obstacles to the operation of any future procedures as a means to institutionalise conflict. However, adjustments to procedures to reflect changing social balances of power are very difficult to effect by the actors involved in the power struggle. This led Marsh and others to call for a greater involvement of the state and other third parties in procedural reforms.

In the area of legitimacy the perception of the actors is a crucial factor and the effects of the social balance of power on the use of procedures is dependent on how the actors perceive the power structure and respond to their perception. In his study of the engineering industry
Brown emphasises the requirement that the workforce has a political awareness of its interests and the power and opportunity to put their awareness into action for custom and practice rules to emerge in the plant. A further requirement is a poor management control system which allows practices to emerge which the workforce come to see as legitimate to defend. In practice, the normal mode of rule-making at plant level is unilateral decision-making by management. Few workers develop a radical perception of social power relations based on political programmes. Although changing attitudes towards procedures are related to wider social factors, more direct influences or attitudes are those specific to a particular plant or company. This is reflected in the fact that a serious breakdown in the use of procedures is limited to a few companies in the British context.

Behaviouralist studies, as indicated in section 111), focus on the relationship between the actors themselves. Key influences on attitudes to and thus use of procedures include both the content of the procedures themselves (clear and consistent rules not favouring one side or the other) and the history of their use in the plant concerned (whether they have been adhered to by the other side, whether adherence to the rules has been rewarding). Purcell has investigated some of the factors leading to low trust relationships in firms in Britain whilst Kottnoff found no evidence of a 'spiral of distrust' in the relationships between the parties in the German plants he surveyed, although he did discover 'spirals of impotence' with respect to some works councils. Behaviouralist studies affirm the self-reinforcing process of an established pattern of relationships, whether low trust or high trust:

'Insofar as interaction tends to develop habits, customs, institutions, attitudes and ideologies within the parties congruent with their positions in the interaction, there will be a tendency for
interaction to persist in its initial form despite effective changes to the situations of the two parties.”

"External pressure, internal change .. historical accident (and) the effect of a management's reaction to a particular event' are seen by Turner as the way into a spiral of distrust. Purcell sees the way out as a trauma which compels both sides to realise their mutual dependence. Where this realisation is rewarded it can lead to a 'virtuous circle' of relationships.

In the present study, legitimacy and commitment to plant-level conflict resolution procedures are analysed both in terms of a historical appraisal of the origins and development of the procedural systems in chapters 3 and 4 and their actual use in the case study firms in chapter 5.

III) Assessment of the Effectiveness of Conflict Resolution Procedures

The institutionalisation of conflict implies a channelling of conflicts through procedures for their peaceful resolution. Dahrendorf emphasises that the aim of such procedures is not the elimination of conflict but the regulation of its expression. The effectiveness of procedures cannot, however, be measured by the existence of absolute industrial peace. Both Marsh and Singleton point out that procedures cannot resolve all stoppages for not all stoppages are unjustified:

'Some of the most spectacular disputes follow meticulous observation of preliminary procedures. Decisions on substantive issues like pay levels are matters of policy and procedures do not determine policy decisions. They are the means through which they are carried out.'
Procedures cannot resolve economic interest conflicts or eliminate the conflict between capital and labour but, according to Marsh, they should be 'sufficiently effective to ensure that all reasonable attempts are being made to achieve a peaceful settlement.' Mack and Snyder point out that they should contribute to stable, specific power relations which help the parties to develop expectations about the system of resolution. The aim of institutionalisation is the continuity of interaction between the parties and regularised procedures to handle changes in conditions, goals and power. A low degree of institutionalisation is easily discernible in the chronic recurrence of unsettled issues, the absence of agreed procedures to review their relations, the discontinuity of interaction and drastic shifts in the mode of resolution. Mack and Snyder stress the importance of the perception of the parties for institutionalisation to be effective - the parties must recognise that the utility of violent modes of resolution has become limited for them to seriously attempt to control warfare. Singleton emphasises the necessity of goodwill otherwise the procedures are reluctantly subscribed to by suspicious enemies. Attitudinal factors are crucial. He does point out, however, that well-designed procedures can help to sustain goodwill in difficult circumstances by providing for joint discussion and some codification of previous agreements.

The effectiveness of procedures cannot therefore be assessed by an isolated review of the levels of overt conflict. The economic, political, social and technological context of a particular industry or company may generate major conflicts of interest which procedures cannot be expected to resolve peacefully. The existence of long-term endemic strike situations and conflictual relations between the two parties as well as the above
indications of a low level of institutionalisation do, however, point to the need for a major review of the parties' relations. By its inclusion of the context of industrial relations and actual conflicts arising as well as the procedures themselves, the present study seeks to provide a comprehensive basis for the assessment of procedural effectiveness in terms of the institutionalisation of conflict.

2) Some Definitions in the Study of Conflict Resolution Procedures

I) Conflicts of Rights and Conflicts of Interests in Industrial Relations

In chapter one, rules regulating employment relationships were seen as the concern of industrial relations. This included informal and formal, structured and unstructured rules as seen in Dunlop's inclusion of 'the customs and traditions of the workplace and work community' in his definition of the rules which represent the output of the industrial relations system.

Works on industrial relations distinguish between substantive and procedural rules. The substantive rules, according to Dunlop, define jobs and govern compensation, expected performance and duties of the workforce, their rights and obligations and general working conditions. Flanders sees such rules as the output from the system. Procedural rules 'regulate the making, interpretation and enforcement of its substantive rules, they provide... the institution of job regulation with its form and constitution', they govern the rule-making process of the system.
Within procedural rules a further distinction is made between rule-making and rule administration in the use of procedures.\textsuperscript{46} This lies at the heart of the distinction between negotiating procedures and grievance procedures. Negotiating procedures produce substantive agreements whereas grievance procedures administer these agreements in daily working life, applying their clauses to individual cases which cannot be dealt with in detail in the agreements, which are usually drawn up at industry or regional levels. Rule administration, however, can be adjudicative - a judicial process to interpret the rules -, or legislative - actually creating new rules in its creative interpretation of the agreements.\textsuperscript{47} Whilst these distinctions are easy to uphold in theory, they are obscured in practice.

The American system, for example, is based on the distinction between disputes of interest - disputes over the terms of new collective (substantive or procedural) agreements - and disputes of rights, which 'involve efforts to vindicate rights already established by law or by individual or collective agreements.'\textsuperscript{48} Within the latter category there is a further distinction for procedural purposes between disputes of rights relating to statutory law, which are dealt with by public administration tribunals or the courts, and those disputes relating to collective agreements, which are dealt with by grievance procedures. The grievance procedure has arbitration as its last stage and the trade unions have renounced their right to strike over such issues while a collective agreement is in operation. Conflicts over interests are excluded from the grievance procedure and, according to Aaron, are not usually carried further than informal discussions unless a new collective agreement is being negotiated.\textsuperscript{49} The American definition of a grievance is thus:

'A claim that a right established by collective agreement has been violated by one of the parties
to the agreement, usually the employer, either directly, by engaging in conduct absolutely prohibited by the agreement, or indirectly, by misconstruing or incorrectly applying the agreement. \( ^{50} \)

Chamberlain, \(^{51} \) in his historical account of the development of this distinction in the USA, describes the nature of the grievance procedure as follows:

'It disavowed any purpose of using bargaining power or strategic position to force a favourable decision. It proposed to seek a solution to particular problems on the basis of principles which had already been jointly agreed by both parties.' \(^{52} \)

The difficulty of upholding the distinction between negotiation and grievance procedures in practice is described by Kuhn, \(^{53} \) who notes a shift in the use of procedures from the adjudication of grievances to on-the-job joint determination of working conditions. \(^{54} \) Kennedy \(^{55} \) has described the use of grievance procedures as 'grievance negotiation', which has several purposes not just the interpretation of agreements but actual extension of the terms of the agreement and, in some cases, the preparation for open conflict when the collective agreement ends so that the procedure is used for guerilla warfare not resolution of conflict.

In the FRG, a distinction is also made between disputes of interest and rights. \(^{56} \) The main difference between the German and American systems is the preference for the public ordering of dispute settlement procedures by the labour courts instead of voluntary or private institutional arrangements. \(^{57} \) This derives from the fact that employment rights are created more by law than private agreements. \(^{58} \) Many works refer to the wide discretion of the labour courts in the development of employment rights as the result of the general clauses of legislation passed on employment matters. \(^{59} \) Collective agreements are also viewed as
legally binding contracts with an implicit peace obligation during their duration. The predominant role of the legal system in the operation of industrial relations in the FRG means grievance procedures are not a major factor in the system of workplace relations, unlike the USA. The right of grievance of individual workers, set down in the Works Constitution Act 1972 (§ 84 and 85), reads like an individual legal entitlement under the law not a procedure for the administration of collective agreements. The individual has a right of appeal to management or the works council 'if he feels that he has been discriminated against or treated unfairly or otherwise put at a disadvantage by the employer or other employees.' (WCA 1972 § 84,1). Empirical study has confirmed the insignificance of this clause on grievance procedures in the actual operation of workplace relations. Any administration of agreements proceeds via the works council, which is bound by a peace obligation in carrying out its duties (WCA 1972 § 74,2). It tends to view collective agreements in terms of legal entitlements with conflicts of interests being transferred to regional and industry levels, where detailed agreements are negotiated by trade union and employers' association.

In Britain, no distinction is made between conflicts of right and those of interest. The reasons for this are usually traced to the predominance of voluntary methods of dispute resolution, whereby collective agreements are viewed as gentlemen's agreements to be upheld by social not legal sanctions. Collective bargaining is not seen in terms of legally binding, fixed term contracts with a peace obligation, but as 'a continuous process in which differences concerning the interpretation of an agreement merge imperceptibly into differences concerning claims to change its effects.' Collective agreements do not establish detailed rules so that 'procedures are very little
used in the application or interpretation of substantive agreements. Instead, relations are said to be conducted on the basis of 'procedural handling of grievances.' Various recommendations on the structure of workplace relations have pointed to the need for a distinction between different procedures to replace the general, multipurpose procedures used in the workplace. The parties have, however, rejected the need for a distinction between a grievance and a claim in their procedures, preferring flexible procedures to deal with any issue and arguing that in a situation of continuous changes in production it is not possible to separate the interpretation of a contract from amendments to the contract. Lord Denning has also argued the difficulty of distinguishing rights and interests in practice and sees it as largely dependent on how the parties choose to view the issue. Flanders views the absence of legal restrictions in the UK system as due either to the effectiveness of voluntary restrictions or to the fact that labour has been so weak that management has been able to impose its own terms in the workplace. Recent studies of management attitudes to industrial relations show a new interest in some legal restrictions, chiefly on labour's freedom of action. The trade unions remain opposed to any changes in the voluntary system.

The brief outline of three different systems for the institutionalisation of industrial conflict show the wide variety of forms this can take, from the autonomous system based on informal social controls in the UK to the German system, where conflict is largely regulated by legal norms enforced from outside the industrial relations system. The problems involved in comparing such different systems, especially in terms of the general definitions used, are discussed below.
II) Definitions used in the Comparative Study of Conflict Resolution Procedures

In a comparative study of two different industrial relations systems problems arise in the development of definitional terms which are applicable to both situations. Early work associated with this study recognised a distinction between a grievance and a claim based on the ILO's definitions:

'.. a grievance may be submitted by the worker or workers concerned in respect of any measure or situation which directly affects or may affect the conditions of employment of one or several workers in the undertaking, when that measure appears contrary to the provisions of an applicable collective agreement or of an individual contract of employment, to works rules, to laws or regulations or to the custom and usage of the occupation or country. Where a grievance is transformed into a general claim at some stage in its examination, the claim falls outside the grievance procedure and normally comes within the area of collective bargaining.'

This definition is based on a broad appreciation of what 'rights' can involve in different industrial relations systems. It has been seen, however, that in practice it is difficult to uphold a distinction between issues relating to rights and those relating to claims or interests. This is true even in a system such as the FRG, where the parties recognise a difference between the two. Here the role of the labour courts in making law as they interpret existing legislation is now seen to be a major problem. In the USA, grievance procedures do not only administer the terms of agreements but also enlarge upon them - in grievance negotiation. In a system such as that in the UK, where industry agreements provide minimum conditions only and the law has a minor role in the regulation of workplace relationships, regulation occurs at workplace level on an informal basis with few written agreements and procedures. It is very difficult in such a situation to separate rights and interests for procedural purposes.
Some works distinguish grievances and claims not on the basis of rights and interests but as to whether an issue affects only an individual or a small group or workers or a larger collective. The former are usually resolved at low level, the latter at higher levels in the management and trade union hierarchies.  

This distinction is difficult to uphold in the UK because individuals and small groups tend to refer issues to their shop stewards who, if they perceive some bargaining value in the issue, will take it into the general ongoing bargaining relationship with management. Since neither side recognises a distinction between rights and interests, issues arising from individuals or small groups can become major claims leading to industrial action. The government's Code of Industrial Relations Practice does recommend separate individual and collective procedures and Thomson and Murray give an example of such a distinction in the ASTMS - Pilkington agreement of 1971, which distinguishes between individual issues, those affecting a number of employees and those of common collective interest.  

A further distinction is based not on how many workers are affected by an issue but the nature of a specific issue. This is usually related to the highly contentious nature of certain issues such as discipline, dismissals and redundancies. Even in Britain, the law has recognised how such issues can quickly lead to serious conflict and has made legal provision for their settlement. Marsh has shown how the intervention of the law has had a big impact on procedures in Britain.  

Differentiation of procedures according to the nature of issues can also be based on the high level of disputes in a specific industry or firm, such as demarcation disputes, recruitment, promotion, manning levels. Singleton
points out that where it is not possible to eliminate these problems, specific procedures can ease their handling.77

Schregle,78 in his assessment of European and American labour court systems, argues that the theoretical distinction between rights and interests, individual and collective issues appears to be a logical one but it does not reflect the reality of the different systems of industrial relations in practice and is therefore not a useful basis for comparison. His advice is to direct a comparative study to general social issues and look at how the systems deal with them. This is the path chosen in the present study of procedures for resolving workplace conflicts. The original theme of the study was grievance procedures. Further study of the actual operation of 'grievance procedures' in Britain and West Germany showed that, despite their formal existence, they were not a major part of the resolution processes taking place. Neither system understands grievance procedures as the means of administering collective agreements at workplace level as in the American system. In the FRG, a grievance procedure is outlined in the Works Constitution Act 1972 ('Beschwerderecht') but represents only a general right to take grievances to management or the works council. The term 'Beschwerde' or grievance tends to evoke the picture of a 'moaner', who is always finding grounds for complaint, in the eyes of German managers. Workers are not viewed as presenting grievances but rather requests for information or, at most, problems which need to be solved by management and the works council. There is a marked preference among the actors in the German system for informal resolution processes with reference only being made to the law where these processes do not achieve a solution.

In the British system there is some evidence that more firms are now drawing up formal grievance procedures but there is little information about the significance of such procedures
in the actual practice of workplace relations. Singleton has pointed out the general lack of a distinction between a grievance and a negotiating procedure in practice in Britain. Views on what a grievance actually is vary greatly - some avoid the use of the term, as in the German system, and talk about questions and matters, others see a grievance as pertaining to an individual employee, others view a grievance as becoming a dispute where a shopsteward or trade union officer is called in, or where an issue is referred to an external procedure (outside the workplace) or there is a failure to agree. Generally, one procedure tends to be used for both grievances and disputes as an unsettled grievance can become a dispute, especially where all interaction with trade union representatives is seen as negotiation. As Denning argued that one issue can be seen either as one involving rights or interests depending on the views of the parties to the issue, so it can be argued that the distinction between a grievance and a claim depends on how the parties view issues arising in the plant. Since the parties in Britain tend not to make the distinction between rights and interests in practice the study adopted the more general theme of plant-level conflict resolution procedures.

3) Major Elements of Conflict Resolution Procedures

I) A Hierarchy of Appeals

Procedures usually contain a hierarchy of appeals, that is a series of steps or, in Marsh's words, sieves, which ensure that those with effective authority deal with the issues. Each new level of authority reviews the decisions of earlier levels as to the suitability of settlement at different procedural levels. The number of stages vary
with the management hierarchy in a specific firm and with the issue in question. Thomson and Murray argue that there is a minimum of three levels in each procedure: the supervisor or foreman, the departmental or middle management, senior management. This becomes much more complex in large plants with many specialised departments and committees, which deal with specific issues such as job evaluation. Two preconditions for the effective operation of such a hierarchy are, that at each level there is effective authority to settle issues appropriate to that level and a serious attempt is made to settle at each level, also that the number of steps does not delay the speedy settlement of issues. Where these preconditions do not exist as foremen fear any decisions they make will be overruled or senior management discourage settlement at lower levels because they fear the creation of undesirable settlements, or workers have found they obtain better results if they bypass a number of stages in the procedure, there is usually a breakdown in the procedure's operation.

The terminating point of a hierarchy of appeals usually involves reference to a third party. In the American system there is a voluntary commitment to use arbitration as the final stage in the grievance procedure. Kennedy views this a vital precondition for an effective procedure:

'. . . the mere existence of final and binding third party decisions as the certain and predictable destination of all unsettled grievances is the fact which makes a viable procedure of grievance negotiation.' 84

It can, however, lead the parties to renounce their responsibilities to reach a mutual agreement, as seen in the case of the 'arbitration mill' at International Harvester. 85 In the more legalised German system, the labour courts have an important role as the final stage for disputes of
rights. The collective bargaining parties outside the workplace employ arbitration as a final stage in their negotiation of collective agreements before the resort to industrial action. Conciliation boards have been established by law to deal with workplace issues specifically relating to interests, and although they are little used in practice, the mere fact of their legal provision can be viewed as encouraging peaceful voluntary settlement of issues in the workplace. In Britain, general voluntary commitment to the use of arbitration is not widespread. The employers view third party intervention as a diminishing of their prerogatives and the trade unions refuse to give up their freedom to resort to strike action if they so wish. The case studies and literature survey will outline the hierarchy of appeals specific to different plants.

II) Securing Commitment to Procedures

Various methods are employed to maintain the integrity of procedures, that is, to encourage observance of agreements and discourage unconstitutional industrial action. Time limits represent one method of securing commitment to follow each step of the procedure by agreement on a compromise between the interests of the workforce in a speedy settlement of issues and the desire of management to have time to gather all the facts and coordinate the decision-making. Time limits, which usually are lengthened as issues proceed up the procedure as an indication of their gravity, provide a reassurance to the workforce that settlement will not be infinitely delayed and thus discourage the resort to strike action to press for a settlement.

Another method used to secure commitment is the use of status quo agreements to ensure the procedure is not biased in management's favour. A status quo clause ensures that
a change by management which has been challenged by the trade union will not be put into effect until the procedure has been exhausted. Employers object to such clauses as they are felt to challenge management's right to manage their establishments. The Engineering Employers Federation only accepts a status quo clause on changes which depart from agreements or established practice. The problems of agreement on what issues the status quo clauses should apply to are immense in the British system, where agreements are general and vague, and informal settlements predominate. In the FRG, the problem has been legislated for by a general peace obligation on workplace relations, and a legal distinction between issues decided by joint agreement and those subject to unilateral management decision-making.

III) Written Procedural Agreements

The formalisation of procedural agreements in written documents has been a major discussion point in Britain since the publication of the Royal Commission's report and research papers in 1968. The research paper on workplace relations by McCarthy and Parker revealed the informality of the relations between the two parties, which the researchers viewed not as the expression of a mutual desire for flexibility but a continuation of conflictual relations. Management opposed the formalisation of works agreements and procedures as they feared this would establish de jure rights for shop stewards, which could not be challenged or bargained over when circumstances were in management's favour. It was thought that shop stewards would see the formalised rights as just the first step in the extension of their rights. Shop stewards favoured formalisation of procedures but not works agreements.
The Donovan Report and the later Code of Industrial Relations Practice recommended that procedures should be written down and cover the constitution of joint negotiating bodies, issues which can be bargained about and at which levels, facilities and rights for trade union activities, procedures to settle disputes. Singleton, too, sees advantages in having written procedures based on joint discussion and agreement. The process of formalising joint procedures forces the parties to discuss controversial issues and reduces misunderstandings, especially when the personnel operating the procedures change, such procedures provide a common basis from which the parties can consider necessary changes and amendments, and the fact that they are written down makes it easier to ensure clarity and consistency of use of procedure in day-to-day conflict resolution. Caution does need to be exercised in the introduction and scope of formalisation because the procedures need to be flexible enough to register gradual changes in the relationship - Singleton sees the aim as commitment to a method of resolving conflicts not to a static procedural system. Other problems such as the fact that formalisation can lead to changes in the actual rules operating and can create conflict will be discussed in later chapters.

The documentation of actual grievances has not been a subject of serious debate in Britain. It is seen as advantageous at the higher stages of a procedure, where the parties are not familiar with the circumstances of the issue as it helps clarify the issue and prevent misunderstandings. Similarly, a written statement of the final decision on an issue is useful for the same reasons and also to build up a case law on how to deal with issues, although the parties in Britain have not favoured this development. Recording of grievances at lower levels should only be used where there are severe problems with procedures and management needs to see the course of grievances.
IV) Formal and Informal Procedures

The distinction between formal and informal procedures was at the heart of the Donovan Reports assessment of British workplace relations. The report diagnosed Britain's problems as due to a conflict between the formal system of industry-wide agreements and procedures and the informal system of workplace industrial relations. Shopsteward bargaining had become the key means of regulating workplace relations but it was not formally recognised in procedures as management either refused to recognise the change in the balance of power or desired to be free to withdraw informal concessions when circumstances were in their favour. The Commission noted a wide discrepancy between the view of workplace relations reflected in the formal industry-wide procedures and the actual practice, which was unregulated by procedures or works agreements.

However, even where formal workplace procedures exist, informal processes still continue to play an important role. It is important to distinguish between the informality which was operating in the British system in the 1960's, which was due to an absence of any clear agreements to follow, and the informality, which supplements the operation of formally agreed procedures by means of informal discussion between stages - informality on the basis of jointly agreed and accepted procedures.

Thomson and Murray make a distinction between formal procedures (i.e. those written down), standard practices (i.e. 'more or less habitual, officially accepted (though not officially promulgated) patterns for handling grievances') and the actual practice of grievance handling. The purpose of the first two types is, as in the case of the Works Constitution Act, to provide the lowest common denominator of grievance handling patterns, a means of checking deviations and a fall-back position if the informal system is
constantly abused. It is, however, important to see formal and informal procedures in the workplace not as polar opposites but complementary - the latter enabling the former to operate in everyday relations in the workplace.

The present study seeks to reflect the complexity of the operation of conflict resolution procedures by assessing official procedures such as the Works Constitution Act and written workplace procedures (documentation), standard practices as described by worker and management representatives at higher levels of the procedure and actual practice by means of a questionnaire survey of the actors involved in the day-to-day resolution of conflicts at lower levels.

4) The Context of Conflict Resolution

The brief outline of some of the key characteristics of the procedural systems for conflict resolution in the American, British and German industrial relations systems has shown some of the ways in which the context of resolution procedures influences their structure and operation.

Studies of procedures in different national systems usually consider the influence of the role of the state by means of legislation on the form and operation of procedures particularly those regulating national and regional trade union and employer collective bargaining. In the USA the state has played a significant role in the development of present patterns of conflict resolution as it has in Germany. The traditional role of the state in Britain has been abstentionist. Where the state has had a major influence on the conduct of industrial relations labour courts also play an important role in the regulation of industrial
conflict. The present study will compare the effects of a statutory law system in Germany with a common law system in Britain on the modes of operation in industrial relations with respect to conflict regulation. Both the role of the state and judiciary need to be considered in a historical perspective to elucidate the reasons behind their differing roles in national industrial relations systems. Chapter Three provides this historical background and also assesses the significance of the timing and characteristics of the process of industrialisation for the developing industrial relations systems in Britain and Germany. The present day economic context of both systems influences the balance of power between the actors both in the wider society and at plant level and as such is considered in the chapters on the national and plant-level systems of industrial relations. Singleton has underlined the importance of a strong labour organisation for the institutionalisation of conflict by means of procedures to take place. Only a strong organisation can make accommodation a desirable proposition for the employers and the state:-

'It is the potential for conflict which generates the need for agreement. It is the organisation of employees which makes it possible'.

The present study looks at the differing impact of centralised and decentralised structures of trade union collective bargaining on conflicts and conflict resolution at plant level. Where detailed collective agreements are agreed at levels above the plant, plant-level procedures tend to deal with the interpretation of these agreements. Where this is not the case, as in Britain, there is more scope for actual plant-level bargaining and thus conflicts.

Plant-level influences on conflict resolution procedures include the assessment of the impact of technological processes on work organisation and thus on workgroup formation and their conflict behaviour. American studies have traced
different types of conflict behaviour to technological factors which either promote or hinder homogenous work-groups. Thomson and Murray consider the influence of specific technologies on grievances arising and thus on informal processes of resolution. However, different conflict levels and processes of resolution in firms with similar technological contexts point to the importance of additional plant-level influences.

Size of firm is often seen as an important influence on both the level of conflict and complexity of procedures. Increasing size is thought to lead to higher levels of conflict and thus the need to develop greater procedural specialisation. Singleton points to its influence on attitudes and practices in the evolution of understandings about the use of procedures.

The organisation and policies of management, particularly towards wages systems, employment matters, use of procedures and role of workforce representatives, have an important impact on conflict levels and the effectiveness of resolution procedures. The development of custom and practice and high conflict levels in British plants in the 1960's were related to poor management information systems, high discretion of lower management in the administration of rules and a gap between higher and lower management, and the absence of bureaucratic rules to support lower management against shop-floor pressure. British industrial relations commentators attributed these conditions to the priority accorded to profitability and the smooth running of production in management goals and the relegation of the industrial relations function to a minor place in management functions generally. Further, management's refusal to share decision-making authority with workforce representatives was thought to lead to trials of strength at plant level.
Marsh views the trade unions as having to operate within a regulative framework laid down by management. Thus policy decisions about the type of technological process and size of production unit influence trade union organisation, policies and action at plant level as does the nature of the workforce with respect to its age structure, sex, race, skill levels and general level of education, its social background and geographical location. These factors influence the workforce attitudes to both management and trade union. Partridge, for example, argues that workforce values are influenced both by the wider society and the technological context of work. Dominant values, which accept the institutional context of relations with management, are derived from the context of work relations, subordinate values, which include workforce aims, derive from the wider working class community whilst radical values are derived from political parties. Only workforces with the latter two types of values are prepared to challenge managerial authority. Kottoff similarly emphasises the important role of the trade union in influencing workforce relations with management. Whilst in-plant factors influence the workforce towards agreement with management goals, factors outside the plant such as political parties and trade unions enable the workforce to develop its own conception of its goals and interests. The forms of plant-level trade union organisation are also an important influence on conflict perception and collective action by the workforce. Multi-unionism in British plants is seen both as weakening workforce solidarity and leading to extensive shopsteward organisation in order to coordinate workforce action.

Behavioural studies, as indicated earlier, focus on the factors promoting cooperative and conflictual processes of resolution. These include aspects of the technical, market and power contexts of the plants as well as the influence
of key individuals and the prior relationship of the two parties. The fact that endemic strike situations tend to be concentrated in a small number of companies where there has been a breakdown in procedures leads Purcell to speculate that the causes are 'more readily traced to factors within the company than general societal movements, although both are important'. Structural changes to induce reform will not on their own lead to changed attitudes and behaviour since the latter are related to values and perceptions which are more resistant to change.

Thus the context of the operation of conflict resolution procedures incorporates influences from the wider society, trade union and employer association relations, as well as plant-level factors and the actors' attitudes and policies. Just as the context of procedures does not remain static, procedural arrangements also need to be altered to reflect the changes in their context, particularly changes in the balance of power between the actors and conflict levels. However, the problems associated with any alterations to procedures often lead in practice to procedural inertia with the possible breakdown of procedural arrangements which no longer reflect the realities of the conflict situation they are called upon to regulate. Marsh and others underline the need for external pressure on the parties to ensure the continuing effectiveness of procedural arrangements.

The close relation between procedural arrangements and the general context of the industrial relations system also militates against the transfer of procedures from one industry or one firm to another as well as from one national context to another. The fact that procedural arrangements, where they are effective, are 'rooted in the social structure' is reflected in the present study, which considers the general context of plant-level procedures in Germany and Britain.
in a historical perspective. The case studies look at specific plant-level contexts within which the operation of procedural arrangements is assessed. Thus conflict resolution procedures are viewed as one aspect of the industrial relations system within its wider societal context and an attempt is made to isolate the major influences on both their form and operation in practice.
CHAPTER THREE:  The National System of Industrial Relations in Britain and West Germany - a Historical Survey

1) Great Britain - a Voluntaristic Industrial Relations System

Voluntarism is the term used to describe the commitment of the parties involved in the system of industrial relations to the principle of free collective bargaining as the means of regulating their relations as opposed to legislative and judicial involvement in the regulation of terms and conditions of employment and the resolution of disputes. The Royal Commission on Trade Unions and Employers' Associations provided evidence of the operation of a voluntary system of industrial relations in Britain:

'.. based on voluntarily agreed rules, which, as a matter of principle, are not enforced by law... no trade union, no employer in private industry, no employers' association is under any legal obligation to bargain collectively; and, exceptions apart, the law does not intervene to enforce such a bargain or any of its terms ... In short, it has been the traditional policy of the law, as far as possible, not to intervene in the system of industrial relations.'

The heyday of the voluntarist principle dates from the post-second world war period to the mid 1960s when the Royal Commission survey was carried out. The impact of voluntarism on the operation of procedures at workplace level is considered in detail in chapter 4.

In the present study, the British voluntary system of industrial relations will be compared with the 'legalised' system in West Germany in an analysis of the operation of both national and plant-level systems of regulating relations.

between employers and employees. Chapter three highlights what are considered to be the main developments which influenced the present day systems of industrial relations in both countries.

I: The Historical Role of the State in Industrial Relations in Great Britain

Marsh\textsuperscript{2} views the role of the state in industrial relations as a continuum from a voluntary system, where the state only intervenes to uphold the system, to a system where the state, either by legislation or decree, shapes the whole framework of procedural arrangements. The reasons for the differences in the degree of state involvement in industrial relations, in his view, are related to the assumptions of the respective political system, the role of law in society, and in relations between employers and employees in particular, and the maturity of employer-trade union relations. The state in Britain until recently supported the voluntary principle of industrial relations.\textsuperscript{3}

In the nineteenth century, after initial outlawing of trade unions under the Combination Act, the state tolerated the restricted development of trade unions after 1824. The success of trade union development, particularly towards the end of the nineteenth century, led to attempts by the courts to restrict their activity first by the imposition of criminal liabilities and then civil liabilities in court cases. Kahn-Gray in has described the conflicts of the late nineteenth century as a clash between the courts' interpretation of the common law (based on the equality of individuals) and Parliament's idea of good social policy as labour increased not only in collective but political strength too.\textsuperscript{4} The results of the clash were a series of legal immunities
from criminal and civil liability for the trade unions incorporated into government statutes. Henceforth, trade union activities were to be excluded from common law considerations. Wedderburn describes the emergent collective labour law as a liberty rather than a right to participate in certain collective activities.\(^5\)

There was an attempt to develop a comprehensive labour law code with positive legal rights and duties by the Royal Commission in 1903, but this was rejected by the trade unions although supported by lawyers on the Commission and in Parliament and by the employers.\(^6\)

Generally, the policy of the legislators has been not to regulate employment relations by statute where they can be effectively regulated by collective bargaining.\(^7\) Statutes were limited to subjects which did not lend themselves well to collective bargaining. For example, safety, health and welfare, and to the support of voluntary collective bargaining where it is poorly developed (cf Wages Councils Act, Whitley Recommendation 1916). Legislation on arbitration and conciliation has also adhered to the voluntary principle apart from war-time emergency situations when arbitration was compulsory. Third party involvement in dispute resolution has been voluntary and has been viewed as the 'continuation of the process of collective bargaining with outside assistance'\(^8\) when the parties' own procedures have been exhausted.\(^9\)

The Royal Commission on Trade Unions and Employer Associations (RCTUEA), set up to examine the state of British industrial relations in the mid-1960s, continued to support the operation of a voluntary system. Although some reforms were needed they were to be put into effect by the parties themselves on a voluntary basis. Some support from government agencies would be required to assist the parties in their
reform of the institutions of collective bargaining so that they better reflected the changed power situation, especially at plant level, and the Commission supported the codification of law on labour relations, their emphasis, however, was on voluntary reform of the system.

Both the Labour government in their White Paper ('In Place of Strife' 1969) and the Conservative government in their Industrial Relations Act of 1971 rejected a purely voluntary reform of industrial relations as impracticable in view of the urgent necessity of controlling inflation and the level of industrial conflict. The Conservative govt. attempted to create a legal framework for the conduct of industrial relations by the 1971 Act. The rejection of its provisions by the trade unions when they still had a balance of power advantage in the early seventies meant employers rarely used the provisions to take unions to court and when they did the courts could not enforce the law in practice. Subsequent Codes of Industrial Relations Practice and piecemeal attempts to influence the industrial relations system by the present Conservative government's Employment Acts of 1980 and 1982 represent a continuation of their attempt to reform the system albeit by less directly interventionist means. The Labour government's legislation on industrial relations continued the earlier tradition of enacting legislation to cover areas not adequately regulated by collective bargaining and the involvement of industrial tribunals in hearing appeals under the new legislation.

Apart from legislation on industrial relations, the state is also impinging more and more on the voluntary system of industrial relations by its taxation policies, control of public spending and monetarist measures in order to control economic processes. This shift from a previously passive role of the state in Britain to greater state intervention is a reflection both of the growing power of the labour movement to endanger state economic policies
as well as the increasing interdependencies and complexities of the national economic process and the greater requirement for government involvement to control its development. The changing role of the state and its effects on the operation of the voluntary system of industrial relations are assessed in greater detail in chapter four.

II) The Historical Role of the Judiciary in Industrial Relations

Works which look at the impact of the legal system on industrial relations usually distinguish between a statute law model, where statutes are used to deal with social relations and the courts interpret them in practice, and a common law model, where social relations are dealt with on a case by case basis, a system of 'custom and practice'. Under a statute law model such as West Germany, emphasis is placed on the 'contract' in industrial relations. The contract or collective agreement is viewed as legally binding and this transfers decisions about what subjects can be bargained on, when and how to the courts. Schregle sees the advantages of the statute law model as the clarity, logic and system it promotes in social relations. The common law model, which is found in Britain, is said to emphasise the process of negotiation to regulate social relations. The aim is not legal entitlements but compromises generated by the adhoc solution of problems. Clegg sees its advantage as its flexibility although the complexity of the substantive rules developed by such a system means it is difficult for the state or, in the case of the industrial relations system, the central negotiators to exert any control on their development, which can become irrational and generate inter-group conflict. Kahn-Freund's originally positive
evaluation of the informal nature of intergroup relations in Britain ('a dynamic system of collective bargaining') changed to a more critical analysis of the negative effects of legal abstentionism by the 1970s. Although he rejected direct legal sanctions, such as those incorporated into the Industrial Relations Act 1971, as alien to British traditions, he advocated comprehensive and systematic legislation on mutual rights and duties not covered by collective bargaining and a body of legislation on the law of labour disputes to clarify when the courts could intervene.

In Britain, the courts' involvement in industrial relations has focussed on their attempts to apply common law principles to collective social organisations first by criminal then civil liabilities in the nineteenth century. Wedderburn argues that from 1920 - 1952 the courts acquiesced in the voluntary principle of industrial relations by applying the common law in a spirit of non-intervention. However, since the shift in the balance of power in the trade unions' favour, the courts have once again attempted to restrict trade union activity. His examples include the new tort of intimidation by threats to break contracts of employment (countered by the Trade Disputes Act 1965 passed by a Labour government), the enlargement of tort liabilities associated with knowingly inducing a breach of existing commercial contracts, and the use of labour injunctions to break strikes. This culminated in the passing of the Industrial Relations Act 1971, which had as its aim the greater involvement of courts and judges in industrial relations and the propagation of the ideology of individualism.

The Industrial Relations Act reflected the change in the states and the employers' attitudes to voluntarism. Wedderburn argues that the voluntary system depended on the acquiescence of the middle classes. The new interest in greater legal intervention in industrial relations marks the turn away from a purely voluntarist system and, possibly, a
decline in the confidence of employers that they can adequately represent their interests in the voluntary play of social forces under a changed balance of power. Several recent studies show a change in the employers' attitudes to legal intervention. In his study of management in Britain, Poole showed that:-

'despite a generally hostile stance on state intervention respondents made a clear exception in the case of labour discipline, for legislation to curb strikes, tribunals to investigate strikes and compulsory arbitration were all enthusiastically endorsed. Similarly, the Conservative government's intentions to limit secondary picketing, to provide facilities for secret ballots and to make changes in the effects of closed shop agreements were all strongly supported.'23

Trade union opposition to greater legal intervention in industrial relations has remained constant, although a distinction must be made between individual employment law, based on the contract of employment and involving greater legal entitlements for employees, and attempts to intervene in collective employee relations with employers. Flanders argued that the trade unions do not distrust legislation so much as the courts of law but this has meant that the trade unions have rejected legal support where it has meant greater legal intervention as this is seen as a threat to their autonomy.24 The courts have been seen as anti-union because of their espousal of the common law principle of equality between individuals when trade unions are based on collective organisation.25 The principle of individualism threatens the role and existence of trade unions and Marsh uses this to explain the reliance on voluntarism, which 'derives partly from the absence of an alternative legal basis which is generally acceptable'.26 Any plans to create an acceptable legal basis by a system of positive collective rights could founder on the courts' inability to alter traditional perceptions about the priority of the individual.27
The nineteenth century saw the emergence of an effective trade union movement in Britain. Lewis sets the start of industrialisation in Britain as the mid-eighteenth century. With industrialisation came the end of the legal fixing of wages by magistrates and state agencies in operation since 1349 and the start of a laissez-faire economic policy based on individualism and the play of market forces. The previous albeit limited responsibility of the state to provide some protection for employees in the question of wages and conditions was now seen as interference in the running of industry. Employees gradually shifted their reliance from government agencies to collective organisation. Kahn-Freund sees as crucial the fact that the industrial revolution in Britain preceeded the extension of the parliamentary franchise to the working classes. This meant their only resource was collective power, unlike the German trade unions which developed from political parties and had an early reliance on political power pressure. Both Kahn-Freund and Flanders view this as developing a pattern of thought and action based on the principle that 'workers could best achieve their goals by relying on their own voluntary associations'. This derived from their corporate, social experience during the formative period of their development.

A further important factor was the early lifting of the ban on trade union development with the repeal of the Combination Acts in 1824 (in contrast with Germany where the ban was only lifted in 1869 and state intimidation continued nonetheless). The Webbs describe the immediate years after the lifting of the ban as a revolutionary period when the trade union movement was uncertain about its legal possibilities and attempts were made to move from small local unions to large trade unions (for example, the Grand National Consolidated Trade Union), which failed as they were based
on unskilled labour which had little bargaining power vis-à-vis the employers.

The crucial influence of craft trade union ideology on British industrial relations began to take effect from the 1840s when skilled craft unions began to amalgamate and form national federations. The political impact of the Junta, as the General Secretaries of the Amalgamated Societies of Engineers and Carpenters were known, was immense. From the 1860s there were a series of battles with the courts and the regularisation of the position of the trade unions by the legislature. From 1867, when the working classes were enfranchised, the Junta operated as the parliamentary committee of the TUC and exerted pressure on the Royal Commissions set up to investigate industrial relations. They fought the courts through their influence in Parliament. The craft trade union leaders supported the ideology of economic individualism and rejected the legalisation of the trade unions, viewing it as providing the employers with the opportunity to prosecute and sue them as corporations. From the late nineteenth century, after the battle over trade union immunities had been fought and won, the trade unions began to rely more on direct action via collective bargaining than law reform, although the two were not mutually exclusive), as employers were now prepared to grant some concessions. Lovell does, however, point out the different reactions of trade unions to legal assistance - the craft unions, having achieved recognition by virtue of their collective and political power, rejected any involvement of the law. Weaker unions, which developed under the New Unionism of the 1880s and 1890s such as the dockers and the railwaymen, favoured legal assistance as compulsory arbitration could be used to force employers to recognise them and engage in collective bargaining. The craft unions won the day in 1901 over the Taff Vale case and the voluntary system of free collective bargaining was established. This difference
in reactions reappears many times in the twentieth century even with reference to the Industrial Relations Act 1971. Flanders, however, points out the myth that British trade unions developed from their own efforts. He emphasizes the importance of employer recognition (either due to the power of the trade unions or because they also served employer interests) and government promotion - two periods of great trade union expansion occurred during government support 1910-1920 and 1933-1948.36

The development of employers' associations came late in the nineteenth century as a defensive measure against the growing power of the trade union movement37 and their tactics of picking off one firm after another especially in coal, cotton and iron industries. Other factors apart from the trade union threat are needed for the effective organisation of employers such as homogeneity of interests and purpose. Many works point to the problems of homogeneity due to the diversity of Britain's industrial structure in the nineteenth century.38 Generally, the picture of employers' associations in Britain is one of diversity and lack of central control.39 Some associations, such as that in the chemical industry, have two classes of membership, one of which excludes industrial relations from the scope of the association. Recent trends reveal a decline in homogeneity of interest as large multiproduct companies seek to negotiate their own settlements with the unions, the gap between the large and small firms is widening and the functions of the associations appear to be shifting from the economic and general regulatory to the advisory and representational functions (before the government).40

The associations were originally locally and regionally based (the first National Employers' Federation was set up only in 1919) and district rates predominated in collective bargaining prior to the First World War.41 although some associations, such as the engineering employers, had
negotiated national industry-wide dispute resolution procedures (1993 in engineering). After 1914, national negotiations made awards to the existing district rates. The coverage of collective bargaining was still defective - in 1910 only 17% of the working population were trade union members and the absence of formal institutions to resolve disputes at workplace level led to recommendations on joint works councils by the Whitley Committee in 1918. After the Second World War, national rates predominated and district differentials either narrowed or disappeared altogether. The types of national agreements vary according to industry: in electrical contracting the agreements are comprehensive due to the highly labour intensive nature of the industry, a large number of small firms and the employers' interest in controlling future costs. Agreements in the engineering industry are minimums, establishing basic rates only as members desire to negotiate supplementary workplace rates and factors such as the labour market, heterogeneity of product and types of firms support this. Working conditions, however, as opposed to wages rates are fixed by national agreement and not subject to improvement at workplace level. In the footwear and cotton textiles industries, national agreements are partial.

Recent studies show a shift from national rates as the main level of collective bargaining to plant or company rates in the manufacturing industries. Industry-wide agreements are still influential though not regulative. Brown and Deaton point to a wide variety of bargaining arrangements including industry-wide, company-wide, establishment level, divisional level. The typical pattern of collective bargaining is seen as industry-wide minimum agreements and further bargaining at firm and plant levels. Brown shows how the reliance on industry-wide minimums meant many substantive issues were left unregulated. Dispute resolution procedures have also followed the national collective bargaining structure and this
created many problems at plant level where many procedural issues remained unregulated. Recent figures on trade union membership show a decline after an increase of 20.2% during the 1970s. Membership now stands at 11.4 millions or 43% of the working population. The number of unions has fallen by 16% to 401 (the fall has occurred in the declining traditional industries), although 22 trade unions have 79.8% of the total trade union membership. Accurate figures about employer association membership is scant. Recent studies show a decline in the number of associations from 1350-1400 in the late 1960s to 300 in 1980 via a reduction in locally based employer groups. Density of membership is estimated at 70.75% of all employers. One of the largest associations is the Engineering Employer's Federation covering 5000 establishments and negotiating agreements with 35 trade unions, most of whom are affiliated to the Confederation of Shipbuilding and Engineering Unions. The prevalence of minimum agreements at national level and informal regulation at plant level, which provoked many problems with the rise in shopsteward power in the 1960s, is seen by Sisson to be related not so much to the structure of the industry, which has not hindered greater centralisation of collective bargaining by their West German counterparts, but historical aims and policies including the desire to retain management control at plant level. In the 1970s and 1980s the trend for negotiation in engineering is towards company and plant bargains with the trade unions, although national level agreements continue to play an important role in regulating conditions in small establishments.
The early industrialisation of Britain, at a time when other nations were still dominated by a feudal agriculturally based system, and the slow development of the process of industrialisation are thought to have had a significant impact on the structure of industry, management and trade union ideologies and policies and their relations with the state. Several works have emphasized this in contrastive studies of early industrial developers such as Britain and late developers such as Sweden, Japan and West Germany. Ingham points to the low level of industrial concentration in Britain, the great complexity of its technical and organisational structure in industry and the high product differentiation and specialisation as indicative of its early industrialisation. Likewise Dore, in his study of Britain and Japan, emphasises the effect of the slow gradual evolution of industry in Britain on the predominance of small scale, owner-managed, labour-intensive organisations in contrast to Japan, whose late development is reflected in the dominance of highly capital-intensive, corporate organisations. Late developers such as West Germany and Japan underwent a rapid, massive expansion of industry. The structure of industry as it emerged in the nineteenth century in Britain promoted a fragmented, decentralised system of collective bargaining based on informal workplace regulation. For where industries comprise a large number of differently-sized establishments with a large number of products and product markets, technologies and management styles the emphasis will be on small decentralised decision-making units to facilitate adaptation. National or industry-level collective agreements will deal only with a limited number of general matters and decisions will be taken mainly at works level.

Later economic developments need to be seen in conjunction
with this decentralised structure of industrial relations in Britain. Developments since the Second World War have promoted plant-level collective bargaining due to the strengthened position of the shop stewards in a situation of full employment. Despite the present economic recession, company-level and plant-level bargaining continue to flourish in private manufacturing industry. Although the economic process in West Germany provided some leeway for plant-level bargaining in the 1960s, the fact that the industrial relations system is centralised and legally based limited the extent of bargaining, and collective bargaining has reverted back to regional and national levels in the present recession as is shown in the second half of the present chapter.

V) National Values as Reflected in the Industrial Relations System in Britain

In chapter two the importance of 'shared understandings' in the institutionalisation of conflict resolution was underlined. The shared understandings reflect agreement not only on the rules of resolution themselves but on the values which underlie their operation. These common values reflect the social ethos of the society in which industry is embedded and in their turn influence society as industry and work form a major part of the citizen's life.

The influence of individualism and self-government in British society has been emphasised in many studies particularly those on industrial relations topics. Crouch traces these values back to the onset of industrialisation with the development of a laissez-faire market economy and the fragmented, decentralised structure of industry. Dore, however, points out that market individualism was an essential feature of the capitalist organisation of agriculture.
in Britain in contrast to family-based systems in Japan and West Germany. Market individualism in agriculture thus produced market individualism in industry whereas the Japanese and German systems led to an authoritarian paternalist and centralised operation of industry in the nineteenth century.\textsuperscript{65}

Individualism was reflected in the organisation of industrial units on a fragmented and decentralised basis in Britain. Despite recent concentration of industry via mergers, individual companies and establishments have retained much of their independence in decision-making by their organisation in loose federal structures. Gospel underlines the importance of managerial choice in this process of concentration.\textsuperscript{66} Despite the loss of economies of scale and irrespective of company size 'companies seek to behave as far as possible as if they were small and informal',\textsuperscript{67} and operate as though they 'consisted of a host of small firms with coordination lacking and suboptimisation rampant'.\textsuperscript{68} In Britain there tends to be a high level of decentralisation which goes against the pressure of size of company whereas the opposite is true of German companies.\textsuperscript{69} Flanders relates this to the entrepreneurial tradition of self determination and economic freedom in industry.\textsuperscript{70}

The craft tradition in the trade union movement similarly emphasised independence and self reliance of the working people.\textsuperscript{71} The trade unions give priority to their freedom to order their own affairs according to their own preferences with as little outside interference as possible.\textsuperscript{72} Hobsbawn emphasises working class traditions of syndicalism in Britain to explain present day strike action based on the rank and file members at plant level. Although the original syndicalist aims of self-governing producer groups in industry have been discarded, syndicalist techniques of spontaneous militancy have been retained by the labour movement in Britain.\textsuperscript{73}
The operation of market individualism and the voluntarist tradition of regulating industrial relations issues have been increasingly called into question due to the incompatibilities between economic freedom and industrial peace and prosperity since the 1960s. Crouch underlines the influence of a period of full employment on the power relations between employers and employees in the demise of market individualism and liberal collectivism, which was based on the freedom of autonomous interest groups to represent their interests (pluralism). Pluralism is only effective in institutionalising conflict where power relations are specific and stable.

A further characteristic of British industrial relations, which may be related to the competing value systems indicative of pluralism as well as the general social ethos, is the low status of industry. This is seen to be reflected in the low salaries, poor performance and low level of prestige accorded to industrial or production management. The highly talented in British society do not tend to enter industry or if they do they avoid production management favouring marketing or finance. On the shopfloor, technical services have a higher status than production and maintenance with a sharp differentiation between technical and line staff. The dualism between practical or technical and academic qualifications is reflected in the education system. Technical education has been particularly weak in Britain. The opposite is true of the German system where industry and work associated with it enjoy a high social status.
2) West Germany - a Legalised, Centralised, Cooperative System of Industrial Relations

In contrast to the voluntarism which has characterised the British system of industrial relations, the German system has developed largely on the basis of legislation and judicial interpretation of this legislation. The legalisation of industrial relations in West Germany is referred to in many German works and is often viewed in a negative light. Schönholz describes the effect on the process of industrial relations as a 'differentiation between alternative courses of action in typical situations on the basis of their legality'.

This dependence on legal criteria to define courses of action is often viewed as inferior to the dependence on trade union organisational strength such as is seen to be the case in Britain. Although the general legal framework of industrial relations as created by the legislation not judicial interpretation is seen as valuable, the trade unions are called upon to adopt an instrumental instead of a legalistic approach to law in order to better represent the interests of the working classes.

A second characteristic of the German system, which is in direct contrast to the British system, is its centralised nature both in the organisation of the trade unions in 17 major industrial unions and the highly centralised national federation of employers' associations as well as the industrial federations. Collective bargaining has become increasingly more centralised since the 1960s with the shift from regional to national-level bargaining. Although the rank and file protests in 1969 did lead to moves to improve communication channels within the trade unions and extend the autonomy of regional-level collective bargaining parties, the negotiations are tightly coordinated by the national trade union and employer association executive bodies. The effects of the economic recession are promoting further
centralisation of the industrial relations system.

The cooperative aspect of the German system is reflected in the priority given to the promotion of national economic prosperity and the prosperity of individual firms in trade union policies and action as well as their recognition of the authority of the legal framework of industrial relations which entails considerable restrictions of their activity. Cooperative conflict resolution as opposed to open confrontation is the preferred mode of resolving differences between employers and trade unions.

I: The Historical Role of the State in Industrial Relations in West Germany

The state has played a very significant role in influencing the present structure and operation of the industrial relations system in West Germany. At the onset of the industrial revolution in Germany, the policies of the state towards the developing labour movement were those of an authoritarian welfare state. They included the banning of the Social Democratic Party and the trade union movement, which was still dominated by party control, on the one hand and a series of social welfare legislative measures on the other to combat the worst effects of the industrialisation process on the industrial workers. The state ignored the trade unions and promoted reconciliation between employer and employees direct by means of industrial codes on rules to be drawn up in the workplace to regulate such issues as the beginning and end of the working day, breaks, form and method of wage payments, dismissals notices and discipline and by the introduction of works committees. Teuteberg argues that in the view of the state:

'.. the industrial employment relationship no longer constituted a private relationship between
two contracting parties. The parties had to fit in with prevailing legal opinion...from this new standpoint the state saw itself entitled to intervene at any time in matters of human workplace organisation.  

The continuities in legislation on the workplace from the Prussian codes of 1849 to the present Works Constitution Act are outlined in detail in chapter four.

State intervention was not restricted to the workplace but was extended into the collective relations between employers' associations and the trade unions after the First World War. The role of the state was transformed from a protective and preventative one in the nineteenth century into an active and controlling role to regulate the development of the labour movement and its relations with the employers. In the interwar years there was an increasing amount of legislation on the collective contract. The determined opposition of employers to collective bargaining, especially in heavy industry, meant wages and conditions came to be increasingly determined by binding decision of the Federal Minister of Labour until this system was ended in 1928. After 1945 the Collective Agreements Act (1949) continued the tradition established in 1918 of regarding a peace obligation as an implicit element of collective contracts. The labour court system has been responsible for the development of the law on collective bargaining as shown in the following section.

Apart from legislation on industrial relations issues, the state has influenced collective relations by the policy of a 'Concerted Action' by the state, employers, trade unions and banks to promote economic growth and stability. The policy has operated as a method of restricting wage increases in order to promote investment and economic growth by means of quarterly discussions between the parties and agreement on the guidelines submitted by the Council of Economic Advisors for the development of the economy. Although
'Concerted Action' was formally ended in 1975, the trade unions and employers continue to respect government guidelines in their collective wage negotiations. Studies of trade union cooperation with government economic policies underline the importance of the climate of economic growth which promoted compromise solutions, centralised trade union organisation capable of enforcing adherence to government guidelines and the Social Democratic government which provided an opportunity for the attainment of trade union goals via political rather than collective action. The introduction of corporatist state policies is viewed as a response to economic crises created by full-employment and its effect on inflation levels. The impact of these policies is considered in terms of the restrictions on interest representation by the trade unions since their aims must fit into an economic policy defined by the state. Unterseher, however, points to a tradition of social conservatism which accepts the need for state intervention in the economic and social life of the nation, which dates back at least to the nineteenth century. The acceptance of and recourse to state intervention in industrial relations by the trade unions and employers is a characteristic of the German system which stands in marked contrast to the British system. Various explanations are suggested for this difference including the opposition of German employers to any system of collective bargaining which led to trade union reliance on state action due to their weak economic and organisational position, or the political power of the unions after 1918 when they could rely on a Social Democratic government to represent their interests. Other studies point to the very high level of industrial conflict in the nineteenth century as the reason for state intervention to promote conflict rationalisation. The importance of an authoritarian state tradition which predates the nineteenth century and views the state as responsible for the regulation of economic and social life is underlined by Mommsen and others. This
has led to the precarious position of the industrial relations system as distinct from state regulation in Germany. Threats to social and economic stability from the operation of the system have led to the reassertion of total state control as was the case in 1933. Section V continues the discussion on traditional views of the role of the state in German society.

II) The Historical Role of the Judiciary in Industrial Relations

The characteristics of the German legal system, which is based on the Roman law tradition of qualified or codified laws, are in contrast to the common law system operating in Britain. The impact of traditional legal thought can be seen in the 'statute law model' of collective bargaining or what Kahn-Freund described as 'collective contracting'. Firstly, collective agreements are viewed as legally binding contracts which are fixed for a specific period of time in writing. A peace obligation is incumbent on the parties during the life of the agreement and is enforced by the civil courts. Secondly, the labour law system is rooted in legislation, in contrast to America or Scandinavia where it is rooted in collective agreements. Both these factors lead to the regulation of collective relations on the basis of legal entitlements which are enforced primarily through the courts. The advantages of such a system of legal entitlements include the certainty created by rules which are fixed for a certain period and the freedom from industrial action during this time. The disadvantages include the rigidity of the system and its inability to respect special circumstances as the focus is on uniform rules for a large sector.

Although Guillebaud traces the development of labour courts
in Germany from the Conseils de Prudhommes established by Napoleon I on the left bank of the Rhine and the Industrial Courts Act 1890/Commercial Courts Act 1904, which established a system of referring industrial disputes to communal authorities, the labour court system's emergence and impact on collective relations only dates back to 1923. In 1923, the responsibility of Conciliation Boards to decide collective disputes arising under contracts of employment and individual disputes under the Works Committees Act was transferred to newly established labour courts. It was thought that these new legal bodies at national, provincial and local levels would be better able to secure a unity of judicial decision-making in the interpretation of the new statutory provisions. The fears of the trade unions that this would lead to a rigid application of legal principles to labour questions, in which aspects of public policy and social issues need to be considered, were countered by the involvement of members representing both the employers and trade unions in the courts.

The impact of the courts on collective relations during the Weimar period is usually discussed in terms of the court's wide discretion to shape industrial relations due to the vagueness of the legislation, and their continuation of the traditions of the authoritarian, welfare state as it had developed under Bismarck in the nineteenth century - the combination of restricting the activities of trade unions while seeking to remove the obvious injustices in the area of individual labour law. Legal interpretation of the 1918 Order on Collective Agreements saw their aim as the preservation of industrial peace and a peace obligation on the parties to the contract was assumed to be part of the agreement. Trade union support for this concept of collective agreements was based on the principle of an exchange of industrial peace for better working conditions.

Since the Second World War, labour courts have greatly extended their influence as a result of the increase in
legislation but have continued trends in labour law interpretation set up in the interwar years. Although the 1949 Law on Collective Agreements does not mention a peace obligation on the parties the courts have interpreted the contractual obligations in terms of an absolute obligation to refrain from industrial action in between the annual collective bargaining rounds. The view of industrial action as undesirable due to the economic and social disruption it causes and as an ultima ratio is supported by the collective bargaining parties.

The extent of labour court involvement in the determination of collective relations is considerable and includes decisions concerning the status of the associations, their use of industrial action, their position at plant level. The only area not open to court resolutions are the actual terms and conditions in the collective agreement. Both the extensive role of the labour court system and state legislation has led to a debate on the scope of free collective bargaining - the so-called 'nucleus of freedom of coalition'. Its definition is viewed as important in order to resist further encroachment by the state and legal system. This reflects the view that there is no autonomous sphere of industrial relations in Germany, unlike its Anglo-Saxon counterparts, due to the role of the state in ensuring social integration. The debate on collective bargaining has focussed on the issue of whether it is derived from a private relationship of the two parties independent of the state or has been delegated to the parties by the state, who is in overall control of social relationships.

Labour court decisions, especially the Federal Labour Court, grant priority to employer interests of profitability but not at the expense of social stability, thus the courts permit a measure of trade union collective representation to bolster their position as institutions contributing to social stability. With respect to plant-level relations
the courts have allowed the trade unions only sufficient influence to support the works councils' role as effective representatives of workplace interests on the basis of social partnership with the employers.\textsuperscript{122}

The extension of the role of the labour courts and their transformation from conciliatory to increasingly legalistic institutions for conflict resolution is criticised by some studies which view these factors as militating against their effectiveness in finding a workable solution to plant-level conflicts.\textsuperscript{123} The advantages of labour court rulings on industrial conflicts include the effect of definitive rulings in the reduction of the number of conflicts on specific issues, the promotion of clear comprehensive agreements by the parties in order to obviate the need for court involvement and the stabilisation of conflict relations as:-

\begin{quote}
'The parties have become used to living under rules which may be legally enforced and which are administered by a third party whose authority is generally accepted.'\textsuperscript{124}
\end{quote}

Chapter four will consider the impact of the labour court system on plant-level conflict resolution in detail.

\textbf{III}) \textit{The History of Trade Union-Employer Relations in West Germany}

A major influence on the development of the German trade union movement was its origins in the political parties of the nineteenth century.\textsuperscript{125} It was only in 1905-1906 that the trade unions decided to pursue a policy of specialisation, whereby they would represent the economic interests, the parties, the political interests of the labour movement.
Until the dissolution of the trade unions in 1933 the move­ment was divided along political lines. The Free Trade Unions were allied to the Social Democratic Party, the Christian trade unions to the Centre Party. Whilst the Hirsch-Duncker unions and the pacifist employer initiated unions had no direct political affiliations. The close association between the Free Trade Unions and the Social Democratic Party prior to the First World War meant that the former also suffered under the government’s Anti-Socialist Laws until 1920. After 12 years of repression the Trade Union Congress moved away from their earlier rejection of collective bargaining, which had been based on the irreconcilable conflict between capital and labour, and argued that collective agreements could be seen as proof of the employers' recognition of worker equality. The legal basis for recognition was established by the Order of 1918 which recognised the trade unions and saw collective agreements as legally binding. The new constitution also incorporated the freedom of coalition.

Despite this new legal basis for collective bargaining employer resistance to collective agreements was great, particularly in heavy industry, and the trade union movement was increasingly dependent on state support for the extension of collective agreements to industries as yet not covered by any collective bargaining arrangements. Initially the employers tolerated trade unions and collective agreements but their toleration was conditional, based on the threat of socialisation of heavy industry after the First World War, the revolutionary Workers’ Councils movement and the temporary strong economic and political position of the trade union movement. The collapse of the economy and increasing weakness of the democratic government after 1923 led to a withdrawal of this toleration, and in 1928 the combined opposition of the employers and labour courts led to the end of the practice of extending collective agreements by the Ministry of Labour.
The collective organisation on a large scale of the employers dates back to 1903. Within three years a national association (Reichsverband) had been established and employer resistance to trade unions and collective bargaining by means of lock-outs intensified. The focus of opposition was heavy industry. In 1923 it was the iron and steel industry which brought an end to the system of state arbitration on collective agreements. Damman explains their fierce opposition by reference to the claim to sole prerogative to fix wages and working conditions in their industry, which other studies describe as the authoritarian paternalist tradition of management in German industry. Citing Bockler in 1949, Potthoff refers to the fact that the fiercest opponents of the unions have always been situated in the Ruhr Valley and other employers have tended to follow the policies of this group of big industrialists. The collective organisation of the employers can be viewed as a response to the centralisation of trade union organisation after the repeal of the Anti-Socialist Laws and the intensification of industrial conflict in the late nineteenth century.

The trade unions came to rely increasingly on state action in the 1920s in the belief that their political position was stronger than their economic one. Trade union theorists like Sinzheimer gave priority to state interests and fixed collective contracts rather than to trade union autonomy as it was feared that a return to free employment contracts would leave the workforce at the mercy of employers in view of their superior power position. Naphtali's programme for economic democracy similarly emphasised macro-economic and social reform via political action. The demise of the Social Democratic influence in government in the late 1920s blocked this last avenue of trade union action.

The post Second World War period has been marked by an increasing centralisation of the collective organisations and their bargaining on the terms and conditions of employment.
The trade unions have reorganised into seventeen industrial unions under the umbrella of the German Trade Union Federation. The largest of the industrial unions is the Metal Workers' Union with approximately 2.5 million members and the highest trade union membership density (51%).

The employers are organised into 44 industry associations which are coordinated by the Confederation of German Employers. Membership density is estimated to be 80% of all firms, employing 92% of the working population. Recent studies argue that 50 employers from the largest firms in the metalworking sector are the key decision makers in collective bargaining with the unions since other employers' associations follow the lead given by the Metalworking Association (Gesamtmetall).

The centralisation of the collective representation of employers and employees has been accompanied by the centralisation of collective bargaining. In the 1950s there was a relatively loose framework of regional agreements. In the early 1960s the Metalworking Employers' Association terminated all collective agreements and introduced a central coordination of wage agreements by means of binding instructions to its regional associations and lock-outs. The reasons behind this drive towards centralisation include the desire to protect employers from strong trade union pressure in regions such as Baden-Württemberg, where high settlements could be reached and used as a basis for negotiations in other regions where the unions were weaker. The central coordination of collective bargaining is secured by national executive control over decisions about the termination of agreements, the establishment of claims, the recording of a breakdown in negotiations, the acceptance or rejection of the results of negotiation, balloting on the calling or ending of industrial action. Blanket agreements (Manteltarifvertrag) are negotiated at national level for a 3 year period and deal with working hours, overtime and holiday issues, the wage framework agreements (Lohnrahmentarifvertrag) and the annual
wage agreements (Lohntarifvertrag) are negotiated at regional level under executive supervision.

Both the centralisation of collective bargaining and the operation of the 'Concerted Action', under which the trade unions adhered to government guidelines on wage levels,\(^1\) have created problems for the trade union executives with respect to their representation of member interests. Rank and file opposition to wage settlements in the spontaneous strikes of 1969 and 1973 are dealt with in chapter four. The effect of these strikes on the trade unions was to encourage the executive body to be more responsive to the views of the membership. A decentralisation of the wage bargaining process to plant level was rejected in favour of an improved system of consultation with the membership prior to the establishment of wage claims. The qualitative issues which formed part of the demands of the 1973 strikers found some expression in regional agreements such as the Baden-Württemberg Wage Framework Agreement II in 1973\(^2\) and the Humanisation of Work programme launched by the government with trade union support in the mid-1970s.\(^3\) Actual wage agreements were modified to reduce their duration from 18 to 12 months\(^4\) and several trade unions adopted a more aggressive wages policy to appease their members - in 1971 the Chemical Trade Union called its first strike for 50 years\(^5\) and the strike by the Metalworkers' Union was the largest since the early 1930s;\(^6\) in 1972 the Print Union called their first strike for 20 years.\(^7\)

Studies of industrial action by employers and trade unions, however, point to the strength of the employers' position as reflected in the extent of lockouts.\(^8\) Although lockouts represent only 3% of all industrial action, they account for 25% of working days lost and are increasing in duration and scope. 52% of all lockouts occur in the metalworking sector which is a trend setter in annual wage negotiations.\(^9\)
Müller-Jentsch's survey of industrial action since the Second World War reveals a relatively high level of conflict over government measures and wage levels in the 1950s (1 million working days lost per annum), a drop in conflict in the 1960s due to cooperative policies of the trade unions in an economic climate which facilitated compromises (333,000 working days lost per annum), a rise in conflict in the early 1970s as a reaction to the fall in living standards (over 1 million working days per annum) and a decline in the late seventies due to the effects of unemployment. West Germany, however, is ranked as low as 15th in the international comparison of strike figures and has a much lower level of industrial conflict than Britain.

The low level of strike action in West Germany has created problems for the unions in terms of mobilising their membership when action is necessary to support annual wage claims in a period of economic recession. The problems of maintaining solidarity in industrial trade unions by industrial action and continuing the cooperative policies in line with government economic guidelines are covered in many recent studies of trade unions in West Germany. There does not appear to be a trend away from earlier cooperative policies despite the recession. Trade unions do not press for increases and demands which could threaten the competitiveness of German industry and general economic recovery. There is instead a trust in the ability of government economic policies to lift the country out of the recession and the recognition of the need to adhere to government guidelines. The unions are supported by the vast majority of their members in their approach to the economic crisis.
The main characteristics of the German industrial revolution were its lateness, rapidity and thoroughness. The key years of industrial expansion were in the 1870s and 1890s and expansion was generally concentrated into a 40 year period. The implications of this process of industrialisation included great social problems and high levels of social conflict towards the end of the nineteenth century. There was a sudden enormous growth of the industrial labour force which, according to Maurice, promoted homogeneity, class consciousness and centralisation of the labour movement. On the employers' side, the promotion of industrialisation by the state and large banks encouraged the formation of large companies, especially in the heavy industrial sector, and the concentration of power in the hands of a small number of big industrialists. Dahrendorf points out that the mass of middle-class entrepreneurs played an insignificant role in the process. The concentration of industry continued during the early twentieth century. By 1937 6 firms produced all Germany's crude steel and 50% of her coal output. The contribution of the big industrialists of the heavy industry sector to Hitler's rise to power led to the dismantling of these industries by the Allies after 1945 and the involvement of the trade unions on the company boards under the Montan Codetermination Law of 1951.

The characteristics of the industrialisation process in Germany meant laissez-faire economic policies and decentralised trade union action in response to the great social problems which emerged were inappropriate. There was extensive state involvement in the promotion of industrialisation by way of loans and protectionist trade policies. Further, state ownership of the railways, mining, iron industry and canal system led to its direct involvement in the process of industrialisation. There was considerable government legislation.
on welfare issues as well as restrictions on the development of the labour movement. The increasing centralisation of the trade unions and employers' associations has been outlined in section III as has the tradition of trade union reliance on state action and cooperation with its economic policies particularly since the Second World War in the Concerted Action.

Dore has compared the effect of the late industrial development on industrial relations in countries such as Germany and Japan with that of early and gradual development as in the case of Britain and France. 'Late developers' reflect an odd combination of modernity in technological and work organisation and pre-industrial societal characteristics. In Germany of the nineteenth century there was an advanced system of ordinary and technical education, large scale organisation of industry and the latest technologies. These coexisted with an authoritarian state system, the absolute rule of employers and the continuation of the traditions of the system of guilds to promote social harmony and cooperation. Dahrendorf argues that Germany did not develop into a modern capitalist industrial society in the nineteenth century but became an 'industrial feudal society' controlled by an authoritarian welfare state.

Further consideration of the impact of pre-industrial social traditions of organisation and action on the process of industrialisation in Germany and its system of industrial relations is included in section V. The implications of this for the logic of industrialism thesis and the convergence of industrial relations systems of advanced industrialised countries are discussed in the conclusion.
V) National Values as Reflected in the Industrial Relations System in West Germany

The influence of the traditional authoritarian welfare role of the state in the pre-industrial era has promoted a legalised, centralised and cooperative system of industrial relations. Dahrendorf's term 'authoritarian welfare state' describes the role of the state as the regulator of all political, social and economic life and its policy of social integration on the basis of the 'common good' (Gemeinwohl), which was reflected in patriarchal policies towards the working classes.¹⁶⁵ Bismarck's policies of state repression of socialism and welfare legislation are a good example of this role of the state. Its continuity today is manifest both in legislative measures and judicial interpretation which serve to limit conflict measures by promotion of social partnership and bolster the position of the employer at plant level.¹⁶⁶

In his study of codetermination in Germany, Schregle underlines the continuing importance of 'accommodation and integration, as well as order and authority' in the national system of values.¹⁶⁷

The reasons for this central role of the state in German society and the priority given to social harmony can be traced back to 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, and to the pre-industrial guild system.¹⁶⁸ The Prussian government encapsulated feudal political and social values,¹⁶⁹ promoting absolute rule of the state and employers and the view of society as a harmonious whole with the factory as a family or works community.¹⁷⁰

The severe strain placed on society by the industrialisation process were countered by social welfare measures and policies of corporative interest representation - industrial councils - which the Prussian state had developed as early as 1849.¹⁷¹ Chapter four traces the continuity in corporative
interest representation from the early guilds to the present
day works councils.

Muszynski underlines the tension between the old feudal
values and the newly industrialised society in the nineteenth
century. Total market freedom was seen by the state as
a threat to social stability, thus the industrial economy
was made subject to state economic and social policies.
The system of works committees was imposed by legislation
on employers who opposed what they saw as a diminution
of their management and ownership prerogatives. The promotion
of social integration by such committees was seen by the
state as in the employers' long term enlightened self in­
terest. This role of the state as the guarantor of social
integration, even at the expense of employers' short term
interests, is continued in current plant-level legislation
and judicial interpretation as shown in chapter four.

The employers have generally recognised the role of the
state as the embodiment of the common good and national
interest. Although tension does arise where legislation
impinges on the absolute rule of employers within their
sphere of influence - the firm. The 'Lord of the Manor'
(Herr im Hause) policies of employers in the iron and steel
industries of the nineteenth century are well documented.
This policy was both authoritarian and patriarchal. Men
like Krupp, Siemens and Stumm-Halberg rejected trade union
representatives and works committees, promoting in their
stead the concept of a works family and creating extensive
welfare systems to bind the workforce to the company and the
employer. The centralised system of managerial decision­
making in German industry today is covered in chapter four.

The trade union response to the authoritarian welfare pol­
icies of both the state and large employers has been a
policy of cooperation and recognition of the need to respect
the 'common interest', particularly as regards economic growth and prosperity and the competitiveness of individual firms, in their representation of labour interests:—

'We have learnt over the course of the centuries, in respect of the heavy sense of responsibility which we have always felt, to calculate our demands and formulate our proposals such that to meet them would not have ill effects on the rest of society.'

Trade union proposals for economic democracy based on corporative bodies at plant, company, regional and national levels also reflect the feudal system of guilds, although they permit wider workforce participation than government models which tend to be consultative. The centralised structure of the trade union movement and their cooperative policies even in the present economic recession reflect the traditions of centralised decision-making and social harmony. This can be seen partly as a natural response to the realities of the state and industrial system which encapsulate these values as well as trade union preference in view of their common national heritage with the other actors in the industrial relations system.

A further difference between the British and German systems of values is the high status of industry in German society. Various explanations are offered for this phenomena including its high technical performance and dynamism, which are related to characteristics of the industrialisation process, and a social organisation which promotes submission to the authority of the state and employers and cooperation in the common goal of economic growth and prosperity. Thus a system of 'industrial feudalism', though it blocks the development of liberal democratic principles, encourages high economic performance. The importance of the principle of 'technical competence' (Technik) is considered in the following chapter.
Finally, the traditional role of the state as overseer of social harmony provides some explanation for the limited autonomy of the industrial relations system in Germany. Both Hartmann and Mommsen view the Third Reich as the logical outcome of an authoritarian state tradition. Taken to extremes this tradition can make it 'impossible for the economy (and thus the actors in the industrial relations system) to lead an independent life outside the principles of the state and corresponding obligations'. This is seen as a constant threat to the autonomy of the collective bargaining parties, for if their conflict of interests is interpreted as endangering social stability the state will intervene to seize control of the system of industrial relations.

3) Conclusion

The present chapter has outlined the main characteristics of both the British and German systems of industrial relations at national level. It has contrasted the traditional voluntary, decentralised and conflictual system in Britain with the legalised, centralised and cooperative German system. Explanations for these differences have emphasised historical aspects including the general historical development of the two nations and the process of industrialisation which differed greatly in the two countries.

The 'late developer effect' espoused by Dore and others emphasises the industrialisation process and its effects on the industrial relations system. Although the process is diverse, depending on the pre-industrial base of a country and whether it industrialises after other countries have been through the process and provided an example of how and how not to respond to the pressures, subsequent economic
development is expected to have a 'levelling effect' on all industrial societies. Examples of this type of argument include Kerr's 'logic of industrialism', organisational studies which emphasise the culture-free effect of structures such as size and technology on the industrial process and convergency theories such as Alemann's on the general trend towards neo-corporatism in industrial societies. These theories emphasise the determining effect of the economy and technological progress on societies and thus resemble Marxist arguments although they tend to emerge from more conservative, often American, sources.

The present study recognises that industrial economies, just as agricultural or service economies, tend to exert similar pressures on societies including the need to resolve the conflicts which inevitably arise between different groups of actors in the system. However, economic and technological developments cannot be isolated from the socio-political context of a particular country, which must be seen in a historical perspective to explain not only the formal structures of the system but its actual operation and the meanings accorded to it by the actors themselves. Studies which have looked beyond organisational structures at plant level have shown great differences in the meanings attached to the structures and thus in their operation in practice. Clark's recent study of the cooperation between trade unions, the state and employers in Britain and West Germany has shown that, despite superficial similarities in strategies, the actual substance of the cooperation and its support from the wider society were very different. Clark concluded that the contribution of cooperative policies to Germany's economic success had been overestimated because these differences had been ignored.

The responses of a society or individual actors or actor groups to economic and technological pressures vary in
accordance with their interpretation of their specific socio-political context and the aims they have established. Thus the late development of German industry was a result of the particular political, social and economic context, reflected in national economic and political disunity until the latter half of the nineteenth century and authoritarian feudal traditions in the operation of society. These factors influenced the way Germany industrialised and also the characteristics of the industrial relations system which emerged. Continuities in the aims and policies of the actors to the present day reveal the strength of the historical diversities in the structure and operation of industrial relations systems. Chapter four will consider how these diversities continue to influence the introduction and application of new technologies and organisational methods in industry.

Derber's study of the metalworking industry in five countries revealed similarities and differences in structures, processes and results of the industrial relations systems at national level.¹⁹² The following chapters will discuss the relative impact of economic and technological pressures within two different contexts of plant-level industrial relations.
CHAPTER 4: The Plant-Level Systems of Industrial Relations in Britain and West Germany

1) Great Britain - a Voluntary, Decentralised, Conflictual System

I) Great Britain - a Voluntary System of Plant-Level Industrial Relations

(i) The Role of the State in Plant-Level Industrial Relations

As outlined in the previous chapter, voluntarism refers to the development of industrial relations by means of voluntary agreements of trade unions and employers rather than by government legislation. The role of the state in such a system is described as 'facilitative', i.e. enacting legislation only to promote the voluntary system of regulation.1*

The Royal Commission's report on the state of British industrial relations in the 1960s described the operation of the voluntary system in British industry and made recommendations to support its continuing effectiveness thus subscribing to the view that voluntarism was the most appropriate means of regulating industrial relations issues.2 However, the minority view of the Commission called for a greater measure of legislation to direct the development of the system along less conflictual lines.3

In chapter 3 the increasing intervention of the government in the system by an extension of collective and individual labour law legislation was outlined. Both Conservative and Labour governments rejected the previously passive role of the state and intervened either to reduce trade union power4 or to bolster trade union and individual employee rights. The employers have supported a limited role for the state in the enactment of legislation on labour discipline as in recent Employment Acts.

* Footnotes in Volume Two p. 41.
covering secondary picketing, trade union ballots on strike action and election of officials. Generally, however, they have maintained their commitment to the autonomy of trade unions and employers in the regulation of their own affairs at all levels of the industrial relations system. The trade unions supported the extension of trade union rights under the Labour government but have rejected state intervention in the actual bargaining process whereby industrial relations issues are regulated, particularly in the area of wage claims. They also oppose the present government's attempts to intervene in the internal organisation and operation of the trade union movement.

A number of recent studies assess the impact of government legislation during the 1970s and 1980s on the operation of industrial relations in Britain, particularly at plant level. Its main effect appears to have been the encouragement of greater professionalism on the part of management, with the subsequent development of more formal procedures to regulate plant-level issues, and the promotion of a higher level of bureaucratisation in shopsteward organisation to meet the new demands placed upon it by management. This effect of legislation is particularly significant in those industries with a low level of trade union organisation and few shopstewards. Industries with a high level of organisation and an extensive shopsteward system developed their own procedural systems based on recommendations made by the Royal Commission in the early 1970s.

The following sections will look in detail at these effects of government legislation on plant-level industrial relations. The general conclusion of studies which consider the effects of legislation on the actual practice of industrial relations is that it represents on the whole a 'toothless challenge' to the traditional practice of free collective bargaining to
resolve industrial relations issues. The legislation has followed the tradition of facilitating the operation of the voluntary system of regulation apart from intermittent waves of direct state intervention to encourage the incorporation of the collective bargaining parties, repression of trade unions and, at present, the restoration of a climate of 'economic liberalism'. Thus the present study views the British system as still basically voluntaristic although the possibility of increasing state involvement in industrial relations is foreseen. The conclusion of chapter 4 continues the discussion of voluntarism in the British system.

(ii) The Role of the Trade Unions in Plant-Level Industrial Relations

Voluntarism has not only been a characteristic of the relationship between the state and the collective bargaining parties but also has been reflected in relations between the trade unions or employer associations and their members. Plant-level systems of industrial relations have been largely 'self-contained and self-regulatory', shaped by the pressures internal to the plant itself. Various reasons have been suggested for this characteristic of plant-level relations in Britain including the preference of trade union and employer association executives for the establishment of broad principles for their respective industries, whilst leaving plants free to develop their own procedural and substantive arrangements appropriate to their particular context. Employers in Britain have been reluctant to allow their organisations to regulate any plant-level issues and have restricted their responsibilities to the establishment of minimum conditions. On the trade union side, Hobsbawn and others point to the syndicalist tradition and the original British working class socialism, described as 'artisan socialism', based on the development of self-governing producer groups at plant level. From this developed a tradition of
rank and file democracy restricted to plant level action.

The results of these preferences led to the unilateral regulation of working conditions by craft-workers whilst other groups of workers were subject to the absolute rule of employers at plant level, where they were free to hire, operate piecework, introduce overtime and develop the plant as they desired. Workshop organisation of employees developed on an ad hoc basis as economic and technological circumstances permitted. There were two waves of shopsteward development during the First and Second World Wars, when changes in technology, work organisation and payment systems were introduced via negotiation with workshop representatives, particularly in the engineering industry. In the 1960s there was a significant rise in the number of shopstewards due to a combination of full employment, the introduction of new technology via productivity bargaining and a buoyant economy. Between these eras of expansion regulation was based on national collective agreements.

Despite the fact that shopstewards constitute the trade union for the members at plant level there has been little regulation of the duties and rights of shopstewards either by collective agreements or in trade union rule books. In 1971, a CIR report concluded:

'A number of major unions make no provision in their rule books for any form of workplace organisation, preferring to rely on branch organisation... Even where provision is made the relationship between the steward and his union is less rigidly controlled than the rule book suggests and the creation and development of workplace organisations adds to his relative autonomy in the bargaining situation.'

At branch level, 'the responsibility for workplace relations rests with the shopstewards of the establishment concerned.' Full-time trade union officials rely on shopstewards for their contact with the members as the number of officials is actually declining and branch attendance is low. The influence of
the officials tends to be greater in the general unions, however, where, due to the high turnover in membership and unstable job conditions, workplace dependence on the national union is stronger than in craft unions. In the public sector and national government offices, conditions are regulated by centralised national agreements and the growth of a shop-steward system is a recent phenomenon.

McCarthy's studies of the relations between shop stewards and their full-time officials showed a high level of congruency in their views about their respective roles, policy objectives and the use of sanctions. Thus the Royal Commission's conclusion about the conflict between the formal or official system of industrial relations and the informal, plant-level system is seen as questionable by Marsh and others since it has never been the aim of the trade unions to regulate aspects of the plant-level system by means of industry-level agreements.

Recent studies of the relationship between the national trade union and plant-level trade union representatives reveal an increasing decentralisation of collective bargaining responsibilities to the plant. Decentralisation has been most extensive in one of the general unions - the Transport and General Workers' Union. The AEU was already highly decentralised in the 1960s, as indicated in the Royal Commission reports which focussed on the engineering industry. During the 1970s, the AEU has encouraged the development of shopfloor bargaining by abandoning their national level disputes procedure and temporarily suspending national level pay negotiations. These steps have been taken by the union to formally decentralise what was already de facto decentralised. The role of shop stewards is expected to increase and it will be difficult for the trade unions to control or even to influence this process in Taylor's view. The development of workplace organisation in Britain continues to be influenced by factors such as the economy, full employment, technological processes, wage systems and
management rather than by trade union policies and agreements with employers' associations. 38

(iii) The Role of Other Third Parties in Plant-Level Industrial Relations

The official third party involved in the resolution of conflict at plant level is the Arbitration, Conciliation and Advisory Service (ACAS) set up in 1974. Concannon 39 describes it as a reorganisation of government institutions deriving from the Conciliation Act 1896 and the Industrial Courts Act 1919. Its special characteristics are its independence and the involvement of trade union and employer association nominees on its governing council. The statutory requirements placed upon it are the promotion of peace and the extension of collective bargaining, although its duty to rule on trade union recognition cases was revoked by the 1980 Employment Act.

All references to industrial tribunals go via ACAS, which attempts reconciliation and advises on the merits of a particular case before it is subjected to the legal process. The main area of industrial tribunal work is unfair dismissals cases - of the 46,996 cases of individual conciliation referred to ACAS in 1982, 90% related to unfair dismissals, particularly unfair selection for redundancies. 68% of these cases are cleared without reference to an industrial tribunal (38% by conciliation, 27% are withdrawn and 3% are settled privately). 40 The majority of such cases arise from small, poorly organised workplaces. Studies of how industrial tribunals deal with the 32% of unfair dismissals cases referred to them point to the small number of reemployments among successful applications (5% in the years 1972 - 1978). 41 Dickens 42 explains this by the low percentage of applicants who specify reemployment as their desire (24%) and the fact that ACAS tends to favour
monetary compensation in the face of the impracticability of reinstatement where relations between employer and employee have broken down.

The other major area of ACAS work is collective conciliation. There were 1865 requests for collective conciliation in 1982. This represents a decrease of 5% compared to the 1981 figures and reflects the continuing decline in collective conciliation from the peak level of 3338 cases in 1978 when trade union recognition cases were an important area of ACAS's conciliation work. Issues are referred jointly in 41% of the cases in 1982. The most common issues are:— pay and other terms and conditions of employment (60%), trade union recognition (14%), dismissals/discipline (12%), redundancy (7%), demarcation and trade union affairs (5%).

Apart from formal attempts at conciliation by ACAS, informal contacts with the parties are a crucial aspect of ACAS's work and this alone is often sufficient for agreement to be reached. In 1982, ACAS estimated that it 'ran alongside' 173 disputes without becoming formally involved.

Where the process of collective bargaining has broken down completely ACAS becomes involved in its role as arbitrator, mediator and investigator. These cases are much less common than conciliation, there were 251 such cases in 1982 of which the majority (194) were dealt with by single arbitrators. The decline in this side of ACAS's work is related to the decline in the level of industrial disputes generally over the past few years.

Despite the low key voluntary role of ACAS in 'the continuation of the process of collective bargaining with outside assistance' there is a general reluctance to refer plant-level issues to ACAS, particularly on the trade union side. Preference is expressed by both sides for private, voluntary reconciliation, although Wedderburn argues that conciliation
'oils the wheels of voluntary procedures far more than statistics tell',\(^50\) as has been shown in the above figures.

Millward's study showed the most usual form of outside intervention was by higher management.\(^51\) Brown pointed to the important role of trade union and employer association officials.\(^52\) Although establishments specified ACAS in certain procedures, particularly on pay and working conditions,\(^53\) limited use is made of its services and collective bargaining thus remains the main method of regulating industrial relations issues at all levels of the system.\(^54\)

II) Great Britain - a Decentralised System of Plant-Level Industrial Relations

(i) Decentralised Management Control at Plant Level

In chapter 3 reference was made to the decentralised structure and operation of employers' associations in Britain. Early studies showed local managers were making concessions to the trade unions which their association disapproved of and the officials from the associations had no desire to exercise a greater influence on plant-level industrial relations.\(^55\) The declining regulatory role of industry agreements and increase in single employer agreements reflects the changing role of the employers' associations towards an advisory function as firms develop their own bargaining structures and procedural arrangements with the trade unions.\(^56\)

Within the companies themselves decision-making has been decentralised,\(^57\) preference being given to the operation of small independent management units irrespective of size of company and despite an ensuing loss in the economies of scale.\(^58\) Gospel points out that company mergers occur by the creation of a federal organisation of constituent firms, loosely controlled by the parent company. Holding company control tends
to be limited to legal and financial issues, the rest is left to the operating subsidiaries. This decentralised structure of operation reflects the preference of management and has the advantage of spreading the risks and delegating local labour responsibilities.

The recent shift towards single-employer bargaining, away from the earlier reliance on multi-employer agreements in order to establish greater management control over wage bargaining, has promoted greater centralisation of financial control at company level. Generally, however, company boards tend to restrict themselves to the consideration of financial and tactical company interests, devolving all operational responsibilities, particularly those associated with industrial relations issues, to plant level.

Studies of plant-level management in the 1960s and early 1970s criticised their poor systems of control over work organisation and pay systems in particular. This was seen as a result both of the strength of workplace trade union organisation in a period of full employment and the reliance on multi-employer industry agreements. Whereas federated firms relied on custom and practice to regulate plant-level relations, non-federated firms had developed their own sophisticated system of procedures and agreements and exercised more control at plant level. The Royal Commission's survey on plant-level industrial relations in the 1960s made a series of recommendations based on the principle of re-establishment of management control via joint regulation. The six main objectives were: comprehensive and authoritative collective bargaining machinery, joint disputes procedures, agreements on the role of shopstewards, procedures on redundancies and discipline and joint discussion of safety at work. These objectives were to be achieved by means of an industrial relations strategy drawn up at company level and the strengthening of personnel departments within the company.
Many studies undertaken in the late 1970s indicate a growth in the professionalism of management on industrial relations issues at plant level. The majority of large establishments have both a main board director responsible for employee relations and personnel or industrial relations managers at plant level. The reasons given for this growth include the increase in labour legislation and the shift to corporate bargaining structures. These two factors are also associated with size of company, trade union density and foreign ownership in promoting professionalism of industrial relations management. Despite the appointment of company and plant-level industrial relations specialists, investigation of the actual practice of industrial relations in industry shows that company boards continue to give industrial relations issues a low priority and industrial relations staff are 'engaged mainly, or even exclusively, in trying to secure quick settlement of minor disputes'. Marsh found that production and maintenance managers dealt with issues raised by shop stewards, not personnel or industrial relations management, but that even they spent little time on industrial relations activity. The conclusion reached was that 'industrial relations did not receive the attention they need along with commercial and operational matters'.

The extent of the formalisation of procedures to resolve conflicts at plant level during the 1970s will be considered in a later section. Generally, studies show a formalisation of the structures and procedures for industrial relations activity at plant level whilst informal collective bargaining and conflict resolution activity continues to predominate, particularly amongst manual workers, in private manufacturing industry. There is evidence of an increase in the use of systems of job evaluation in large and medium-size companies to reestablish management control over the wages system and labour costs generally. Payment-by-results schemes continue to operate but in conjunction with work study methods to prevent their
demoralisation through uncontrolled workplace bargaining.\textsuperscript{77} There are signs of a shift back to incentive schemes in the late 1970s and 1980s.\textsuperscript{78} Brown and Terry see the rise of company and plant-level wage bargains as essential in order to maintain the integrity of the new wages systems, which would be threatened by a continued reliance on regulation by multi-employer agreements.\textsuperscript{79}

Whereas there are indications of some changes in the management of industrial relations in large and medium-size companies, small firms continue to operate on an informal basis. Most have very limited or no experience of dealing with statutory employment provisions\textsuperscript{80} and all continue to resist what is seen as bureaucratic interference in the running of the firm and its relations with the employees.\textsuperscript{81}

In the 1980s, the sharp decline in trade union membership and the reversal of the trend towards larger plants removes some of the pressures which promoted the changes in plant-level industrial relations management during the 1970s. Later sections will assess the impact of the present economic situation on the structures and practice of industrial relations at plant level in the 1980s.

(ii) Decentralised Trade Union Organisation at Plant Level

Studies of trade union organisation at plant level in Britain underline its fragmented and decentralised structure and practice.\textsuperscript{82} Eyraud points to the significance of occupational structure as the basis of trade union organisation in the plant. This promotes sectionalism as different occupation groups seek to maintain control over their status and job content as well as pay differentials within the plant structure.\textsuperscript{83}
The Royal Commission survey in the 1960s showed extensive multi-union representation in private manufacturing industry and recommended trade union cooperation to ensure only one union represented each work grade in a factory and to promote trade union mergers where appropriate. Recent surveys show that multi-union representation is still 'the experience of the majority of employees in manufacturing', since it is widespread in the larger plants. Where multi-unionism exists, particularly in those plants with 1000 or more employees, there are conflicts about demarcation, pay differentials, recruitment and trade union membership. Its effect on wages systems and levels has been shown to be especially serious. Streeck shows how in a fragmented system of representation trade unions have no control over the negotiations of other groups and cannot therefore exercise restraint for fear of losing members to a more aggressive union.

Apart from the fragmentation arising from multi-union representation, the fact that shop stewards act as departmental representatives creates further division of loyalties across departmental lines. Studies in the 1960s showed that shop stewards were often unable or unwilling to control bargaining at departmental level. In some firms the system of piecework was 'taken over by extremely fragmented bargaining between individual workers (or possibly gangs of them) and rate fixers, whilst shop stewards only dealt with the most intractable bargains'. Turner gave examples from the motor industry where the lack of management and trade union control over wage systems led to unstable earnings, inequitable relativities and erosion of skill differentials, which promoted a high level of plant and departmental industrial conflict.

The fragmentation of representation promoted shop steward organisation and hierarchy in some firms as a means of controlling some of the worst effects of the system. Brown showed how joint shop steward committees favoured more centralised negotiation on wages issues rather than individualised transactional
bargaining. However, the integration of the shopsteward body was dependent on management support and control of its own lower level representatives. Studies undertaken in the 1960s showed 71% of establishments, chiefly in the engineering industry, had a joint shopsteward committee, of which 60% involved other trade unions. More recent surveys point to a continued growth in joint committees, particularly in areas outside engineering. Terry makes a distinction, however, between those industries with traditions of trade union organisation and shopstewards, such as engineering, and those where shopsteward organisation has been introduced as a package deal to bolster management strategies such as mergers, single employer bargaining, the introduction of work study and job evaluation in order to meet the present crisis in profits. Although the organisational forms of shopsteward activity are similar, actual practice differs greatly. This is considered in detail below.

Apart from the generalisation of joint shopsteward committees throughout industry, the number of shopstewards and full-time shopstewards or convenors has increased during the 1970s. The majority of plants which recognise a manual trade union and employ 50 or more manual workers have shopstewards and a convenor or senior steward. 75% of those with 1000 manual workers or more have a full-time convenor. The average shopsteward constituency has declined from 60 in 1966 to approximately 30 in the 1970s. Convenors are thought to be responsible for 10 shopsteward constituencies, i.e. 350 employees. Trade union organisation is closely associated with size of firm - 97% of firms employing 1000 workers or more had recognised trade unions, shopstewards and were 90% unionised. Corresponding figures for the 50 - 99 size group were 59% recognised a trade union, 56% had shopstewards and trade union density was 65%. Outside manufacturing industry, trade union organisation has also reached relatively high levels during the 1970s, as Terry's
study in local government offices and workshops shows; shop-steward organisation, however, is less well developed.101

Most studies underline the crucial role of management in the development of shopsteward organisation.102 This is especially true of industries where shopsteward organisation emerged during the 1970s as a result of management strategies to regain control at plant level. Early studies of the engineering industry, however, show that the important role of shopstewards was based on management's preference for the resolution of issues with plant-level rather than full-time trade union representatives.103 Reasons for this preference include the shopstewards' intimate knowledge of the plant and the workforce, their ability to make decisions and ensure they are adhered to by the members, the desire to keep issues within the plant and promotion of good workplace relations. The Royal Commission survey also revealed management's preference for informal recognition of their shopstewards in order to reserve the right to withdraw recognition in certain circumstances.104 The CIR report concluded that 'few establishments ... had defined and known policies on steward functions and on the necessary level of facilities105 ... The facilities were mostly informal ...',106 and custom and practice was the decisive factor.107 Time off for shopsteward meetings and elections was not generally a point of contention, although time off for training and meeting with the members was less widespread.108 Physical facilities were very limited for ordinary shopstewards, and shopsteward committees and convenors did not fare much better.109 In Clack's study of a motor vehicle production plant, the joint shopsteward committee held their meetings in the canteen and had one locker. The convenor committee did not have an office, despite the fact that it was the key negotiating body in the plant and was consulted by management on a wide range of issues.110 Expectations, however, were also low - no minutes were kept of shopsteward meetings and the majority of shopstewards spent most of their working hours on their regular jobs.111 The evidence of a formalisation of relations between shopstewards
and management during the 1970s points to some improvements in facilities for full-time shopstewards, particularly towards the end of the 1970s. Daniel and Millward show how most of these stewards had access to office services although few had their own office and telephone. 50% of the plants employing 1000 employees or more had written agreements on facilities for senior shopstewards. Generally, overseas employers showed a greater readiness to provide good facilities than their British counterparts.

Studies of the activities of shopstewards reveal the development of their role from that of a recruiting agent for the trade union to actually bargaining on workshop issues, particularly piece rates. The Royal Commission survey found shopstewards negotiating on issues such as pay, working hours, safety, although it was stressed that their activity should not be exaggerated as the average steward spent the majority of his time on his usual job. Foremen were often circumvented with shopstewards holding regular (once a month) meetings with management above foreman level to discuss important issues. Shopstewards generally felt higher management was more reasonable to deal with than the lower levels. Negotiation by shopstewards is most extensive in the engineering industry - in Storey's recent survey, 49% of stewards claimed to negotiate eleven types of issues or more with management. Despite the general formalisation of relations at plant level during the 1970s there are considerable differences in the operation of plant-level bargaining between traditional shopsteward strongholds, such as engineering, and shopstewards in other industries. Where shopsteward organisation has only developed during the 1970s and has been introduced as a 'package deal' with management, senior shopstewards are dominant and conduct most of the negotiations with management. Traditional shopsteward strongholds, on the other hand, continue to operate on the basis of sectional bargaining, which constrains any dominance by senior shopstewards. In Terry's view, formalisation in these areas is only a mask due to the long tradition of occupational
group interest representation at low levels. Brown outlined two trends of development of shopsteward organisation in engineering: a centralisation and integration of shopstewards supported by management in terms of facilities and control over its own activities so central agreements are not undermined; or a continuation of custom and practice characterised by high shopsteward turnover, a high level of opportunistic stewards, poor bargaining relationships with management, extensive use of sanctions and broad criteria on strikeable grievances. He emphasised the important influence of management on this trend. Other studies look at the problem of shopsteward control based on their ability to create common interests between sectional groups of workers.

Studies of shopstewards' relationships with their members consider the extent to which shopstewards lead or reflect their members' interests. The Royal Commission survey showed the majority of shopstewards act as a moderating influence on the workforce - 43% said they could get their members to see things their way in a dispute. Brown's study revealed a desire among shopstewards for a greater level of integration in their organisation which would enable them to pursue objectives such as unity, equity, good relations with management and the economical use of sanctions. Important influences on the shopstewards' role include their power resources and bargaining awareness. Both these factors have promoted the extensive role of shopstewards in engineering. Elsewhere circumstances have militated against a strong representative role for shopstewards.

Studies emphasise the low level of control over the labour process by shopstewards and the low level of expectation as regards worker control. Even strategically powerful groups such as craftsmen are said to only control work at the margins. The aims of plant-level trade union representation are seen as parochial, at most factory-based, and involving ad hoc encroachments on managerial prerogatives or reaction against inadequate
management control systems. The organisation of the workplace on the basis of occupational group interest representation is viewed as inadequate in the face of new corporate strategies which seriously affect previous work and wage systems at plant level. Attempts by shopstewards to organise representative bodies at company level have been largely ineffective. Generally, trade union influence at company level is very limited in Britain. Representation is restricted to traditional areas of interest thus neglecting long-term workforce interests. Influence is exercised mainly at the implementation stage of company policies and Wilson concludes that British trade unions have a 'limited capacity to obstruct or impede an otherwise smooth-running economy'. The reliance on shopfloor bargaining tactics means important issues are being decided unilaterally by management at higher levels. Traditional methods of trade union action are seen as totally inadequate in their response to new technology being introduced into plants. Furthermore, these methods are being undermined in the present economic recession. There has been a sharp fall in the level of trade union membership, particularly in the traditional areas of membership, and there are indications of attempts by management to roll back workplace organisation and reduce the role of shopstewards whilst retaining the formal structures of shopsteward organisation. A later section looks at the promotion of joint consultation as one means of undermining the shopstewards' bargaining role.

During the 1970s, shopsteward organisation became more generalised and formalised with bargaining occurring at higher levels in the plant between senior shopstewards and management. Sisson and Brown, however, found that informal bargaining still predominated in the early 1980s. Present economic circumstances indicate a reversal of the pressures which promoted formalisation in the 1970s. Further study is required of how the recession is affecting both the structure and operation of plant-level relations in British industry. At present, the focus of attention has shifted to company-level policies and national trade union organisation and activity in the face of the government's punitive policies on the economy and labour law legislation.
III) Great Britain - a Conflictual System of Plant-Level Industrial Relations

(i) Relations between Shopstewards and Management

Earlier sections have shown how the system of conflict regulation at plant level in Britain has been based on the collective representation of group interests by shopstewards in a bargaining relationship with management. This has promoted a conflictual view of industrial relations, described by Dowling and others as the 'them' and 'us' view, where interests are seen as mutually exclusive and there is little common ground for perceptions of joint interests to arise.\(^{143}\)

There have been a number of attempts to encourage a greater level of consultation to counterbalance conflictual interest representation. These attempts have, however, only been successful in areas of low trade union organisation and during crisis periods such as wartime and economic recession when the power of plant-level trade union organisation is restricted.

One of the first major attempts to promote consultative arrangements in British industry came with the Whitley Committee recommendations on the setting up of works committees in 1918.\(^{144}\) The Committee's aim was to improve the climate of industrial relations in well-organised industries, where there had been considerable unrest during the war years. Its recommendations, however, were based on the voluntary principle of permitting the industries concerned to establish their own machinery for consultation in accordance with their specific requirements. Well-organised industries, however, chose to retain their shopsteward-based system of regulation whilst the recommendations on works committees were taken up by those industries with a low level of organisation and by the Civil Service.

During the Second World War, Joint Production Committees were established to support the war effort and promote plant-level consultation to resolve conflicts arising. Trade union support
ensured their widespread adoption in the engineering and allied industries.\textsuperscript{145} The growth in shopsteward organisation after the war, however, lead to a decline in Joint Consultation Committees in favour of collective bargaining as the Committees were increasingly manned by shopstewards and the distinctions between consultation and negotiation broke down in practice.\textsuperscript{146}

Studies undertaken in the late 1970s and 1980s again point to the revival of consultative arrangements as economic circumstances no longer favour a strong bargaining position for shopstewards and management views such arrangements as a useful means of securing the cooperation of the workforce and as a response to the debate on industrial democracy.\textsuperscript{147} Both Brown and Beaumont show how over 50\% of Joint Consultation Committees in manufacturing industry have been introduced since the mid-1970s and that 50\% of them are not part of the collective bargaining process; 70\% of them were composed of representatives which had not been appointed through trade union channels in the plant.\textsuperscript{148} Brown associates the more recent committees with large plants (1000 +) and a high level of trade union organisation among manual workers.

Studies of management and shopfloor attitudes to consultation show, however, very different views of the aim of consultative arrangements. This is reflected in the fact that management satisfaction with consultative arrangements is associated with a low level of trade union organisation, the establishment of committees before 1972, a low incidence of conflict and their focus on personnel issues.\textsuperscript{149} Trade union satisfaction, on the other hand, is related to strong local trade union organisation, a leadership orientation of shopstewards and a pluralistic management approach to plant-level industrial relations.\textsuperscript{150} Management aims focus on the extension of workforce support for management objectives via the improvement of internal communication channels and more 'open' styles of management.\textsuperscript{151} Opposition is expressed to any extension of collective bargaining\textsuperscript{152} and the success of consultation is measured by improved efficiency and a decline in conflict levels.\textsuperscript{153} Trade union
representatives, on the other hand, favour the extension of collective bargaining as the best form of workforce participation, emphasising control via negotiation not consultation. Both sides tend to oppose the introduction of worker directors and participation at company-board level as envisaged by the Bullock Report on industrial democracy.

These findings show the difficulties of introducing a system of consultation, based on the retention of managerial decision-making prerogatives and 'a consensus philosophy of labour-management unity and cooperation', in the context of British plant-level relations, particularly when plant-level trade union organisation is in a strong position. Although several studies argue the case for consultation as offering an opportunity to discuss common interests and build up a climate of mutual trust outside the conflictual context of collective bargaining, past history has shown the problems of separating the two modes of interaction in practice and how the collective bargaining ethos tends to reduce the effectiveness of consultative arrangements in promoting joint interests.

(ii) The Extent of Conflict at Plant Level

The characteristics of British strike action based on the number of strikes occurring each year are: smallness, shortness, locally-based action and unofficial action, often restricted to one plant or a group of workers within a plant. Thus Edwards' study among others shows that 66% of strikes in manufacturing industry in the years 1977 and 1978 lasted less than one day and the vast majority were 'small brief protests over immediate grievances'. Durcan's study showed that in the years 1960 - 1973 almost 95% of strikes were unofficial. The characteristics of the majority of strikes in Britain are associated with the decentralised system of plant-level bargaining and these strikes form 'part of the continuous process of negotiation within the factory'.

Brown's study revealed that 46% of establishments surveyed had experience of strike action by manual workers and 66% of those affected by strikes also experience other types of action including overtime-bans and working-to-rule. Frequent strike action, however, occurs only in a small number of plants and is seen as the result of the day-to-day handling of industrial relations at plant level rather than any structural or technological factors.

Large official strikes account for the majority of working days lost due to strike action. Whilst coal and engineering industries account for the largest number of strikes and workers involved in strike action, sectors such as local authorities, the Civil Service and post office in the 1970s, and gas, water and electricity in the late 1970s and 1980s account for the greater number of working days lost.

In international strike statistics Britain is in the middle range at approximately rank seven; although during the years 1977 - 1981 it had a higher than average incidence of strikes with a peak of 29.5 million working days lost due to strikes in 1979. Since then, strike figures have been declining as a result of the impact of economic recession with 5.3 million days lost in 1982. Strike figures in Britain, however, have been consistently higher than in the FRG, where in 1981, for example, 58,398 working days were lost due to strikes.

Various reasons have been suggested for the high level of strikes and working days lost in Britain. Strikes have been focussed in the metalworking sector and, since 1977, public administration. This pattern accords with the strike-prone industries in France and Germany. Silver points out that in Britain the prominence of the metalworking sector in the strike figures is the result of a decline in disputes in the mining industry during the late 1960s and 1970s not of a rise in the industry's strike-proneness. Apart from this general pattern in strike figures, technology and industry branch have been discounted as the main factors behind strike incidence.
Strike incidence in the public sector has been related to the effect of government policies and general economic climate of inflation and unemployment on the earnings and working conditions in that sector. In manufacturing industry, studies have focussed on the effects of plant-size and levels of trade union organisation in their explanation of strike concentration in particular firms. Although the overall incidence of strikes is higher in large plants, they have fewer strikes per head than smaller plants. Edwards relates their higher incidence of strikes to the fact that there are a larger number of groups with strike potential not to any special alienating characteristics of large plants. Generally it is argued that official figures have underestimated the large number of small strikes in small plants.

Collective opposition to management is thought to be closely associated with high levels of trade union organisation. Although Brown argues strikes are more likely where there is low trade union density, whilst sanctions such as go-slows and working-to-rule are only possible where there is a high density. Other influences on strike levels include foreign ownership, centralised company agreements, geographical factors and details of the day-to-day handling of industrial relations issues at plant level. Finally, Walsh argues the importance of national characteristics of the industrial relations system in any explanation of strike levels, highlighting, in particular, the fragmented structure of trade union and employer organisation and collective bargaining, the low formalisation of procedures and the high level of flexibility in the labour law. These factors tend to be associated with those countries showing a high incidence of strike activity. Goodman's study of conflict resolution in the footwear industry shows how specific collective bargaining institutions contribute to a low strike incidence despite economic, technological and work organisation factors which promote high conflict potential.
IV) Great Britain - the Effects of a Voluntary, Decentralised, Conflictual System of Plant-Level Industrial Relations on Conflict Issues and Procedures

(i) Conflict Issues at Plant Level

Wage-related issues have constituted the greater proportion of conflicts at plant level since the 1960s when studies were first made of key conflict areas. In the 1960s, attention was focussed on demoralised payment-by-results systems in the engineering industry and the ways in which they led to disputes due to fluctuations in earnings, anomalies and inequities in pay relativities and very complex systems of bonus calculation. As shown in earlier sections, there are indications of a shift towards job evaluation schemes and formal plant-level agreements on wages systems in the 1970s/1980s, which have reduced the level of disputes due to pay anomalies. Wages issues, however, continue to predominate despite a decline in disputes relating to incentive schemes. Wages issues in the 1970s and 1980s focus on actual wage rates and earnings levels. Edwards views this shift as a result of inflation and incomes policies pursued during the 1970s.

Apart from wage rates, other key areas of conflict include redundancies, manning and work allocation, discipline and dismissals. A recent survey of shop steward perceptions of the present industrial relations climate showed that 51% of trade union representatives and 35% of managers foresaw an increase in conflicts in the areas of manning levels, wages and salaries, the closed shop, picketing, working methods, productivity, shorter working hours and civil actions against trade unions (in order of priority) as a result of recent government legislation and pressures to rationalise production at plant level. Storey argues that, although the most negotiated issues in industry revolve around traditional work-related trade union interests such as manning, overtime, shifts, transfers, speed
of work and job content, there are indications of a workforce challenge in areas relating to long-term company-level strategies on promotions, product price and type and purchase of plant and equipment. This challenge is, however, muted at present and restricted by trade union traditions of representation at low levels according to occupation group.

(ii) Procedures for the Resolution of Conflict at Plant Level

Early studies of the operation of conflict resolution procedures at plant level in the 1960s pointed to widespread informality in both their form and operation. A conflictual view of industrial relations led to management's opposition towards any formalisation of procedures, as this would extend shopsteward recognition and encourage them to press for more concessions; it would further entail an open admission of the decline of managerial prerogatives at plant level. Whilst shopstewards favoured a formalisation of procedures, they too opposed any formalisation of substantive agreements as they, like management, desired to be free to argue about the terms of agreements when they were in an advantageous power position. Marsh concluded that the four key characteristics of British plant-level procedures were:- voluntarism, generality, flexibility and the preference for procedural as opposed to substantive rules to regulate plant-level issues.

The 1922 Engineering Procedure's operation was a good example of the British procedural system at plant level. The procedure made no attempt to regulate plant-level resolution procedures; consequently, all issues arising at plant level were viewed as interest issues and open to bargaining. Issues were not settled by reference to written agreements but by bargaining on the matter at issue. This placed great strain on the
personal relations between shop stewards and management, particularly in a situation of technical and market change. Clack's study of its operation in a vehicle production plant showed how the 1922 procedure could only operate with 'a heavy overlay of informal consultation and discussion' and thus was very dependent on personalities and goodwill. Each side felt the other was 'trying something on' and the obscurity and inconsistency of procedures provoked disputes about the operation of the procedures as well as basic conflict issues.

Recommendations on the reform of plant-level procedures in the 1960s focussed on their formalisation via joint agreement on mutual relations between shop stewards and management. The Code of Industrial Relations Practice further recommended that a distinction be made between grievance and negotiating procedures at plant level. Procedures were to have stages, time limits and a clause preventing industrial action until the procedure had been exhausted, although the specific details would vary depending on the size and structure of the plant and key issues arising.

Studies of the application of the Code's recommendations in small firms reveal that most had not heard of it and procedural systems continued to be informal apart from disciplinary procedures, which had been drawn up in response to publicity about unfair dismissals compensation. The disadvantages of informal systems included their reliance on key personalities, their lack of consistency and their piecemeal communications systems.

Changes have been focussed mainly in the larger plants, where recent studies reveal a high proportion of establishments with formal procedures for individual grievances, discipline and dismissal, pay and conditions. Brown found that 75% of the procedures were written; 70% of firms had the same procedure to cover grievances, dismissals and discipline however.
Hawes and Smith point to similar developments in non-manufacturing sectors too. Factors which appear to have influenced this process of formalisation include government legislation, economic circumstances promoting the concentration of industry, size of firm and level of trade union organisation.

Some doubt, however, has been expressed about the actual influence of this process of formalisation on the day-to-day operation of conflict resolution at plant level. Marsh's early study of the engineering industry showed most written grievance procedures had been taken from the national procedure and merely indicated those responsible on the management side at each stage. Only 27% of procedures had been jointly agreed - usually those relating to monetary issues. The scope of written agreements was limited and shopsteward 'agreement' to them was suspect. Management continued to stress their preference for the old system of agreement based on minutes and unwritten 'understandings'. Despite the outward appearance of formality he concluded that informal practice continued to prevail in plant-level relations in the engineering industry. His 1981 study reflected a continuing formalisation of procedures in the larger companies, although 50% of the multi-plant companies had no guidelines on industrial relations and continued to rely on 'traditional procedures, ad hoc responses to problems and common sense'. Hence his conclusion that despite some change in the form of the rules of the game, 'practice obstinately remains the same'. Sisson and Brown support these findings - there are many plant-level procedures but few are jointly agreed. Collective bargaining, defined as joint regulation, is largely absent from the manufacturing manual sector, which continues to be characterised by informal bargaining based on pressure group activity with no rules or agreements emerging. Thus informality still dominates plant-level relations.
Batstone points to the concentration of changes in the procedural sector with substantive reform having been largely ignored. There has been no change in the substance of actual decision-making and he views this as likely to exacerbate labour conflict in the future.\textsuperscript{227} Turner similarly found a relation between formalisation of procedures and high strike incidence in his study of 30 strike-prone plants across 6 industries.\textsuperscript{228} Turner explains this relation by the increased rigidity and bureaucratisation in the regulation of conflict.\textsuperscript{229} Whilst Terry suggests that the preferences of foremen and workgroups for informal bargains at shop-floor level may thwart attempts at centralisation and formalisation.\textsuperscript{230}

Shopsteward and workforce cooperation in the implementation of measures to formalise relations at plant level are thus vital for the effective operation of the measures in practice. Purcell describes this as 'cooperative constitutionalism' in contrast to 'antagonistic constitutionalism', where new procedures and institutions are used to express the distrust and conflict between the two parties.\textsuperscript{231} The possibility of a real change towards cooperative relations, in his view, arises out of crises or traumas which confront both parties with the need for change.\textsuperscript{232}

Gouldner's study of change in plant-level relations in a gypsum mine in America provides a reflection of the trend of change in the British system since the mid-sixties.\textsuperscript{233} The change is from an 'indulgency pattern' of relations, established during years of relative economic calm and prosperity, towards greater management control via bureaucratic administration. The pressures of intense economic competition and the need to rationalise production encourage changes in actual managerial personnel as well as policies. Gouldner describes a transitional period of instability during the shift from a custom-based system to one where 'explicit consent' becomes the basic criterion of the legitimacy of a claim by the workforce.\textsuperscript{234} The new bureaucratic system is based on the delimitation of
spheres of authority and competence, the reinforcement of central organisation, and the clarification of hierarchy and informal rules in order to inhibit unanticipated conflict 'born of low-ranking initiatives and commitments'.

Bureaucratisation of relations, however, is not an inevitable outcome but the result of a contest between those who desire it and those who do not. Resistance to bureaucratisation is equally not inevitable but dependent on a number of factors such as the extent to which it violates belief systems, the conditions of legitimisation of active resistance to management rules, the extent to which the status quo is impaired and levels of informal solidarity.

The 'indulgency pattern' of British industrial relations, in the metalworking industry in particular, has a long tradition and has been supported by management and workforce preferences for decentralisation and informality. External pressures during the 1970s and 1980s, however, have motivated changes in plant-level relations to control labour costs and promote rationalisation of production as well as adherence to government legislation prompted by economic pressures. The changes have contributed towards a formalisation of procedures, an increase in management control over work and wages systems, the regularisation of shopsteward organisation and facilities and the professionalisation of personnel management systems. Despite these changes in the form of plant-level relations, however, their operation continues to be decentralised and informal in line with past preferences.

Present economic circumstances seem likely to promote the continuation and extension of management control at plant level, reducing the possibility of resistance by the workforce. It remains to be seen whether management will continue to promote bureaucratisation of workplace relations for its own sake rather than as a means of restricting the ability of the workforce and their representatives to interfere with the day-to-day operation of plant-level relations. A measure of
informality will be vital even within a formalised system for the day-to-day regulation of minor issues. This type of informality, which is characteristic of the German system, stands, however, in sharp contrast to the traditional informality of British plant-level relations, which arose out of the lack of mutual agreement on the definition of workplace relationships and an absence of third party intervention to establish clear guidelines on industrial relations.

The contrast between the British and German systems of plant-level relations will be discussed at the end of the present chapter.
2) West Germany - a Legalised, Centralised, Cooperative System

I) West Germany - a Legalised System of Plant-Level Industrial Relations

(i) The Role of Government Legislation in Plant-Level Industrial Relations

Whereas in Britain there has been a low level of external regulation of plant-level industrial relations by either the state or the trade unions, the German system has been described as 'legalised' ('verrechtlicht') since it has been shaped by an extensive network of legislation, labour court decisions and legally based collective agreements at national and regional levels.

Legislation on plant-level relations shows great continuity despite two world wars and the transformation of the German nation first into a unified state under an absolute monarch, then into a federal democracy which has continued since 1918, apart from the years of dictatorship under Hitler. The state policy of creating corporative representative bodies to secure industrial peace can be traced back to the pre-industrial guild system and the establishment of industrial councils ('Gewerberäte') by the Prussian state in 1849. According to the Prussian Industrial Code rules were to be laid down in every workplace on matters including the start and finish of the working day, breaks, forms of wage payment, dismissal notices and disciplinary penalties. The workforce was to be consulted on the establishment of the Code. When voluntary works councils were set up in the mining industry in 1905 these issues formed the core of their rights and have continued to provide the basis of works council legislation since then.

The Works Council Act of 1920 led to the introduction of works councils into all firms with 20 employees or more. Their role was a cooperative one - the support of the employer in the
efficient conduct of his business - as well as the representation of workforce views in the area of works rules, working conditions (where there was no regulation by trade union collective agreements) and in the administration of pension funds and welfare schemes. A right of veto was accorded in some personnel issues, including hiring and dismissals; and works councils in firms with over 300 employees had limited information rights on specific economic issues. Where no agreement was forthcoming at plant level, questions were referred to a conciliation board, which was later replaced by labour courts. Both the 1952 and 1972 Works Constitution Acts are based on this model.

The 1972 Act provides a comprehensive constitution for the operation of plant-level industrial relations, covering the status and facilities of workplace representatives, joint procedures for the settlement of disputes arising and reference to third parties where agreement cannot be reached by the parties themselves. Works councils are formally independent of trade unions and represent the whole workforce. The access of trade union officials to the workplace is laid down in detail. The de-jure independence of the works council from the trade union contrasts with its extensive involvement with management, which leads some commentators to argue that the works council often only operates by grace of the management in the workplace. The involvement of the works council in the regulation of plant-level issues can be roughly subdivided into codetermination or joint participation in the regulation of social matters and some personnel issues (although this right only operates where the issues are not regulated by collective agreements of trade unions and employers' associations); consultation and veto in personnel issues, where the veto is subject to the employer offending against certain conditions. Information is given on economic matters, which directly affect the workforce including extensions, closures, on areas
necessary for the works council to fulfill its statutory duties, and on the appointment of managerial employees. The basis of the operation of workplace relations is cooperation and the peaceful resolution of differences. The Act prohibits strike action and any other activities which threaten the peace of the firm. Such activities are considered to include go-slows, boycotts, working to rule and lockouts. The two parties are called upon to work together for the good of the firm ('Betriebswohl'). Penalties for offences against these rulings include dismissal of and damages against the works council and fines for the employer. The two parties must make a serious attempt to settle their differences. Where agreement cannot be reached, issues are referred either to a labour court or a conciliation board. Two sections of the Act secure the right of individual employees to lodge a grievance with their employers directly or via the works council and to refer the issue to a labour court if it involves an issue of rights on which no agreement can be reached.

Government legislation thus establishes a comprehensive framework for plant-level relations. Later sections review how the parties operate within this legal framework.

(ii) The Role of the Labour Courts in Plant-Level Industrial Relations

The labour court is available for references of legal issues by all actors in the industrial relations system including the trade unions and employers' associations. Issues are referred initially to a local labour court and may be referred on to higher levels (regional and federal) where interpretation on significant points of law is required.

With reference to plant-level conflict issues, the labour courts deal with issues involving legal entitlements of individual
employees and the works council. Individual cases are dealt with by what is known as an 'Urteilsverfahren' or procedure which leads to a judgement which may or may not involve an award. Issues involving the rights of the works council come under a 'Beschlußverfahren' or procedure leading to a resolution on a point of law. Cases under the former are more numerous and deal with areas such as dismissals (roughly 33% of all references), wages and wage group issues (33%) and other matters relating to the contract of employment - working hours, holidays and holiday money, the handing over of documents the employee requires when leaving his job etc. 95% of such cases are referred by the employee. Recent estimates of the total number of dismissals in private firms show that only a small percentage are dealt with by the labour courts. Studies show that employees from small firms are overrepresented in the references to labour courts by a ratio of 5:1. Various reasons have been suggested for this. Feser relates it to the weakness of the power of the workforce which undermines the effectiveness of legal provisions in the workplace. Employees from small firms only refer cases after their contract is ended, whereas those from large firms and the public sector refer cases before the contract is ended due to their greater job protection and the lower level of direct discrimination they experience at work. Blankenburg points out the low rate of references from these two areas due to the fact that:—

'conflicts are resolved within the firm and if cases are finally referred to labour courts they appear less risky because there is no personal relationship between superior and subordinate which could threaten the continuation of the employment contract.'

Large firms have a variety of means at their disposal to reduce numbers, including early retirement, voluntary redundancy and natural wastage combined with a halt on hiring. They also have sophisticated institutional machinery to regulate conflicts internally. Schönholz argues that size and organisational structure affects the formalisation and differentiation of procedures for conflict resolution and this means
that law tends to be anticipated in working relations in large firms with the consequence that there will be fewer references to labour courts. Where trade unions and works councils are active in advising and selecting issues to be taken up with the employer, this pre-legislation process is intensified.\textsuperscript{270} The Max-Planck study, however, revealed a low level of works council opposition to dismissals, and explained this by the very high demands which opposition places on the works councils due to the need to prepare a legal defence of their opposition - this often led to legal mistakes which could invalidate a case.\textsuperscript{271} Dübler also points to the obstacles to an employee referring a case, including the problem of recognising it as a legal issue, the inability to concretize the grievance, the expense of bringing the case, the risk to their job and promotion, problems raised by the legal proceedings in court and also the view that all the effort would be to no avail.\textsuperscript{272} Only an estimated 1.7% of successful references lead to the employee getting his job back.\textsuperscript{273} This fact has led some commentators to argue that the law is not about job protection but financial compensation and even this is not forthcoming where dismissal occurs due to pressing workplace problems - the onus is then placed on the employee to argue that others are less entitled to keep their jobs than he is on social grounds.\textsuperscript{274} The labour court can also reject a continuation of employment if this is thought to threaten workplace cooperation in promoting the interests of the firm.\textsuperscript{275} These obstacles, together with the length of the proceedings (up to 3 years), means that the resort to law is often ineffective in practice.\textsuperscript{276} References vary not only according to the size of firm but also its industry (although the two are probably related in practice). References are very low in metalworking, mining and the public sector and high in construction, retailing and hotel and catering.\textsuperscript{277} Certain groups of workers are also more likely to be affected by dismissals - blue-collar rather than white-collar, instant dismissals affect women and foreign workers to a great extent, whereas older workers are removed by voluntary redundancy. Those more likely to refer cases to the courts are white-collar
rather than blue, male rather than female, and foreign workers. Finally, Schönholz points to the importance of economic and regional factors such as levels of unemployment, alternative job opportunities, concentration of large or small employers in a region in his explanation of references to labour courts.

Many cases referred to the courts are dealt with in the precourt hearings. Legal commentaries differentiate between the precourt procedure ('Güteverhandlung') and the court proceedings ('streitige Verhandlung'). Even when issues are referred to labour courts, the aim is still a compromise settlement without a court verdict as this is seen as promoting good relations in the workplace and also does not incur any costs. The informal oral proceedings allow the judge to determine whether an issue will stand up to court investigation. Ramm estimated in the 1960s that 28% of cases were settled by a compromise after mediation, 45% by an out of court settlement, 9 - 10% only after court litigation. Although this appeared to uphold the principle that the realisation of the provisions of the Works Constitution Act 1972 should be via the parties in the workplace not external bodies, Ramm pointed to evidence of a weakening in the conciliatory role of the labour courts. Dübeler's later estimate on precourt settlements was that only 35% of references were being settled by a compromise at the first level of the court system.

Although collective references under the WCA 1972 are smaller in number, those which are referred act as legal precedents in labour law and reduce the number of cases referred under that particular point of law. There are a large number of references after a new act has been passed in order to clear up uncertainties about the provisions as they apply in the practice of workplace relations. Issues referred include the interpretation of works council rights vis-à-vis material working conditions and work organisation, works council
training and their resort to experts to advise them on plant-level issues, shopsteward rights and rights of access of full-time trade union officials, and the extent of the peace obligation during industrial action. Most cases are settled by a compromise solution out of court via the mediation of the labour court judge. Court decisions during the 1970s have been seen as bolstering the position of the works council at the expense of the trade unions at plant level.

As was the case with individual references, size of firm is thought to have a major influence on whether a collective issue is referred or not. In his study of references during the 1950s, Wagner concluded that most conflicts did not go to the labour court but were settled between the two parties in the workplace. In firms with 200 to 3000 employees and above, the WCA 1952 had become the basis of relations in the workplace. In firms with under 200 employees, apart from works council elections, the law was not being applied in practice. In general, it can be argued that in large firms (1000 +) the law tends to be adhered to, although this depends on the strength of workplace organisation to a large extent. In the very small firms (100 and below), there is no majority for recourse to the labour courts due to the fear of employer discrimination or adoption of the employers' argumentation. Medium-size firms may be expected to refer more issues to the labour courts due to the lack of stability in their industrial relations either in terms of the subjugation of the works council as in smaller firms or its acceptance, found in larger firms. Other factors do have relevance in any consideration of collective references, including trade union strategy, as in the example of the senior managerial employees issue, and the aims of political groups represented in specific firms in West Germany. Influences on references to the labour court will be considered in chapters 5 and 6 in the light of the study's own empirical evidence.
(iii) The Role of Trade Unions in Plant-Level Industrial Relations

In chapter three the centralised system of collective bargaining on wages and working conditions in the FRG was outlined. The concentration of bargaining on key issues, particularly wages, at national and regional levels has reduced the scope of plant-level actors to regulate issues. Marsh argues that the system leaves only the administration of agreements to workplace actors hence his description of the German system of workplace relations as centralised and administrative.²⁸⁸

Paragraph 2(1) of the Works Constitution Act (WCA) supports the central role of the trade unions and employers' associations in the regulation of wages and working conditions by calling upon the employer and works council to have regard to applicable collective agreements in their cooperation at workplace level. The codetermination rights of works councils are only applicable where 'they are not prescribed by legislation or collective agreement'.²⁸⁹ Further, works agreements may not deal with 'remuneration and other conditions of employment that have been fixed or are normally fixed by collective agreement', unless collective agreements expressly permit additional plant-level agreements.²⁹⁰ In this way the centralised system of collective bargaining is upheld in the practice of workplace relations.

The establishment of works councils throughout German industry in 1920 was accompanied by trade union efforts to ensure the incorporation of the councils into the trade union organisation and their subordination to the trade unions. Guillebaud described the various means used, which included the setting up of 15 industrial groups to which the works councils belonged to prevent the development of a separate national works council organisation,²⁹¹ control over works council elections,
attendance at works assemblies, advisory work and training of works councillors and the influence of trade union newspapers emphasising trade union loyalty. The recession of the 1920s showed works councils how vital trade union support was for their effective operation as workforce representatives.\(^{292}\) Guillebaud argued that in the absence of 'a strong and compact trade union organisation, the works councils would either be reduced to complete impotence or would fall victim to syndicalism in one or other of its forms'.\(^{293}\) Works councils, however, also performed important functions for the trade unions at plant-level, acting as trade union agents in recruiting members, supporting policies and safeguarding agreements,\(^ {294}\) providing flexibility within the centralised system of collective bargaining and constituting a source of trade union leaders who would have a 'constructive attitude on the role of labour in the economy' and an insight into the problems of management.\(^ {295}\)

This interdependency between the trade unions and works councils continues to be a feature of the German industrial relations system today. Streeck describes this as 'the dual system of interest representation',\(^ {296}\) and his studies show the vital role of the works councils in resolving the organisational problems of industrial trade unions by operating as trade union representatives at plant level, providing the basis for unified interest representation as they represent the whole workforce and ensuring the necessary flexibility in a centralised system of wage bargaining without being in a position to threaten the operation of the system. The system of works councils thus prevents the fragmentation of interest representation at plant level whilst promoting a workplace organisation which is capable of being mobilised in support of trade union policies.\(^ {297}\)

Problems have arisen in the dual system of interest representation. Plant-level strikes against low wage settlements in the late 1960s and early 1970s led to a debate on increased involvement of works councils and shop stewards in wage
regulation.\textsuperscript{298} The transfer of wage bargaining prerogatives to company and plant levels was, however, rejected by the national trade union executives as threatening the solidarity of trade union interest representation. Instead minor adjustments were made, such as the introduction of more warning strikes during wage negotiations, transfer of some authority on wage bargaining to regional levels and the adoption of new forms of wage claims and payment methods.\textsuperscript{299} In the recession new problems have emerged, particularly those associated with mobilising members in support of trade union policies. These are dealt with in detail in section III (ii).

The trend is towards greater regulation of substantive and procedural issues by collective agreements in the recession.\textsuperscript{300} The application of the agreements at plant level, however, is problematic as studies of the implementation of the 1973 wage agreement in Baden-Württemberg and of provisions associated with the humanisation of work reveal.\textsuperscript{301} Implementation requires an effective workplace organisation, which is largely absent during an economic recession apart from the very largest firms in the metalworking sector.

A further continuity in the relationship between works councils and trade union movement is highlighted by Kotthoff's study, which shows the direct influence of works councils on trade union policy at all levels. Although 85% of works councillors surveyed said they relied on trade union support and advice at times, their view of relations with management was dominated by a social partnership as opposed to trade union orientation. Kotthoff argued that this contributes to the cooperative policy of the trade unions via works council influence on collective bargaining commissions.\textsuperscript{302}
(iv) The Role of Other Third Parties in the Resolution of Conflict at Plant Level

Conciliation boards are the second key resource of external help in resolving workplace conflicts according to the WCA 1972. Unlike the labour courts, the boards deal with interest disputes. Any disputes about the legitimacy of referring an issue to such a board, the number of wingmen and the person of the neutral chairman of the board are referred to the labour courts. The role of the conciliation board is to facilitate voluntary agreement between the two parties within the principles of the WCA 1972. Marsh has pointed out that in the area of codetermination rights of the works council the board operates as an arbitration board with a compulsory procedure for reaching agreement, in all other areas the procedure is a voluntary one.

There is a very low level of cases referred to such boards. Despite a rise in cases since 1972, there were only 700 references throughout the years 1972 - 1975 according to government statistics. Marsh estimated that there had been 202 cases in the metalworking branch in the years 1972 - 1976. The small number of cases is borne out in the empirical studies considered in chapter 5. It appears that the economic recession has not led to an increase in references.

The subjects of the references are overwhelmingly redundancy compensation plans (50%) and wages issues (10%). Various reasons are suggested for the references that are made. Ebsworth suggests issues involving a great deal of money and important principles are more likely to be referred. He also refers to the tactical use of threatened references, although Knuth and Schank point out that instances of its use as threat are rare. Generally, references are made as a last resort measure in areas of vital workforce interests, particularly redundancies.
Many studies underline the disadvantages of referring issues to conciliation. For employers these include the deterioration of relations with the workforce, the prejudicial effect of any decision on other firms within the company and outside, the high costs involved and the intrusion of outsiders into the process of plant-level decision-making, particularly trade union officials acting as wing men. Works council reluctance to refer issues to conciliation appears to be based on the possible negative influence of the involvement of a labour court judge on negotiations and the complexities of the procedure of reference. Despite trade union encouragement of increased references to conciliation in the recession, few cases are being referred. In large firms, works councils have been largely accepted as negotiating partners and recourse to conciliation is unnecessary. In small firms, works councils are in a very disadvantageous position vis-à-vis the employer and will rarely contemplate referring an issue to conciliation. In Knuth's view, references are more likely from the medium-size range of firms where the works council's acceptance is ambiguous and the works council actively pursues its role as workforce representative.

The actual process of conciliation is described as a continuation of plant-level negotiations with the help of a third party in order to achieve a mutually acceptable solution. The procedure is informal and the majority of decisions are reached within 3 months and without the chairman using his casting vote. Favourable experience of references to conciliation is thought to promote further references by works councils in future.
II) West Germany - a Centralised System of Plant-Level Industrial Relations

(i) Centralised Management Control at Plant Level

Many studies record the centralised structure of decision-making in German industry and the fact that this is viewed as legitimate by lower management who show greater job satisfaction than their Anglo-Saxon and French counterparts. The centralisation of decision-making is not, however, associated with a bureaucratic management structure in German firms. German management is described as person-oriented rather than system-oriented, that is, oriented towards the practices and preferences of top management as individuals rather than towards an impersonal management system. Child and Kieser's study, for example, showed that the role of departmental managers was less likely to be set down in official documents in Germany than in Britain and they concluded that the definition of management roles in Germany was largely a function of personal relationships. Maurice's study similarly underlined the fact that German units, as opposed to French and British units, rely more on individual expertise and professional authority than bureaucracy and Taylorian methods of work organisation. The value-orientation of German managers was the theme of Hartmann's survey in the 1950s. The ultimate values of managerial authority were described as private property, the 'calling' and elite ideology. Hartmann saw these as general social values since they were shared by those subject to management authority. There was evidence of an increase of 'functionalist' orientations in the technical and commercial management sectors and problems were arising in medium-size firms (2000 +), where there was often an uneasy coexistence of 'family management' and professional management with a shift in emphasis from management welfare policies to the product itself. Generally, however, value orientation
still dominated general management and industrial relations, and German managers tended to oppose unrestricted pragmatism where it would undermine their value-based authority, viewed by Hartmann as a more stable model of authority than bureaucracy since it appealed to the common ground of social values which all interest groups share.

The organisation of work in German firms reflects the low level of bureaucratisation and the community of interest based on social values and, increasingly, the product itself. Studies of work organisation in West Germany consistently reflect the lower number of hierarchical levels and the wider spans of control of German management than their British, French or American counterparts. This results in a lower proportion of non-manual supervisory and management personnel to the manual workforce and larger spans of control for the existing supervisory staff. The role of the foreman in German industry is considered in detail below. Studies also reflect the lower level of functional specialisation and compartmentalisation between the skilled—unskilled—technical staff, non-manual—staff and management, production and non-production work. As outlined in chapter 3, the common focus of interest and activity in German firms is 'Technik' - the 'knowledge and skill relevant to making things and making them work' - and the product itself. This community of interest is reflected first of all in the close relation between technical and management qualifications. In West Germany, management is thought to be more technically oriented than British or French management, where qualifications tend more towards the natural sciences and management diplomas in the one and civil service qualifications and experience in the other and different qualifications are required for management and technical posts. Maurice points out that in West Germany an engineer is considered a likely manager, for a manager is required to be competent in the firm's technical affairs. The status of
production is high in West Germany and management emphasises product quality and type not purely economic goals. Lawrence contrasts the high standing of industry and management in West Germany with its low standing in Britain. This is reflected in the prestige, salaries, qualifications and performance of industrial management in the two countries.

Foremen benefit from the high status given to production. Studies reflect their high status and the absence of a 'man-in-the-middle' problem such as is found in British and American industry. The foremen have higher qualifications and greater technical knowledge and skill in West Germany, and their role is much broader than in British firms. Fores likens German foremen to British factory superintendents, being both factory organisers and administrative chiefs as well as technically competent supervisors of production. They deal directly with production management, engineers, design technicians, production control, testing and inspection. Maurice shows how specialist work tends to be given to line personnel in Germany rather than to separate specialist departments and this increases the foreman's role and status. Foremen are aided by charge-hands (Vorarbeiter) who deal with details of day-to-day operation including tools, transportation, manning, but not discipline. This sets foremen free to run their departments.

The predominance of technical qualifications is also reflected at workforce level. Maurice points to the high degree of professionalism of skilled workers as well as foremen and the concept of continuous training to foster greater mobility and flexibility. Semi-skilled workers are also trained to do a large number of jobs. In contrast to Britain, where manning arrangements tend to be laid down centrally and workers exercise more autonomy, foremen deal with manning in West Germany and any disputes about time allowed. Maurice found disputes rarely passed above the level of foreman and were resolved between him, workers, shopstewards and the works
council. In Britain and France, line management spent 30% of their time dealing with grievances and disputes relating to manning and job grading, which were seen as matters of principle. Several reasons are suggested for the lower level of labour disputes in West German firms. Fores emphasises the high status of foremen as 'skilled workers with enough experience, technical knowledge and formal qualifications to do the job', in contrast to the obsession with social standing and orientation towards 'social problems' of British and American management. In his view, foremen have retained their authority over the workforce in West Germany and their decisions as technical experts are respected. Lawrence relates the low level of problems to the social differences between Britain and West Germany vis-à-vis attitudes to work, organisation of industrial production and towards keeping the line strong and rewarding technical proficiency. The important influence of the Works Constitution Act 1972 in removing many areas of decision-making from the shopfloor to works council - works management level will be reflected in the case study material in chapter 5. Several studies refer to the role of the works council as the third pillar in the formal management organisation, operating as a direct channel of communication to works management and thus preventing conflicts arising and, indirectly, encouraging foremen to act as effective resolvers of conflict where possible to ensure works management do not receive workforce grievances via the works council.

Recent studies underline the important influence of 'culturally specific' factors, such as expectations of authority and its exercise, on the introduction of, among other things, new technological processes. Sorge and Warner show how numerical control machines have been introduced in such a way as to maintain existing organisational structures and operations in British and German engineering firms. Whereas in Britain they were used to maintain departmental and personnel group autonomy
and the division of the workforce in terms of qualifications and status, in Germany they were used to reduce training differentials, to increase the status of production and unite foremen, chargehands, employees and planners around a common concern. Thus the development and application of technology is 'constrained by an unchanging socio-technical tradition'.

There were considerable differences in the organisation of labour and technical practices in small and large companies in Britain. In Germany, practices were very similar across the spread of companies, reflecting possibly a common management ethos and concentration on 'Technik' as well as the common form of workforce representation - the statutory works council.

(ii) Centralised Workplace Representation

Studies of the operation of works councils in chemical and metalworking firms reveal the trend towards increasing centralisation of representation within an executive committee or the person of the works council chairman. Hartmann has described this trend as the operation of the 'iron law of oligarchy', whereby interest groups elect leaders who become an oligarchy and immune to replacement by election due to their high level of expertise and efficiency developed during their term of office as leaders. He describes the professionalisation of works council representation, reflected in their long tenures in office, re-elections and high levels of skill, particularly in large firms, although the position of works council chairman in small firms often leads to a 'one-man-show' in so far as workplace representation is concerned. These works councils become superior power centres incorporating the most effective and influential shopstewards and conducting all negotiations with management at all levels. Strategies are developed to neutralise all potential rivals.
Fürstenberg points out that bureaucratisation and centralisation of representation is inevitable if a works council is to be effective and this trend is intensified by management's policy of treating works councils as a branch of personnel. This has led Pouyadou to write of a 'condominium of works council and management' which manages on behalf of the workforce and over which the workforce has little control. This process of bureaucratisation is seen as a result of the legislation on works councils. The WCA 1972 sets down the establishment, composition, organisation, constitution and operation of the works council, which are related to the size of firm. Where there are 9 works councillors, an executive committee is set up to deal with day-to-day business and sub-committees may be set up as required. The committee system is extensive in chemical and metalworking firms. Ebsworth described conflict resolution in chemical plants as the 'automatic solution of problems by what amounts to a bureaucracy created for this purpose' - a system of committees where 'experts meet experts and carry out important tasks'. Studies of the iron and steel industries reveal vast networks of committees dealing with issues such as wages and piece-rates, social benefits, technical matters and accident prevention. In addition, there are works councillors represented on company-level and concern-level councils depending on the size of the firm and type of industry (i.e. for Montan-codetermination). The operation of such committee systems means works councillors are involved in many discussions with management representatives and have little time to spend with the people they represent. Miller points out that the legal status of works councils means they are not obliged to seek the collective support of the workforce since they are elected by lists not departments and are not accountable to a constituency. This has caused problems of alienation between the works council and workforce and between the works council and trade union representatives at plant level.
A) The Effect on the Works Council's Relationship with the Workforce

Actual workforce contact with the works council is generally low as shown in Ebsworth's study of the chemical industry, where employees refer grievances to their supervisors instead, and in studies of the metalworking industry. Factors influencing contact with the works council and levels of personal satisfaction with the operation of the works council include age (older workers have more contact), sex (women expressed greater personal benefit from works council representation) and level of education (the higher qualified tend to be more satisfied with its operation). Despite, however, the low level of contact the majority of employees feel codetermination has benefited the workforce as a whole, though not them personally.

Size of plant and management attitudes to the works council both influence workforce attitudes. In small firms management is often hostile to the works council and the works council is impotent so employees do not refer issues to them. Firms with patriarchal management in the medium-size range also reveal problematic works council - workforce relations as the works council tends to promote management policies, using the UCA 1972 to deflect workforce interests. Kotthoff found only one example of intensive communication between works council and workforce, which promoted a sense of collective interests and an offensive strategy of workforce interest representation. KiBler underlines the problems of communication in larger firms where some works councillors are responsible for 400 employees or more.

In view of the low level of personal contact between the works council and workforce, knowledge about codetermination and the legal role of the works council is restricted. Employees often develop their own views about the works council's role, viewing it as a trade union body to represent workforce interests, particularly material interests. These views reveal a conflict between the tenets of the law and workforce
expectations. In Schardt's study of employees in a chemical plant, 80% said the works council should promote workforce interests not act as a social partner for management, 60% of manual and 45% of non-manual workers rejected the secrecy obligation on works councils, 60% of manual workers said the works council should do nothing against the will of the workforce and 90% expected the works council to discuss issues with the workforce before negotiations with management. Schardt's concern was that ignorance of legal restrictions on the works council led to an overestimation of its ability to safeguard jobs and increase wages. This led to passivity and complacency of the workforce and was destined to create widespread disillusionment with the works council when its impotence was revealed.

Other studies describe the relationship between the workforce and works council as instrumental or based on a 'service' mentality:

> 'they expect the works council to make gains for them without being interested in how they do it. A conflictual involvement of the workforce is seen by some rather as a burden to be avoided.'

Interest in codetermination is related to the works council's success in the areas of subjective needs - job security, wages and health. This places tremendous pressures on the works council to be seen to be successful without being able to rely on active workforce support. Unless there is an effective shopsteward organisation in the workplace, the works council is forced to rely on management concessions to bolster its position.

Alienation of the workforce from their works council is reflected in views which include the works council in the management category ('die da oben') and where the workforce has as little idea of their activities as they do of those of senior management. Works councils tend to be comprised mainly of skilled workers, which leads to the neglect of the
interests of groups such as unskilled workers, female and foreign employees. This neglect led to independent action by representatives of these groups in the 1973 wave of strikes to protest against the effects of rationalisation. The fact that works councils tend to be mainly blue-collar representative bodies has been a reflection of the white-collar employees' preference for individual resolution of problems with management representatives direct. The effects of the rationalisation process in the 1980s are, however, expected to hit hardest in the white-collar sector and lead to greater recourse to the works councils and to union membership among white-collar workers.

Studies of workforce attitudes during the recession reveal that blue-collar workers do hold a dichotomous view of employee and employer interests, but view the prosperity of the firm as the precondition for their own prosperity. The present troubles are not related to the failure of capitalism, and employees see themselves as sitting in the same boat as the employers, relying on state economic policies to lift the country out of the recession. The general passivity of the workforce is related to the failure of the trade unions to develop a 'critical consciousness' among the members and to past traditions of conflict within specific plants, since resistance to management measures cannot be expected where there is no tradition of a conscious recognition of collective interests and collective action to promote workforce solidarity.

The recommendations for resolving the problems of passivity of the workforce during the recession focus attention on the need for works councils to be more responsive to the expressed interests of the workforce and to involve the workforce in the formulation and application of plant-level strategies of interest representation. This 'collectivisation' of communications
between the works council and workforce is very dependent on effective shopsteward organisation at plant level to mobilise the members and create a greater awareness and interest in works council activities.  

B) The Effect on the Works Council's Relationship with the Trade Union Shopstewards

Trade union shopstewards, unlike the works councils, have no legal basis for their presence and activities in the workplace. Their status is covered in trade union rulebooks. Walraven's study of the rulebooks has shown that the metalworking and chemical unions accord the most extensive role to shopstewards. The Metalworkers' Union describes the shopsteward as the trade union representative at plant level, responsible for building up and maintaining communications between the members and the union. With regard to the works council, shopstewards are to work with them to resolve plant-level issues, with individual stewards acting as information and grievance channels between the members and the works council. The Chemical Workers' Union extended the role of the shopstewards in the collective bargaining process after the failure of the 1971 strike in a bid to more accurately gauge shopfloor feeling.

In actual practice, shopsteward organisation is weak, even in the metalworking and chemical industry, as a result of the central role of the works council at plant level.

Ebsworth's study of the chemical industry showed the lack of contact between management and shopstewards and the fact that employees took their problems to foremen, even electing their foremen as shopsteward in some instances. The foremen found no conflict between the two roles, which tends to support the view that shopstewards act mainly as a recruiting and dues collecting body in the chemical industry. The reasons for their weak position include the dominance of the works council,
the technical constraints of the industry and the existence of management-sponsored stewards to aid the works councils' communications with the workforce.  

Studies of shop stewards in the metalworking industry have focused on the iron and steel industry where there is a tradition of strong trade union and shop steward organisation and more favourable conditions for the trade unions to exercise their influence on the plant via the 1951 Company Codetermination Act. Early studies pointed to the close contact between the workforce and shop stewards and the involvement of the stewards in resolving small individual problems. More recent studies give example of plants in the steel sector where shop stewards and senior stewards deal with the lower stages of grievance resolution whilst the works council deals with the representation of collective issues in negotiations with works management. The ICM survey also shows the strong position of shop stewards in large firms, where most are given time off for trade union duties and 84% of stewards claimed to be involved in the regulation of shopfloor issues - the majority mediating between workers (65%) and between a worker and the foreman (51%). Only 20%, however, said they dealt with individual wages issues. There were regular meetings between the works council and the shop steward committee in 70% of firms with stewards but little contact between individual stewards and the works council. The problems of shop steward representation are considerable even in the iron and steel sector, where shop stewards operate mainly as a channel of communication between the workforce and the works council. Both Erd and Schmidt point out that, despite their numbers, shop stewards in the steel sector play an insignificant role in the regulation of plant-level issues.

During the 1960s the Metalworkers' Union introduced an intensive recruitment campaign for shop stewards. The number of shop stewards rose dramatically from 53,273 (1960) to 124,490 (1976). This increase, however, was concentrated in firms where conditions were favourable, particularly where works councils
were willing and able to support the union's campaign. Streeck
points out that in 40% of plants with trade union membership
in the metalworking sector there are no shop stewards. The
fact that the unions are dependent on the works councils for
an effective shop steward system, and for maintenance of trade
union membership at plant level per se, has been clearly
reflected in their policies on shop stewards. In the 1970s,
shop steward status was accorded to all works councillors who
were members of the Metalworkers' Union and the union has
increased its reliance on the work of the full-time councillors
in particular by channelling all information to and from the
plant through them.

Thus the role of shop stewards at plant level is very limited
with most employees referring grievances either to the works
council or management representatives. Shop stewards function
mainly as 'the arm of the works council'.

A number of attempts have been made during the 1970s to secure
legal status for shop steward activity by means of collective
agreements. Despite a small number of agreements at company
and regional levels, the employers' associations have
resisted trade union pressures on legal grounds and there
is evidence of strategies to undermine shop steward organisation
by the promotion of workgroup codetermination, management-
sponsored 'shop stewards' and to bolster the position of the
works council as sole workforce representative. Recent
moves to introduce 'quality circles' into some plants are
viewed as management attempts to exclude both shop stewards and
the works council from workforce representation.

In many small firms there is no works council representation,
elsewhere the majority of shop stewards are works council
members. In medium-size firms all the active trade union
members tend to be works councillors too, which leaves little
scope for the development of an effective shop steward system.
It is only in the larger firms in the metalworking industry, and then only in those branches with high levels of trade union density, that a strong shopsteward system can emerge. There the dominant role of the works council and the policies it adopts have led in some cases to shopsteward opposition in the form of oppositional lists of candidates at works council elections. The criticism of shopstewards focuses on the careerism of works councillors, their neglect of workforce interests and refusal to involve the shopstewards in the representation of workforce interests since they base their strategies on legal argumentation and management concessions. Such oppositional groups of shopstewards are, however, rare and the involvement of these shopstewards in newly elected works councils means they come under the same pressures to cooperate with the employer as the previous works council. This can also lead to the demise of an effective shopsteward organisation since there is no-one to replace those who are elected as works councillors.

The role of shopstewards in German industry is thus based on their function as information channels to and from the works council in large firms where it is impossible for the works council to maintain close contact with their constituents. They cannot be described as the main workplace negotiators as in the case of British shopstewards. The works councils are the main representative bodies at plant level in West Germany and conduct all negotiations with employers on issues which affect the workforce as a whole. Kotthoff sees the key for positive participation of the works council, based on the representation of workforce interests, as where the trade unions provide the source of works council orientation and activity, and where there is an effective internal communication system between workforce, shopstewards and works council. The works council, however, will remain the dominant plant-level actor. Carew argues that the crucial consideration with workplace representatives is 'what they can do in a concrete sense that will benefit the members'. Since all the representative functions accrue to the works council by law, there
is little scope for shopstewards to develop into a powerful counter-organisation - those stewards who do seek power are obliged to run for election to the works council. Marsden foresees little opportunity for shopsteward development in the face of the concentration of functions in the works council, the well-established relationship managements have built up with the works council and the continuing ambivalent attitude of the trade unions towards the role of shopstewards. The works councils are firmly established not only as the legal representatives of the workforce but the trade union representatives too. This dual role leads to some problems of representation, which are outlined below.

III) West Germany - a Cooperative System of Plant-Level Industrial Relations

The principles of works council - management relations prohibit strike action and any other action which threatens the peace of the firm. The resolution of workplace issues must be via peaceful negotiations based on the recognition of the interests of both the workforce and the firm as a whole. There has been much criticism of the peace obligation and the idea of common workplace interests of workforce and employer. Johanson views them as a means of concealing the differences in interests and integrating the works council into management organisation. Furstenberg argues that they place the works council in a difficult position as it has to represent both workforce and management interests. The ambiguity of the works council's position is most evident in the case of workplace strikes, where works councillors are trade union members and shopstewards. Employers seek to develop an extensive interpretation of the peace obligation and 'trustworthy cooperation' and court cases show how works councillors have been dismissed for provocative statements to the workforce which, it was argued, led to strike action. Employers argue
that in the case of strikes the works council should persuade the workforce to return to work. Trade union commentators interpret the peace obligation less extensively for the works council - the works council as a body should not be involved in strike action but its individual councillors can be involved as trade union members, although not in leading roles.\textsuperscript{417} In strike situations, the works council is not obliged to persuade the workforce to return to work but should mediate between the workforce and management, investigate the causes and seek a resolution.\textsuperscript{418} However, considerable risks are involved in workplace strike action unless there is a high level of solidarity to prevent employers dismissing ringleaders, especially shop stewards, when the workforce returns to work.\textsuperscript{419}

The actual extent of conflict measures in the workplace can therefore be expected to be very limited.

\textbf{(i) Relations between Works Councils and Management}

The specific details of the daily contacts between works councils and management are covered in section IV, ii, which deals with actual procedures for the resolution of conflict. This section deals with the broad categories of relationships between these two parties in the workplace and considers some of the key influences on these relationships.

The two main factors shaping relations between the works councils and management appear to be size of firm and management policies, particularly their view of the role of the works council.

Studies of relations in small firms show a reliance on informal social relations and works councils are not seen as necessary by either management or the workforce. Kotthoff has given examples of firms where the works council, if one exists, is either ignored or isolated by the independent and paternalistic
The works council chairman is often friendly with management and operates to deflect conflicts away from management. Apart from the obstacles to effective works council work created by the management style of the owner-entrepreneur in small firms, which often poses a constant threat to the very existence of the council, there are problems created by the fragmentation of the workforce into small interest groups, the low trade union density and the absence of alternative job opportunities in the areas in which small firms are established. The conclusion on relations in small firms is that there the employer rules. Works councils are either non-existent or ineffective as representatives of workforce interests.

In large firms, works councils have become vital for the smooth-running of the firm by promoting peaceful resolution of the inevitable conflicts which arise, providing for the integration of a large and varied workforce and operating as a communication channel to and from the workforce. The problems for works councils in large firms are not those of recognition and involvement in decision-making in the workplace but the attempts by management to integrate the works council into management as a branch of personnel work to the detriment of the council's role as workforce representative. As indicated earlier, examples of a joint management–works council condominium can be found in the system of expert committees in the chemical industry and large metalworking firms. In chemicals, particularly, the organisation of the production process and the profitable position of the industry have promoted this type of relationship. Management has had the scope to permit the works council representative successes in the area of workplace wage rates and social benefits. This has bolstered the position of the works council in the eyes of the workforce but made it dependent on management for its future effectiveness. The only way out of what Fürstenberg describes as the 'pull to integration' under the WCA 1972 is dependence of the works council on the trade union and the
workforce for its successes. This is seldom the course chosen by the works council because it necessitates a great deal of work and conflict with management to build up a strong workplace organisation, including a shopsteward system, and an orientation of works councillors whereby they do not view their activities as dictated by the WCA 1972 but by the interests of the workforce. The lack of direct contact between the trade union and works council in the daily running of the plant means their orientation is more likely to be dictated either by the law or by management policies.

Kotthoff argues that the majority of works councils operate on the basis of 'trustworthy cooperation' as laid down in the WCA 1972. This type of relationship developed during the 1950s and 1960s when the German economy and society was being rebuilt and there was general prosperity. Studies of the operation of works councils immediately after their introduction in the 1920s and 1930s concluded that works councils had rejected the idea of a social partnership. Factory inspectors' reports complained that works councils regarded their functions solely in terms of the representation of workforce interests and ignored the legal provisions on supporting the employers in the attainment of company goals. Reasons given for this orientation included the influence of the revolutionary workers' council movement, the unsettled economic and political conditions and the relative newness of works councils in many German firms. However, even in these early years, there were indications that the works councils were having a rationalising effect on social conflict in the workplace, acting as a safety valve in the turbulent years, and that the works councils were learning to appreciate the limitations on management.

The conditions which restricted the development of social partnership in the workplace during the 1920s and 1930s were largely absent after the Second World War, and there were factors, mentioned above, which promoted the development of
cooperative relations. There are indications that these favourable conditions, particularly economic conditions, have receded and that works council work is becoming more difficult in the recession. There was considerable opposition of employers to the 1972 Works Constitution Act and attempts to restrict its interpretation to prevent what was seen as an attack on the free democratic order, particularly the right to private property. A recent article in the Chemical Workers' Union journal refers to continuing attempts to ignore or restrict the interpretation of the WCA 1972. Employers are more ready to take questions to the labour courts instead of resolving them via cooperation with the works council, and there is evidence of rights being undermined by using the proviso of 'urgent decisions', which cannot wait to be settled by negotiation with the works council. In the face of this opposition, the unions are calling upon the works councils to make full use of their legal rights to keep jobs and to involve the workforce in their work. The evidence is, however, that works councils are not securing their rights by references to the labour courts. They are exhibiting great reluctance to engage in any conflicts with the employers and this is thought to be increasing the alienation and passivity of the workforce in the recession. Although the resources for cooperation are declining, few works councils have developed a conflictual policy of representing workforce interests. Kotthoff and Jacobs explain this continuation of cooperation by the force of habit. The two sides have invested much in the system of mutual dependencies or codetermination and derived many benefits from the relationship so there is little chance of alternative forms of relationships being acceptable in the near future despite the recession. Bergmann points to the absence of any acceptable socio-political alternative to capitalism as a reason for continuing cooperation despite the disadvantages. Dybowski's study of works councillors' views similarly shows them as being unable to visualise any alternative form of representation to codetermination and this is explained as being due to the institutional and structural constraints shaping their orientation - the legal definition of their duties and the individualisation of conflict in the WCA 1972.
Since the WCA 1972 only provides the opportunities for cooperation, the existence of cooperation is dependent to a great extent on management's desire to foster such relations. This desire, in turn, is very much related to the economic climate as studies of the operation of works council legislation since the 1920s have shown. The only areas of effective works council action based on representation of workforce interests appear to be in large firms, especially metalworking, where works councils depend on trade union support rather than on the employers' goodwill for their operation. This assumption is investigated in the following chapters, where the operation of works councils in a variety of firms of differing sizes and production methods is assessed.

(ii) The Extent of Conflict at Plant Level

In view of the legal framework for cooperation at plant level and the prohibitions on industrial action to resolve plant-level issues a low level of overt conflict measures can be expected in German plants. Cases of endemic conflict situations are 'a very rare exception' - Kotthoff found only one example of a car firm which was not part of his survey but had been described elsewhere.

The two waves of unofficial plant-level strikes in 1969 and 1973 in opposition to low national and regional wages settlements were exceptional in the German system and led to studies positing a change in the attitudes of German workers towards overt conflict measures. The more recent debate on the severe problems of mobilising trade union members to support trade union policies during the recession indicate that this has not been the case in most plants.

The 1969 wave of strikes were a protest against the wage lag which arose due to low wages settlements in a long-term
collective agreement and a sudden unexpected rise in profits. This prompted trade union and employer association officials to bring forward the collective bargaining round and negotiate a higher settlement. The workforce demands were thus very limited and the strikes affected a small proportion of the total workforce - 140,000 workers in 69 firms in the steel, metal processing, mining industries and the docks over an 18 day period.

The 1973 wave of strikes focused on the drop in living standards brought about by a low wages settlement and a sudden rise in inflation, and led to additional wages payments to make up for the lag. Apart from skilled worker protests about wages, unskilled groups joined the strike to call for improvements in working conditions which had deteriorated as a result of the process of rationalisation in industry. Although the trade union executive opposed the strikes these new qualitative demands have become a focal point of the 'Humanisation of Work' programme in the late 1970s and 1980s.

The 1973 strikes involved 275,000 workers in 335 firms, particularly in the steel sector and car plants. There was, however, a lack of solidarity between the striking German skilled workers and the foreign unskilled workers.

Opponents of the cooperative policies of works councils seldom advocate overt conflict measures as an alternative but call for the instrumental use of the MCA 1972. Such strategies involve the works councils developing their own definition of 'social partnership' to secure management cooperation with workforce interests, and basing their activity on a long-term plan of objectives rather than on individual conflict regulation. These strategies are based on a close working relationship between works councils, shop stewards and workforce, and the pursuit of an aggressive policy of collective interest representation within a stable relationship of trust with management. Streeck describes the use of such strategies in his
study of the car industry, where works councils engage in so-called 'package dealing', 'making their attitude on matters of codetermination conditional upon concessions of the employer on other matters'. The fact that such strategies require considerable legal expertise and political skill means, however, that they are only found in large plants with high levels of trade union and shopsteward organisation.

IV) West Germany - the Effects of a Legalised, Centralised System of Plant-Level Industrial Relations on Conflict Issues and Procedures

i) Conflict Issues at Plant Level
A) Wages and Wage Payment Systems

Under the WCA 1972, the works council is excluded from the area of wage determination since wage rates are negotiated by trade unions and employers associations at regional level. In contrast to Britain, collective agreements on wage levels are significant regulators of actual workplace earnings. During the 1960s, some wage drift did occur as employers were able and willing to make concessions to their workforces to retain their skills during a period of full employment. The actual extent of the drift varies in the estimates of different commentators from a maximum of 30% to 3.3% in the years of the highest drift - 1961 and 1969. However, workplace wage rates were undermined in the late 1960s and early 1970s and this led to a wide discussion on different methods of securing the rates, from open clauses in collective agreements, to permit a measure of workplace wage bargaining, to company-level agreements in the metalworking and chemical sectors. Employers rejected any extension of wage bargaining competence to the workplace and in the 1970s and 1980s the trade unions have once again become the main negotiators of actual wage rates.
Teschner describes the shift from wage drift in the 1960s to method drift in the 1970s. He argues that the main area of works council activity in respect of wages was methods of wage payment in the early 1970s. Although the works councils studied supported the incorporation of workplace wage rates, social benefits and annual premia into regional collective agreements, they regarded actual payment systems as the exclusive domain of the works councils.

Studies of wage payment systems in the 1970s, however, show the increase in management control over such systems. In his comparison of British and German engineering firms, Marsh points to the contrast between the lack of resistance to work study and active participation in setting up such schemes in Germany, and the resistance to such schemes by the trade unions in Britain, where shop stewards in the firms surveyed did not agree to the use of a stopwatch in the application of work study methods. Maitland has described the difference in operation of the same payment-by-results system in a British and German firm belonging to the same chemical company. He sums up the difference in the fact that in the British firm the system is under workforce control and bargaining on the piece rate for a specific job takes place on an informal, fragmented and decentralised basis, whereas in the German firm, the system is under management control. In the German firm the Industrial Engineering Department estimates piece rates which are checked by the works council for their technical accuracy in setting the correct standard time for jobs. All new job values are derived from existing values for comparable jobs. Maitland describes this as a centralised expert determination of correct times, which maintains the rationality and internal consistency of the pay structure.

The methods used for evaluating wage rates are becoming increasingly finer as employers seek to secure control over wages costs, and this trend is reducing all bargaining scope for individual employees and for the works council. Schmiede
points to the increase in performance-related wage payment systems reflected in the number of job evaluation and work study experts in industry. He relates this to the increasing intensity of work since the early 1970s. The summary system of evaluation is being replaced by the more precise analytical evaluation method. The former method evaluates the totality of a job or area of work and its advantages are that it is easy to oversee. The analytical method is preferred for its precision, for it splits up the various demands of the job (ability, responsibility, physical exertion, environmental influences etc.) on the basis of a points system and creates a number of wage groups (12 in metalworking and chemical industries in Germany). The weighting of the demands of the job can be varied - qualification and training is weighted high in skilled craft jobs, responsibility and concentration in staff jobs. The performance of the employees is checked every 6 months on the basis of the average performance for their particular wage group. The effects of these systems of wage evaluation are to remove workforce control over areas such as time taken for a job, correct wage rate, and to substitute scientific evaluation by experts for negotiation between individual employees and the work study engineer, the works council and management.

Although studies of workforce attitudes show that the central focus of interest is wages and that they would like to see greater works council involvement in wages issues, the actual influence of the works council is diminishing not only in the area of direct wage increases but also in the evaluation of jobs and principles of wage payment systems despite the extension of the codetermination rights into job and bonus rates in the WCA 1972.
B) Personnel Issues

Marsh has pointed to the differences between works council attitudes to discipline and those of shopstewards in Britain. In Britain, discipline is traditionally regulated by the employer and the trade unions take up grievances in the grievance procedure, refusing to become involved in the establishment and administration of disciplinary measures. In Germany, the works council has a right of codetermination in the area of works rules, the administration of sanctions. In her study of the operation of discipline in German firms, Karstedt found only 33% of them had a written works agreement on a disciplinary code. She explained this with reference to the management's desire for flexibility in the administration of sanctions and also works councils' desire for informality as this permits an informal system of resolution based on the assessment of each individual case on its own merits. The study showed a low level of registration of offences against works rules. Most cases were dealt with informally by the employees' immediate superiors and both sides sought to avoid conflict and disciplinary measures. The ultimate sanction - dismissal - was more commonly used against women, foreigners, apprentices and the unskilled. In such cases, the works council was less likely to object to the dismissal unless an employee was determined to take his case before a labour court. Marsh similarly argued that the rights of individual workers were more vigorously pursued by the shopstewards in Britain than by the works councils.

The works councils' rights in situations of mass redundancies are similarly very weak. Marsh argues that redundancy is one area where Britain has more detailed provisions, especially on the right to financial compensation. The works council has the right to be informed if the preconditions for redundancies are met, and agreement should be reached on
whether the change should be introduced and how.\textsuperscript{476} The employer in effect is not hindered from carrying out his economic plans and the works council is only able to negotiate compensation for the effects of this change on the workforce, although there is no obligation upon the employer to pay compensation where the redundancies are due to 'pressing economic reasons'.\textsuperscript{477} Studies of redundancies in German firms show the variety of methods used to obviate the need for a social compensation plan. Marsh found redundancies handled as disciplinary and dismissal cases as well as the employer offering financial inducements to employees to end their contracts.\textsuperscript{478} Where redundancy compensation plans have been agreed there has often been considerable criticism of the works council for agreeing to such a measure,\textsuperscript{479} which provides one explanation for the high proportion of compensation plans referred to conciliation boards for a decision.\textsuperscript{480} The studies also reveal the paucity and tardiness of any information given to the works council by the employer on major changes which will affect a large part of the workforce.\textsuperscript{481}

Gerl's study reveals the low level of works council influence and involvement where investments and major changes to the plant are concerned. In the area of personnel decisions, however, the works council is more active. He shows how the works council was accepted as a negotiating partner by the personnel department in the early stage of drafting new selection procedures for recruiting new employees.\textsuperscript{482} He explains this by the more extensive rights accorded the works council in personnel issues and their greater knowledge in such areas.\textsuperscript{483}

Marsh found issues such as Manning and hiring were a source of major disputes in the British firms, where management claimed to be able to man machines as they wished, although the workforce had considerable influence in practice.\textsuperscript{484} In the German firms, they were not a central source of dispute, although there were some examples of disagreement over the need for special shifts
and undermanning. The works council had some influence over the composition of the workforce via their involvement in establishing selection criteria. The WCA 1972 permits the works council a veto on hirings under specific conditions and involvement in the establishment of the conditions of employment. Marsh sees the key difference in the British shop stewards' interest in collective issues such as manning, whilst the works council participates in individual issues. Kohl's questionnaire survey of works councils' involvement in the broader issue of personnel planning, however, showed a weak influence on company policy due to poor information and a lack of knowledge and skill in dealing with these wider issues.

Transfers of employees are not seen as a major issue in Germany. Management is required by law to notify the works council of long-term transfers and the works council can veto the decision under specific conditions. The financial aspects of transfers tend to be regulated in collective agreements, whilst contracts of employment usually involve a mobility clause.

C) Working Conditions

The works councils have wide de jure rights in the area of alterations which have a significant impact on a large section of the workforce. The employer must inform the works council in due time of any plans and consult with them on the impact of the action. The increase in rationalisation of the workplace during the 1970s has led the Metalworkers' Union to seek to regulate not only the price of jobs but also their content, and to promote the humanisation of work in industry and the services. Despite these de jure rights and entitlements, studies of the role of works councils in the introduction of new working methods show very limited participation. Information about proposed plans only occurs after the plans are made, although information is always given where wage payment methods
and principles are affected. Altmann found works councils were unable to analyse the information they were given and deduce effects on the position of the workforce from it. The works council's role is usually reactive; there is seldom a systematic plan of action vis-à-vis changes. Their low level of information, knowhow and skill in deducing the advantages and disadvantages of proposed changes leads works councils to translate any problems into the familiar areas of securing wages and working conditions. This means they do not recognise the new problems created by new technology since the new pressures are often mental rather than physical. Altmann points out that the works council is often out of touch with those employees specifically affected since they are not represented on the works council. His survey of workforce attitudes reveals their lack of information about changes in work methods, except where they affect wages, and the limitation of their expectations to wages. They view the works council's role as a reactive one, dealing with individual problems in the areas of wages and safety, although some expressed criticism at their lack of information and lack of contact with the works councillors. Altmann concludes that the works councils did not understand the concept of humanisation of work and were sceptical about it. Generally, they lack the information, contacts and ability to put the ideas on improvements to work and the working environment into effect. Although his original research objective had been to study how the works council articulated and dealt with the problems of humanisation, he was forced to restrict his study to whether they recognised any problems at all.

Krahn's survey of small and medium-size firms revealed a similar picture of works councils restricting their role to the resolution of individual problems and seeking the way of least resistance. Humanisation of work was given a very low priority amidst the pressures of competence, manpower and time which works councils in smaller firms faced. The works councils
adapted to the real balance of power in the firm and sought only to obviate the worst effects of the changes in work methods. Employers only responded to the demands of humanisation if this would reduce costs in terms of absenteeism and damage to materials and machines. He recommended the incorporation of more areas into collective agreements to concretize the general legal provisions and an increase in the information and training workplace representatives receive from the trade unions.499

Studies of the problems of applying the provisions of collective agreements in the workplace during the recession and their limited impact on actual working conditions,500 together with the evidence of employer association resistance to any further extension of collective agreements into areas like codetermination rights in the introduction of personnel information systems,501 reveal the limited effectiveness of the reliance on de jure rights established at above-workplace levels.502 In a system of cooperative conflict resolution, where persuasion and negotiation are the main tools of works councils and employers, the way forward in the humanisation of work programme appears to be to persuade employers that humanisation of work is their best option, both on long-term cost-effective grounds and in terms of their future relations with their workforces. Legislation may be enacted in this area if the employers reject all attempts at persuasion and their ignoral of the negative effects of new technology on their employees threatens the industrial peace at plant level.

(ii) Procedures for the Resolution of Conflict at Plant Level

As outlined in section I(i), the Works Constitution Act of 1972 sets out a general framework of conflict resolution, whereby internal agreement is favoured,503 although provisions are made for reference to third parties - the labour courts and
Conciliation Boards - where no agreement can be reached by the two parties. In the 1972 Act, a general outline of an individual grievance procedure is given in paragraphs 84 to 86. This involves a general right to raise a grievance with the employer direct or via the works council, information on how the grievance is being dealt with, and provision for the details of the actual procedure to be fixed by collective or works agreement.

Studies show little evidence of formal grievance procedures at workplace level apart from the general provisions in the MCA 1972. Ebsworth and Miller found examples of general procedures written into the works rules or conditions of service agreement at company level. These involved a general right of complaint and a choice of persons to whom complaints could be referred. They were not used in practice, where informal resolution was preferred. Ebsworth noted that:

'There was a considerable lack of knowledge on procedures even among lower management to whom it seems the majority of the workforce turn when they have problems. The ability to go either to management or the works council to settle grievances is taken for granted and not treated as a part of the formal grievance procedure...'

Dybowski describes the attitudes of the works council and management to the MCA 1972 as the view that it is 'a general framework for orientation' but not a direct influence on daily relations in the workplace. The MCA 1972 is said to provide a secure framework within which a flexible response to individual cases can take place. Legal boundaries are recognised but daily practices are not directly related to them.

Despite some evidence from studies of the iron and steel industries that shopstewards and senior stewards are involved in the initial stages of resolution of individual, non-legal issues, the overwhelming evidence is that foremen and works
councillors are the key actors involved in grievance handling and resolution at the lower levels.\textsuperscript{512} Bergmann and Zapf point out that technical problems tend to be referred to the foreman unless he is incapable of or unwilling to deal with them. Foremen also deal with questions relating to wages and working conditions where they are prepared to act as grievance handlers and there are opportunities for informal contacts between them and the workforce. Where they refuse to deal with grievances, employees refer matters to the works council and ask whether it is worthwhile proceeding with the grievance.\textsuperscript{513} Thun refers to the preference for spontaneous, oral grievance resolution which seldom goes beyond the level of foreman. Foremen seek to resolve issues such as wages, work organisation, employee-employer relations on the spot and not refer them upwards to departmental management unless the issue is clearly beyond their competence.\textsuperscript{514}

Informality is also the keynote in the resolution of conflicts at levels above the immediate workplace. Despite the prevalence of the 'committee system' in the large firms of the chemical and metalworking industries,\textsuperscript{515} the informal system of contacts between management and individual members of the works council provides a system of continuous resolution which helps to prevent the build up of problems.\textsuperscript{516} The informal system of resolution between works council and management focuses on the works council chairman and the full-time works councillors in most firms,\textsuperscript{517} although in some firms, the works council adopts a policy of no individual negotiations with management to prevent the emergence of an elite group of workforce representatives isolated from the remainder of the representatives and the workforce.\textsuperscript{518}

General conclusions on the operation of conflict resolution procedures in the workplace confirm the dominance of the works council as the main representative of the workforce and negotiator with management.\textsuperscript{519} The position of the works council remains unassailable although the recession has reduced much of the scope for cooperation. Miller explains the low
level of manifest conflict in the workplace by the fact that although there are a proliferation of channels for grievance resolution, particularly in the steel industry covered in his study, the channels are all part of one institution - the works council. Similarly, although there is much evidence of informal conflict resolution in the workplace, this informality occurs within the legal framework for cooperative relations defined by the WCA 1972 and collective agreements, which upholds the works council as the representative of workforce interests. This contrasts sharply with the informal resolution at workplace level in Britain, which does not take place within a statutory or agreed framework of principles for relationships between shop stewards and employers.

The actual form of the agreements made between management and the works council vary from the legally binding, written works agreements to examples of custom and practice. Works agreements must fulfill certain preconditions outlined in the WCA and can be obligatory agreements (in areas where the WCA provides for compulsory arbitration in the event of no agreement between the two parties) or voluntary ones. They are few in number in most firms and deal with general principles and norms for groups of employees. Issues covered by works agreements include wage matters (procedures for wage payment, new methods, wage structures) (28%), working hours (22%), holidays (7%), personnel matters (6%) and areas such as works rules (5%), social matters (4%), safety (3%), and training (3%). Any conflicts about the right to draw up a work agreement, the execution and interpretation of agreements are dealt with by the labour courts. Conflicts about the content of an agreement still to be agreed are dealt with by the conciliation boards.

Works agreements only provide a basic framework of entitlements and procedures, the daily practice of regulating workplace issues relies on unwritten agreements.
'Regelungsabreden' deal with the application of measures within the area liable to codetermination - for example, a single instance of a change in working hours. Advantages of such agreements include their flexibility and speed. They have no fixed term and end once the aim is achieved. They do not have to be written down but most commentators recommend that a record be kept. A major problem of such agreements is that employers seek to reduce codetermination issues to unwritten agreements, which are not legally binding. Fitting's definition of issues open to unwritten agreements only allows for purely individual issues and would probably not cover an issue like overtime for the whole workforce. However, the practicalities of operating a plant do not allow for joint meetings and the drawing up of a works agreement for provisional measures even where they are liable to codetermination.

The existence of custom and practice, where the workforce comes to rely on certain actions of the employer without express agreement, is rare and continuing to decline in the face of increasing management control over wages and working conditions and centralised conflict resolution. Examples include transfers only under certain conditions, showers during working hours, flexible starting times, extra holidays, and the 'Pensum' in the docks. Labour court rulings have established certain preconditions for the existence of a 'betriebliche Uebung', which include the regular repetition of the same action (whereby the court determines the number of repetitions necessary for establishing a practice) and the intentional commitment of the employer to the said act plus the agreement of the employee. The reasons for the existence of custom and practice include the fact that small firms may find it too troublesome to establish formal rules, or an employer may be unsure of the impact of a certain measure and experiment on an individual basis initially. The emergence of custom and practice due to a low level of management control is very rare as control is increasingly centralised in the hands of management and the works council and this type of custom and practice would also be legally questionable. Seiter points out how the
extension of statutory rulings on holidays have also reduced
the instances of custom and practice in the area of unofficial
holidays.

The fact that so many substantive issues are clearly regulated
by law, collective and works agreements means that the
potential for informal, low-level workplace bargaining is
virtually non-existent in most German firms. The trend is
towards the even greater consolidation of workplace issues in
trade union collective agreements and the centralisation of
decision-making in the workplace in the hands of the full-time
works councillors or the works council chairman and management
representatives at works level.

3) Conclusion

The present chapter has described two very different systems
of organising relations at plant level, particularly the
resolution of conflict. The German system has been shaped
by government legislation and is highly centralised, exhibiting
a sophisticated approach to the resolution of industrial con­

The effects of influences such as national economic context,
technological organisation and size of plant thus need to be
considered against the background of two very different systems
of workplace relationships. For example, the economic boom
years in the 1950s led to the emergence of a powerful shop-
steward movement in Britain whereas in Germany similar develop-
ments were prevented by the legal framework of workplace relations and the centralisation of wage bargaining in particular in the hands of the national trade unions executives. The present economic recession has led in Britain to an increasing 'roll-back' of workplace trade union organisation whilst works councils continue to resolve plant-level issues in the FRG, although the issues are more conflictual and complex than in the 1960s.

This continuity in relations and modes of conflict resolution in the FRG and the wide oscillations in the British system are also reflected in the comparison of different sizes of plant and different technologies in the two systems. Studies show a greater level of uniformity in workplace relations between large and small plants in the FRG than in Britain. Firms belonging to different industry branches in the German system also show striking similarities in the concentration of representation and negotiation in the hands of the works council and management. Sorge and Warner's study shows how firms in Britain and Germany apply new technological processes in very different ways in order to uphold existing socio-technical traditions at plant-level.

The findings seem to indicate that whereas influences such as economic context, technology and size of plant have had a crucial impact on the shape of British workplace relations in the absence of state regulation; legislation and trade union and employer association organisation and policies have had a unifying effect on the workplace in the German system, reflected in the continuity and uniformity in the modes of conflict resolution.

Recent British studies underline the advantages of 'cooperative constitutionalism' as a model for workplace relations. Reliance on voluntary regulation on the basis of personal goodwill and informal contacts can easily break down in circumstances of economic, social and technological change and lead
to 'uninhibited antagonism'. In such circumstances the actors in a system of cooperative constitutionalism can 'fall back' on a network of legislation and legal agreements. This can result in 'antagonistic constitutionalism' where the legal norms are used to carry on the conflict between employer and employee. Evidence from the German studies indicates, however, that this degeneration is rare and cooperative modes of resolution continue even when the objective resources for cooperation are declining.\textsuperscript{543} In contrast, conflictual modes of resolution persist in the British system even when there is considerable scope for cooperation.

Despite superficial similarities between the two systems regarding the preference for internal resolution of conflict and general areas of conflict, there are considerable differences between the British and German systems of workplace relations. The legal framework for relations in Germany has left much scope for informal regulation of issues within the plant itself as will be shown in the following chapters. The absence of a viable framework for relations in Britain has, in contrast, led to an increasing formalisation and bureaucratisation of regulation within the plant to control the level of conflict and enable managers to 'manage' their plants.\textsuperscript{544} Streeck's recent study goes further than this to show how the problems of the voluntary system of industrial relations has forced the government to pursue a neo-liberal policy of high unemployment to reduce trade union power and permit extensive rationalisation in a bid to improve general economic performance. Such direct intervention of the state in the economy has not been necessary in Germany where the 'social partners' have been able to agree to viable solutions to improve economic performance.\textsuperscript{545}

The problem of institutional inertia in the face of changing contexts of industrial relations will be discussed in the concluding chapter, which considers the important role of 'traumas' in the promotion of institutional reform.\textsuperscript{546}
Recent work on European systems of industrial democracy underline the key influence of formal rules rather than structural factors (context) for actual participation. Wilpert concludes that participation is thus more the result of socio-political conditions, i.e. political will, than of technological and organisational influences. The following chapters will consider in greater detail the relative influences of these different factors on actual modes of conflict resolution at plant level.
CHAPTER 5: Conflict and Conflict Resolution in the West German Electro-Technical and Metalworking Industries - the Case Studies

1) The Electro-Technical Industry: 3 Firms

I) Firm A - a Small Electro-Technical Firm

(i) The Context of Conflicts Arising and Their Resolution

The firm develops and manufactures specialist measuring equipment for paint and plastic coatings. It has a total workforce of 45, comprising administrative staff, labour technicians, skilled electronics workers on the shopfloor and a small number of unskilled workers to do the packaging work. The proportion of blue collar employees to white collar employees is approximately 1:1.

Management organisational structure is simplified. The firm is owned and managed by two electronics engineers. There are 5 departmental heads with approximately 10 employees in each department, who work alongside the workforce and do not occupy a separate office. There are 2 foremen in the production sector.

Three works councillors constitute the workforce representation. None are released from their jobs in the production sector. The works council chairman is the only active representative and engages in any necessary dialogue with management. Only 20% of the workforce belong to a union and these are all in the production sector. There are no shop stewards.

Relations within the firm are dominated by the persons of the two owner-managers and the works council has little influence on management policy. Management characterised the relations

* Footnotes in Volume Two p. 34.
with the works council as 'good' due to the fact that the firm has not had to face any major problems over the past few years. They referred, however, to an earlier period when they came into conflict with the works council about the interpretation of the Works Constitution Act 1972 (WCA) and several cases were referred to the labour court for a settlement. During this period, management had many contacts with their employers' association and took courses on the WCA. Relations have since settled down. Their present view of the WCA recognises it as 'the basis behind our policies', especially in the area of wages and works agreements. The peace obligation and stipulation that the works council should work together with management for the good of the firm are seen in a favourable light. Generally though, legislation such as the WCA is viewed as inappropriate in small firms where personal relations dominate and management is considered to take their responsibilities vis-à-vis the workforce more seriously than in larger establishments.

(ii) Conflicts Arising

Individual wages issues were seen as the only recurring conflicts and represent individual employees' attempts to move into higher wage groups in the production sector. White collar workers' wages are time-rated, production workers also receive a time-rated basic wage plus a bonus based on piecework. The wages system is based on the analytical system laid down in collective agreements at regional level and its operation is under the control of the production planning department.

The satisfactory economic prospects of the firm meant there had been no need for redundancies or transfer of employees to lower paid jobs. The firm did not operate any shiftwork, working conditions were clean and comfortable and all jobs were individual, there was no assembly-line pressure.
There had been no instances of overt conflict between management and workforce not even workforce participation in strikes called by the trade union. The dominant role of management was again shown by the statement that they would address the employees personally if there was any sign of trouble and dismiss them if necessary.

(iii) Conflict Resolution Procedures

The only formal written procedures were in the works rules which were based on recommendations in collective agreements and represented a general right of grievance reference to management and the works council.

Actual reference of issues differentiated between production and white collar employees:

production employee → works council → management

white collar employee → departmental head or personnel → directors

The difference was seen as due to the fact that the white collar employees had no representatives on the works council, which comprises production employees, and work in close association with management representatives.

The two managing directors deal with all important issues, especially those involving money. Although general wages queries would be dealt with by the wages section, questions such as a wage advance to an individual are decided by the directors. The works council chairman deals with everything on the workforce side and meets with management when negotiation is necessary.
The involvement of third parties in the internal resolution process is limited. The trade union and employers' association are consulted via letters and telephone calls on legal matters usually and the employers' association helped set up the new bonus scheme. They seldom come into the firm. There have been some instances of dismissal cases being referred to the labour court. As mentioned earlier, several conflicts over the interpretation of the WCA 1972 were referred to the court in the years immediately following the passing of the Act. A recent management decision about works holidays went to the second stage of the labour court process where it was decided in management's favour. The firm has had no experience of a conciliation board.

The results of the resolution process in terms of works agreements are 4 agreements covering works rules, the bonus system, flexible working hours and works holidays, of which the latter proceeded from a labour court decision.

(iv) Key Influences on Conflicts and Resolution Procedures

The context of firm A promotes a low conflict rate and the emphasis on individual conflicts when any do arise. The procedures for resolution of issues reveal the dominant role of the managing directors in small owner-managed firms, and the emphasis on the person of the works council chairman in all interactions between management and production employees. The low level of trade union organisation further promotes the role of management in the determination of workplace issues and the individualisation of responses to conflicts in the workplace. However, the concentration of organisation among production employees provides some basis for works council resistance to management as seen in references to the Labour Court in respect of dismissal cases and collective issues of
rights such as interpretation of the Works Constitution Act (WCA) and the question of works holidays. The concentration of organisation may also offer some explanation for the emergence of some individual wages conflicts in the production sector.

The fact that the context of firm A does not provoke a large number of conflicts in the workplace can be seen as hindering the emergence of any collective workforce representation. The factors promoting the low level of collective consciousness, in their turn, hamper the identification of possible areas of conflict with management.

(The key influences on the process of conflict resolution in firm A are outlined in diagrammatic form in the appendices).

II) Firm B - a Medium-Size Electro-Technical Firm

(i) The Context of Conflicts Arising and their Resolution

Firm B is the headquarters of a company comprising 3 establishments. Total workforce is 325, of which 100 are employed in firm B which houses the administration of the company and its laboratories as well as the assembly of the products. The other 2 establishments house the mechanical engineering section, specialising in motorised lathes and drills used in the assembly (205 employees), and the small establishment (15) is responsible for the one consumer product which the company manufactures.

The workforce in firm B comprises a mixture of white-collar employees - electronic engineers and technicians in the development and design departments and administrative staff - and blue-collar employees. In the production departments the skilled employees deal with the more technical operations such as testing parts for correct current flows whilst unskilled female
employees dominate the assembly sections. Trade union organisation is approximately 23% and is concentrated among the older male production workers. Some of the white-collar workers are organised by the white collar union (DAG) but are so few in number that management has no relations with the union. Firm B employs only 3 - 4 foreign workers, the remainder are German and live locally.

Firm E specialises in the production of tacometers and speedometers for public transport and commercial vehicles, according to customer specifications. The technology of firm E is considered not to provoke many conflicts - working conditions are good, all jobs are sitting jobs, there are no shifts.

The company was founded in 1905 and concentrated originally on precision mechanical engineering. The present site for firm E dates back to 1951. A degree of 'family ownership' of the company is revealed in the fact that the present director is the son of one of the founding members in 1951. Management organisation in the company is illustrated below:

```
Director (legal training)

  technical manager
    |         |         |
    works managers (3)    finance manager
    |         | responsible for 6 departments:
    | - e.g. firm E - | - laboratory
    | responsible for 12 departments: |
    | - 8 departments are differentiated according to product assembled there |
    | - quality control of end product |
    | - quality control of incoming parts |
    | - stores |
    | - experimental section |
    |         | sales manager
    |         | responsible for: |
    |         | - inland sales |
    |         | - exports |
    |         | - rail |
    |         | - publicity |
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foremen (6 in firm E)
Staff ratios in the production departments vary from 2 in quality control of end product to 22 in the section assembling the electrical indicators for speedometers. The responsibilities of the foremen vary, although all their constituencies have less than 25 employees. In the survey data 6 foremen (75%) had no chargehand or equivalent under them, 2 (25%) said they had between 1 and 3 chargehands.

Workforce representation comprises 7 works councillors none of whom are released from their jobs. All are production workers and 5 are trade union members (IGM). The only works council organisations are a joint works suggestion committee and an economic committee, which 'doesn't do anything' in management's view. The works council holds a 2 hour surgery once a week for employee complaints and advice. Discussions with works councillors revealed considerable difficulties in actually forming a works council in the last election due to apathy and reluctance to stand for election. Details on the composition of the works council from the survey data showed 4 members (57%) were in the age range 26 - 35 and 3 (43%) at the end of the age scale 56 - 65. Similarly 4 had only 1 - 5 years service in the works council whilst the other three varied from 6 - 10 years, 11 - 15 years and 25+ years, the latter being the deputy works council chairman. 5 are members of a trade union, 2 are not. Skilled and technical employees dominate the works council.

Shopsteward organisation had also suffered from indifference and a reluctance of members to become actively involved. Firm B had had 6 shopstewards some years ago but the works councillors said they had played an insignificant role as the works councillors themselves work alongside the workforce and are easily accessible for questions and grievances arising. Replies by the workforce and works council to the question as to how relations in the firm could be improved further emphasise the unimportant role accorded to the influence of trade union organisation generally and shopstewards in particular.
Management's view of relations with the works council was that they are very good. The reasons for this were, firstly, that there had been an absence of serious problems at firm B, and, secondly, management acceptance of the WCA 1972 as a basis for their relations with the works council. This statement, however, was followed by an outline of what management views as the negative aspects of the WCA 1972. These centre on the fact that management should be allowed to manage and the WCA 1972 accords too many rights to the works council, which permit it to interfere with the reasonable process of management. Differences had arisen over the interpretation of the WCA 1972 but had been resolved internally. Generally, however, there was said to be a wide area of mutual understanding between management and works council. Works council views of their relations with management showed an emphasis on the importance of the WCA 1972 in its regulation of many details of workplace relations and on the works council as the representative of workforce interests at workplace level. Replies to questions about the obstacles to their representative role and on necessary improvements to their relations with management again reflected the problems of apathy and disinterest on the part of the workforce and also management attitudes to the works council's role in the workplace.

(ii) Conflicts Arising

The wages system at firm B is based on the analytical system of job evaluation laid down in regional collective agreements for both white- and blue-collar employees. In addition, there is a bonus system for blue-collar employees with an upward ceiling of 130% to ensure quality levels in production are maintained. Replies by the foremen on the level of wage grievances arising show that problems relating to bonuses, transfers to new wage groups and changes in wage levels within
one wage group do sometimes occur. Works councillors, when asked about the extent of personal problems arising among the workforce, described such problems as always relating to money matters as individual employees seek internal wage rises. There was some evidence of works council dissatisfaction with the wage system as it is at present constituted.

Work organisation in firm B was seen by foremen as based chiefly on individual jobs. There were sometimes transfers to a new wage system and within a wage system although the main personnel problems had arisen in the mechanical engineering plant, where there had been short-time working. This was the result of the shift of emphasis from mechanical engineering and electronics to micro-electronics. There had been no redundancies in the company thus far. Dismissals were rare in firm B.

Small technical changes in production occurred regularly. All the foremen (8) referred to problems with the quality level of production and 50% (4) said there were often problems relating to technical malfunctioning. Working conditions, however, posed no great difficulties apart from problems with ventilation where soldering was taking place.

Firm B does not operate a shift system although overtime is said to regularly occur. This was not seen as problematic by the works council as a system of flexible working hours was in operation and employees who worked overtime could take time off at a later date. There was some indication of dissatisfaction of the workforce at the restriction of their freedom of choice regarding holidays - the works holiday took up 3 weeks in summer and management was now considering a 4 day works holiday at Christmas.

The form grievances took were mainly individual according to the foremen, although there were some group issues in the area of working conditions (75%) and holidays (38%).

There was no evidence of any overt conflict measures of any form having occurred in firm B.
(iii) Procedures for the Resolution of Conflicts

The only formal procedure mentioned by management was the agreement on works rules based on guidelines in collective agreements. These rules included a very general procedure that where issues relating to the works rules arise they will be dealt with by management in conjunction with the works council. The works rules were seen by 83% of the foremen and by 43% of the works councillors as important procedures in their respective roles but only 33% (7) of the workforce cited them as indicative of the correct procedure for resolving grievances. Management's view of the correct procedure was for employees to refer an issue first to the foreman or immediate supervisor and then, if there is no settlement, to the works council. Some grievances take a written form, for example, applications for a wage increase or advance, dismissals and notice to leave jobs.

The responses of the workforce to the actual procedure used for resolving a selection of issues showed the dominance of the foreman in all issues except safety issues, where equal numbers referred to the foreman and to the safety representative (40%: 40%); problems about social facilities, where the works council was contacted (62%); and problems concerning the employee's relationship with his immediate supervisor, where other management representatives (38%), the personnel department (29%) and the works council (29%) were contacted. The most common reason given for the choice of representative was that the foreman was the best representative of employee interest (81%). Reference of issues was by the employee himself (100%) to the foreman nearby (86%) or when he was on his round (14%). In 95% of cases the issue was resolved by the foreman or immediate supervisor orally. The majority of the employees' contacts were with the foreman and chargehands, where they existed. Contacts with the works council ranged from 'sometimes' (48%) to 'very seldom' (30%). This was despite the fact that a higher percentage of respondents were trade union members (43%) than in the company as a whole.
The insignificant role of the works council at shopfloor level in the resolution of grievances was also reflected in the foremen's responses. Issues were referred to them by employees (100%) and resolution took place in talks between the foreman and employee (83%) and foreman and his supervisor (63%). Contacts with the works council ranged from 'seldom' (50%) to 'never' (36%) in respect of grievance resolution. Issues which could not be resolved at workshop level were referred to the works management (100%). The foremen stressed that their responsibility was the smooth-running of production not conflict resolution, although they dealt with small issues such as 'moving a stool from one side of the workshop to the other', queries relating to bonuses (38%), work distribution (100%), quality (88%), technical issues (75%), overtime (88%), holidays (88%), personal questions (75%) and problems between individual employees (100%). It was expected that any serious issues would be referred direct to works management.

The works councillors set their involvement in grievance resolution as low, 0 - 20% of all problems arising, but all were satisfied with their role in respect of grievance resolution. Issues were referred to them by employees (100%), although it was pointed out that employees often did not approach them directly but they hear of problems via rumours. Other resources of issue reference were works management (50%) and the works council chairman (43%). Individual works councillors claimed some involvement in the resolution of issues relating to holidays and safety (100%), social facilities (43%), discipline (43%), transfers (57%) and bonuses (36%), 57% claimed to resolve some of these issues with foremen and 57% with other immediate workforce supervisors such as department heads in the laboratory. Works management and the works council chairman dealt with issues which could not be resolved at lower levels (100%).
At works level, the works manager dealt with production issues and referred unresolved issues on to the technical manager who acted as a sieve for issues being dealt with by the company director. The technical manager was said to be able to resolve most issues either on his own or with the finance manager, where monetary issues were concerned. Any new agreements on key issues like the works rules and other works agreements involve the company director and works council chairman in special meetings. The key role of the works council chairman and his deputy is confirmed in the details of the works councillors contacts with the works management.

Actual procedures, differentiated for white-collar and blue-collar employees, are illustrated below:

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WC employee
  ↓ Personnel Department
  ↓ Head of Finance
  ↓ Company Director (in conjunction with the Finance, Technical and Sales Managers and Works Council Chairman).

BC employee
  ↓ Foreman
  ↓ Works Manager
  ↓ Technical Manager
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The works council, in the form of the chairman or the deputy chairman, appears to be chiefly involved at the level of company director, where works agreements are decided upon. Works agreements exist on the bonus system, holiday regulations, flexible working hours, works rules (company-level agreement not works agreement) and a suggestion scheme. Management emphasised that there was little need for detailed works agreements as matters are regulated in detail by collective agreements and the WCA 1972. Some criticism was expressed in the
statement that soon there would be nothing in the workplace not regulated by collective agreements. Both the foremen and the works councillors emphasised the importance of the 1972 collective agreements as guidelines in their functions on the shopfloor. Works rules were seen as the 4th most important set of guidelines. Works agreements as the 5th, together with other management guidelines by the foremen.

Grievance resolution in firm B is overwhelmingly an internal management process. There is some reference of legal matters to the local employers' association and management attends some of their training courses but their role is seen chiefly as the negotiation of a wages settlement with the trade union. The works council chairman said trade union representatives had never been invited into the workplace due to the fact that so far there had been no major problems, management had abided by the law, but he did not rule out the possibility of greater trade union involvement in the future. The labour court had never been involved in the resolution of workplace issues - there had been no collective references to the court and the works council had thus far given its consent in the few cases of dismissal (usually on the grounds of alcohol on the premises) which had arisen. There had been no setting up of a conciliation board.

(iv) Key Influences on Conflicts and Resolution Procedures

As in the case of firm A, the context of firm B promotes a low level of conflict between workforce and management and resolution procedures are dominated by management. In firm B the dominance of management in the determination of workplace issues is even more completely secured by the absence of any effective works council resistance based on a relatively high level of trade union organisation in the blue-collar sector and a commitment to the trade union within the works council.

* cf. Chart in Appendices for overview.
itself. The two areas of possible future grievances are
the system of bonus payments and the effect of a drop in
orders on management decisions, as in the case of an extension
of the obligatory works holidays to the Christmas period.
The effects of the market situation and changing technology
are already providing a basis for conflicting policies of
management and works council in the other key plant in the
company, where the introduction of numerical control machines
is leading to short-time working on the one hand and the
intensification of work via changes in shifts to exploit the
capacity of the machines on the other.

The main area of works council involvement seems to be in the
area of works agreements on wages, working hours and holidays,
which require their involvement by law. Even here, involve-
ment is restricted to the person of the chairman and his
deputy.
III) Firm C - A Large Electro-Technical Firm

(i) The Context of Conflicts Arising and their Resolution

Firm C is part of a multi-national company with a total workforce of 348,000, of which 22,000 are employed in West Germany in 46 plants. Firm C has a total workforce of 1900 of which the majority (67%) are semi-skilled and work in the production and assembly departments. The craft workers are employed in the maintenance department and repair workshops, and technical and research staff work in the laboratories. Some female workers are employed in the small assembly, canteen and administrative sections and have 2 representatives on the works council. Only 16% of the workforce are foreign (9% Jugoslavian, 5% Turkish). Trade union organisation is stable at 50% (from a low level of 25% in 1972).

Firm C produces cathode ray tubes for colour television sets by mass assembly and thus works with both chemical and electronic components. The technology of the firm provokes a variety of problems both in the organisation of work and working conditions. 57% of the workforce work 3 shifts and although maintenance workers generally work a normal shift, there is a considerable amount of overtime which has led to conflicts between the works council and management, and the works council and the workforce. The implications of this mass assembly technology in the field of electronics will be assessed in detail in the section on conflicts arising.

The organisation of the multinational company is based on region (13 regional offices throughout the world of which one is in West Germany) and on industry group (16 main groups based on the particular product produced). The board directors of the multi-national company represent technical, commercial, research and general (administration, finance, publicity) areas and control is centralised with production targets for each firm being decided by the central production planning department.
The responsibility of the regional offices lies chiefly in the area of wages, tax, legal matters and general industrial relations in the country concerned. Within Germany, control over wages and industrial relations, in particular, is exercised by the main company, which also houses the administration block. This centralisation has increased over recent years and has led to conflict with works councils in the various plants, who have seen a reduction in their scope for co-determination at plant level. The multinational company has been undergoing a massive reorganisation and rationalisation process in response to the decline of the European and American markets for consumer goods. This has affected the German company as production has been adapted to reduced market demands for consumer goods and reoriented towards investment goods. There have also been considerable technological changes to cut the costs of production. Firm C saw a reduction in its workforce from 2,200 to 1,900 in 1981 and further reductions are expected, to reach an optimum level of 1,500 by 1984. These reductions accompany a considerable increase in the level of production in firm C. The management of firm C foresees increasing competition and pressures to rationalise during the 1980s. They are very aware of the competition between plants within the multinational company. For example, if wage costs increase as a percentage of total costs in their own plant, orders will be transferred to other firms within the company. In fact, personnel costs in firm C have been low in comparison to the high level of productivity due to rationalisation, and work has been transferred to them from other plants thus far. The problems created by recent organisational and technological changes in the company are considered under conflicts arising. Management organisation in firm C is illustrated overleaf:
Details from the questionnaire survey showed the majority of foremen had responsibility for sections of 50 employees or less and had between 1 and 3 chargehands working under them. Most of the foremen (91%) had been selected internally on the basis of experience and had no craft or industrial qualifications as foremen.

Workforce Representation in Firm C

There has been a works council in the firm since 1954, the year of its establishment, and shopstewards since 1969. The shopsteward body drew up a list for the works council elections in 1972 which incorporated new candidates from its own ranks. Management sponsored an alternative list of candidates, who were non-trade union members. The newly elected works council comprised 10 members from the management list, including the works council chairman, and 9 from the shopsteward list. By the end of 1972 all works council members had joined the Metalworkers' Union (IGM) and rescinded all previous works agreements with management. Each subsequent election has led to a 30% turnover in works council members and the 1975 election produced a new chairman from the earlier shopsteward body who continues as chairman today. The 1981 works election produced a challenge to the existing works council from members of the Christian trade union movement and there were 4 lists of candidates. The present works council won 11 seats and members of the Christian trade union (CGB) won 8 seats. The challenge to the existing works council in 1981
is seen as related to the question of overtime working, where many employees opposed works council policy of restricting the number of hours of overtime worked in the plant. The present works council comprises 15 members (as a result of reductions in the workforce), of which 4 are released from their jobs. The job composition of the works council is mixed, although unskilled workers dominate the council (47%). Both the chairman and his deputy are staff members. All but one member belongs to the IG. Two councillors are female. The main age range of the works council is 46 - 55 (60%). There are 7 committees of the works council in all, of which 3 are joint committees with management. The job-released members chair the committees in their different areas of responsibility but all decision-making is collective by the whole works council. The trend appears to be away from regulation by committee to the job-released works councillors dealing with issues as they arise. Shopsteward organisation in the firm is seen as poor. Numbers are estimated at 30. The problems appear to have arisen from the involvement of the most active shopstewards in the works council from 1972 and, particularly, since 1975, and the lack of replacements for them on the shopfloor. The chairman of the shopsteward executive body (VKL) is a works councillor with job release. He has a deputy, a secretary and two other representatives of the shopstewards on the committee. He views his role as works councillor and head of the shopsteward body as problematic but no other shopsteward will take on the responsibility and he at least can use his job-release to pursue shopsteward activities. The shopstewards as a whole meet twice a year, the VKL meets the works council once a month to discuss shopsteward matters. There is a tacit agreement with management that elections can be held during working hours but otherwise the management's stance is seen as anti-trade union. Trade union membership is said to be taken into consideration in the appointment of employees to posts above charge-hand and discrimination in promotion on
the grounds of trade union membership is said to particularly affect white-collar workers.\textsuperscript{54} Shopstewards also face problems arising from the work organisation, where there has been a shift from group organisation (14 per job) to individual, dispersed jobs which make employees difficult to contact.\textsuperscript{55} Increased work pressure also makes it difficult to talk to them once they are located. Technological changes have affected the solidarity of the employees and the climate in the production sector.\textsuperscript{56} Job insecurity has promoted individualism and sectional group interests.\textsuperscript{57} Details from the questionnaires filled in by shopstewards showed wide variations in age ranges\textsuperscript{58} and jobs performed by the shopstewards,\textsuperscript{59} supporting the view that shopstewards are evenly albeit thinly distributed throughout the firm although not on every shift. Constituency size was also variable although 79\% of stewards had constituencies below 50 employees.\textsuperscript{60}

Works council and shopsteward views on the differing roles of the 2 workforce representative channels largely coincided. The works councillors emphasised the shopstewards' trade union responsibilities and their role as a contact between the works council and the workforce,\textsuperscript{61} although it was felt they did neither in actual fact - the works council dealt with trade union recruitment and distributed the trade union newspaper, and the role of the shopstewards as information channels, especially when management held back information on its plans for the works, was negligible. Shopsteward replies emphasised their role as a 'go-between' for the works council and workforce (75\%), the distinction between their role as trade union and the works council as legal workforce representatives (50\%), and the fact that shopstewards dealt with small issues arising, the works council with large, important issues (25\%).\textsuperscript{62}
Relations between the Works Council and Management

The works director emphasised the role of personalities and their attitudes in relations with the works council, particularly those on the management side. Prior to 1972, management adopted a policy of everyone in the works being one family under the influence of a patriarchal works director. Relations with the works council chairman were collegial. With the election of a new works council in 1972, the old relationship between council chairman and the director ended and relations with the works council worsened due to management failings on the whole. These included opposition to the works council and the new WCA 1972 and a lack of understanding for the expressed interests of the workforce. The works director retired early in 1975 and the present one, former head of the technical department, took over. The old personnel manager died early and was replaced by a younger man who is said not to view relations with the works council in terms of the need to stay one step ahead in the class conflict. Present relations with the works council are described as 'objective' and 'reasonable' despite the fact that they have different views in some areas. The works director stressed the need for full acceptance of the works council and the WCA 1972 to prevent confrontation as in the years following the introduction of the new Act, although he would resist attempts by the works council to exercise an influence not intended by the WCA 1972. Some works council decisions did annoy management but it was important not to become personally affronted by them. He acknowledged some tension between the works council and certain main heads of departments, who still carried on the old conflictual attitudes towards the works council.

The works council chairman does not acknowledge any change in basic management attitudes towards the works council during the 1970s. The works council always has to make the legal position clear by use of references to the labour court, conciliation boards and the involvement of other third
parties before management will accept them. A turning point is seen in the decision of the labour court in 1930 to order the firm to pay a fine of 20,000 German Marks if they went ahead and called for overtime working against the decision of the works council. This appears to have made the management act more sensibly vis-à-vis works council rights although its stance is still basically anti-trade union, a fact which is noted by the workforce and explains in part their apathy vis-à-vis the trade union. The management now knows at least what the functions of the works council are even if it does not always accept them.

Included in the problems of management acceptance of works council rights are the problems of insufficient information from management on areas such as the long-term production and employment prospects, details of personnel costs as a proportion of total costs, price per unit. This information is refused on the grounds that it could lead to the firm suffering disadvantages vis-à-vis its competitors. Lack of information on personnel planning also handicaps the activities of the works council.

Great emphasis is placed upon shopsteward and works council training, especially on their entitlements under the law, in view of the employers' attempts to undermine the law. It is also seen as vital that the works council is an active body, willing to resist the employer instead of taking the line of least resistance and succumbing to the pressure of the employer to make them consider their interests as a priority. This is acknowledged to be a difficult task both in terms of the intellectual demands upon a council to present a well-argued case against the employer and in the face of the lack of support from the workforce who depend on management for their small privileges at work. Most works councils are thought to have been 'bought' due to management pressure and inducements and the lack of support from the workforce. A few exceptional works councils do resist management pressure to put forward workforce interests and are supported in this by the workforce. Their own position is
seen as resisting management but without support from the workforce. The reasons for the lack of support include the problems of organising the shopstewards to explain work council policies to the workforce, the lack of education of the majority of the workforce in the production sector and the break-up of the solidarity of the workforce via continuous transfers and individual jobs as part of the rationalisation process. The importance of workforce support and its improvement is reflected in the replies of shopstewards, works council and workforce to the question of improving relations in the workplace.

Finally, on the question of the WCA 1972, the works council acknowledges the improvements in the 1972 Act in comparison to the 1952 Act. It was the WCA 1972 which gave young shopstewards the impetus to become involved in works council work in 1972 and the years following its introduction due to the increase in the councils' rights - Paragraph 99 of the WCA 1972 is viewed as the most important new right but even so it incorporates a negative codetermination right because the works council must present a well-argued case on the points of law to overturn a management decision. This is despite the fact that employers are in the much better position to present a legal case to the labour court.

(ii) Conflicts Arising

The wages system in the production sector is based on a fixed wage rate plus bonus. The basic rate is calculated on the wage groups laid down in collective agreements. The bonus has a piece rate and quality factor (i.e. number of units per direct working hour and error quota) incorporated into a system of 10 to 78 points (average performance = 60 points). Skilled workers have a time-rate based wage as do white-collar employees.
Both the foremen and shop steward responses indicated some issues arising in relation to the piece rate, the bonus payments. A lesser percentage indicated that some grievances or queries arose with reference to wage groups and levels within a wage group. The works council said there were no major issues arising on the wages system, although numerous transfers did raise some problems concerning appropriate wage levels for employees.

Recently, there have been problems with monetary-based social benefits agreed at company level as management has sought to reduce expenditure in these areas. The problem for management arises from the fact that 57% of the workforce in the German company celebrated 10 years of service in 1980. In 1980, company management attempted to cut the special bonus given to employees on the completion of 10 years service. This was rejected by the National Labour Court after individual employees had appealed against the management decision. Now company management seeks to remove the service factor from the Christmas bonus so that it becomes a fixed sum unrelated to years service. Further cuts in canteen and travel subsidies for apprentices are foreseen by the works council and their problem is to show the workforce the total management strategy of cuts and reductions not just a series of isolated incidents.

Transfer of employees from one wage system to another as a result of a job change occur sometimes but the most usual transfer occurs within one wage system. Both the works director and works council chairman referred to the large number of transfers of the second type as a result of technological changes in production. In order to increase the flexibility of the workforce, firm C plans a course of training lasting 1½ years and taking an employee through all the production jobs with an exam at the end in order to qualify as a 'cathode ray tube worker'.

As mentioned earlier, reductions in workforce numbers have occurred via voluntary redundancies, especially in the case of foreign employees, and a policy of no new hirings. A
further reduction of 500 is planned for before 1984. Management has agreed with the works council that there will be no economy-related dismissals, although there is some evidence of the use of behaviour-related dismissals, especially sickness, and employees leaving the firm if they cannot obtain a post as chargehand or quieter job away from the assembly-line as they get older. Reductions in the manual workforce have occurred during the 1970s and early 1980s. Management is now carrying out a survey of the white-collar sector, an overheads-value-analysis of indirect personnel, with the aim of reducing their numbers by 20%. An agreement between management and the works council stipulates that there will be no redundancies related to the survey and that 'reasonable transfers' will be permitted.

In conjunction with these personnel issues arising, the works council has referred the new wage calculation and payment system, now centralised in the head office in North Germany, to the labour court for a decision and further problems are expected at company level with the question of technical surveillance of the workforce. The labour court case is dealt with in detail in section (iii).

The most intense conflicts between the works council and management, which have also divided the workforce, are concerned with the question of overtime working and extra shifts. Firm C operates a 3-shift system in production. During the 1970s the firm was operating 12-hour shifts and extra shifts on Saturdays rather than hire extra workers to meet production targets. The ramifications of a 2-year battle of the works council for 3-hour shifts, no Saturday working and new hirings, which involved the labour court and other third parties, are outlined in section (iii). The result of a labour court decision was restriction to 8-hour shifts, in accordance with collective agreements, and the hiring of 48 new employees. The works council has also sought to limit overtime working by maintenance workers to a maximum of 12 hours per month. This has created opposition of some employees and subsequent problems in the works council election in 1981. Now all overtime has
to be applied for in writing on a specified form. Extra
shifts are not agreed to when they are the result of low
staffing levels. 84

The technology of firm C creates mainly group or a mixture
of group and some individual jobs. 85 Both foreman and shop-
steward replies show some problems arising in relation to the
assembly-line system (foremen = 82%, shopstewards = 50%), the
organisation of the work (53% : 27%), distribution of materials
and tools (82% : 67%), technical errors (foremen = 18% (often),
82% (sometimes)), shopstewards = 28% (often), 50% (sometimes),
and quality (82% : 85%). The problems are probably closely
related to the increasing mechanisation of the production line,
and both foremen and shopstewards point to the high level of
large-scale and small-scale technical changes occurring. 86

The main problems resulting from the technological process in
terms of working conditions are seen by the shopstewards as
noise levels (45%), ventilation (45%), physical (25%) and
mental (20%) strains. The foremen pointed to physical strains
(46%) as the chief problem and ventilation (18%), 46% felt
there were no problems with working conditions.

The form of problems arising, according to the foremen, is
overwhelmingly individual (75% or more), except in the case
of differences between workers (50% of problems are group or
mixed group and individual), and differences between workers
and management representatives (40% are group or mixed issues).

Overt conflict measures, apart from references to third
parties, have taken the form of warning strikes during collective
wage negotiations, 89 overtime bans 90 and special works meetings. 91
The issues in conflict have centred on national wage rates, 92
working conditions, 93 and, in the responses of the works
council, management attitudes (43%) and policies (29%). The
most significant strike was in 1973, when 90% of the workforce
was involved in a week long strike for a better wage settlement and to secure a 5-day working week. The outcome was a 260 DM extra payment and management's agreement to pay employees for their breaktimes. 94

(iii) Procedures for the Resolution of Conflict Issues

The agreement on works rules includes a clause that if employees feel themselves to have been discriminated against or unfairly treated as a result of anything said or done by management representatives or other employees, they can complain to the designated persons. 95 External complaints procedures, such as the labour courts, are only to be used if there is no solution by internal means. The expressed aim of the works director is to limit written regulation of procedures in the workplace to just what is necessary to avoid any misunderstandings. Only 36% of foremen saw the works rules as the source of employees' knowledge about procedures for resolving grievances, persons were a more important source of information. 96 30% of employees claimed the works rules were their source of information about correct procedures.

The foreman was the main recipient of employees' grievances according to their responses in the questionnaire. Some issues were referred either to the foreman or the works council: - pay issues (foreman = 61%; works council = 30%), piece rate issues (foreman = 46%; works council = 33%), overtime issues (foreman = 58%; works council = 24%). Other issues were referred to the foreman or the chargehand: - work organisation issues (foreman = 49%; chargehand = 33%), problems with other workers (foreman = 53%; chargehand = 25%). Working conditions were referred to all 3 actors: - (foreman = 42%, works council = 24%, chargehand = 21%). Personal issues went to the foreman (53%) or personnel department (20%). The only areas in which the foreman did not dominate were technical issues (chargehand = 52%, foreman = 36%), safety issues (safety representative = 52%, foreman = 21%)
and social welfare facilities (works council = 73%, foreman = 15%). Problems with management representatives were also referred to the works council (74%). The two main sources of information on correct procedures (works rules = 30%, works council = 36%) would promote the roles of foreman and works council, although employees explained their policy of references by positive management attitudes (46%), positive works council attitudes (27%) and factors relating to the technological process (15%) and work organisation (15%) which promoted equally recourse to the foreman and works council. References were overwhelmingly direct and by the employee himself (97%) and resolutions were communicated orally by the foreman (73%) or works council (18%).

The foremen said grievances were usually referred to them by the employees in person (91%) or the chargehand (46%), although the works council made some references (36%). Resolution of issues usually took place between the foreman and employee (73%), the foreman and his immediate supervisor (46%), foreman and works council (36%) or personnel department (36%). They claimed to be able to resolve a large proportion of grievances at their level. Those which could not be resolved by them were referred on to the departmental manager (82%), personnel department (55%) and works council (27%).

Individual works councillors said employees usually referred issues to them (93%). Some issues were referred to the works council by its committees (50%) and the chairman (43%), 36% said shopstewards refer some issues to them. The most usual form of resolution was discussion with foremen (57%) or departmental managers (43%). Councillors with responsibilities in committees also resolved issues with the personnel department (29%). Issues which could not be resolved at departmental level were referred to the chairman of the works council (100%) and to the personnel department (36%) and works council committees (21%). Responsibilities of works councillors were viewed as collective - 50% of works councillors designated the whole workforce as their constituency and several did
not reply to the question as to whether they were satisfied with their decision-making competences as they argued that as individual works council members they had no decision-making capacity.

The role of the shopstewards in the conflict resolution process is not viewed as significant by the 3 groups of respondents above. The shopstewards themselves pointed in their replies to 2 different procedures for the skilled and semi-skilled employees:

skilled employee \(\rightarrow\) foreman \(\rightarrow\) works council

semi-skilled employee \(\rightarrow\) shopsteward \(\rightarrow\) chargehand \(\rightarrow\) foreman \(\rightarrow\) works council

The most common actors referring issues to shopstewards were employees (65%), works council (25%) and other shopstewards (20%). The most usual forms of resolution where shopstewards were involved included shopsteward and employee (45%), shopsteward, works councillor and management representative (45%), shopsteward and chargehand (35%) and shopsteward and foreman (35%). Unresolved issues were referred to the departmental works councillor (40%) or the chairman (60%). The chairman confirmed that shopstewards often came to the works council office with queries. The most common issues in which the shopstewards claimed to play a part were: overtime (60%), holidays (40%), facilities (40%), personal problems (40%), working conditions (35%), quality issues (35%).

There was some evidence of dissatisfaction among the shopstewards with their role and the amount of information they receive. The concentration of decision-making competence in the works council, particularly the executive committee, means the shopstewards operate mainly as a source of information for employees on works council and management decisions and for the works council on actual management practices on the shopfloor.
Although a number of works council committees exist in firm C, actual resolution of issues arising is being increasingly concentrated in the whole works council body (for major issues such as a new works agreement) and the members released from their jobs (for all day-to-day resolution of issues). A study of minutes from works council committee meetings with management underline this distinction in the resolution process.

The wages and salaries committee meets irregularly (last entry was November 1981) to deal with major issues including discussion of a new bonus payment scheme (2 representatives of IGM were included on the works council side), additional payments for bad working conditions, a claim for a wage rise by chargehands, problems with the wage level of foremen in particular departments and the transfer of 11 employees from one department to another. The safety committee deals with areas such as accident statistics in the firm, poor ventilation problems, reorganisation of particular rooms, the list of elected safety representatives, introduction of VDUs. Minutes of the personnel committee ended in 1976 and details of all dealings with management, especially personnel management, are kept by the job-released members. These 3 to 4 members meet daily to discuss issues arising with management and keep a record of all oral arrangements made with them. The variety of issues dealt with in these meetings with personnel management include complaints by Turkish employees that they are never asked to do overtime, individual transfers and wage changes, holiday requests of foreign employees, complaints about canteen prices, the poor level of cleaning of toilet facilities, protests by the works council where transfers and appointments have been made without consulting them, instant dismissal cases and requests made by management for overtime working.

The whole works council meets monthly with the works director, personnel manager and main departmental heads. Minutes show that the works council, prior to the meeting, sends management a list of issues they want to discuss and information they require. The works council is overwhelmingly the initiator in these discussions, which cover areas such as the economic
necessity of short-time working when the firm is working overtime, the call for a redundancy plan in the face of prospective job losses, protests about the continuation of management offences against the works councils' codetermination rights in the area of overtime and individual personnel measures, requests for improvements in canteen facilities and for information about the mechanisation process taking place in the firm. All agreements, even those pertaining to one department only, are the result of the collective decision of the works council, although they are signed by the chairman and the works director and personnel manager.

There is a wide variety of company-level and plant-level agreements in firm C. Subject areas at company-level include general rules relating to travel expenses, evaluation of employees in the executive grade, bridging loans for employees leaving the firm due to age or sickness, the introduction of a new computer system for personnel records. Allowances for the Christmas bonuses are negotiated annually at company level. Works agreements, according to management, are concluded on matters of principle such as wages, overtime working, working hours, and are currently in operation. Some of the agreements incorporate procedures for complaints. Other types of agreements arising in firm C include the large number of notices about details of works agreements for employees' information and internal notifications which are for the information of specified persons only. Temporary rulings deal with issues until a works agreement takes effect. Custom and practice exists in the area of starting times.

Details about the relative importance of these agreements in the work of the foremen and works council showed the foremen emphasised works rules, works agreements, departmental arrangements and the Works Constitution Act in that order. The works council all placed the UGA 1972 in first position, the framework collective agreement second, and collective agreement on wages third, works agreements and works rules came in fourth position.
The involvement of third parties in the resolution of conflict in firm C has been extensive. The trade union and employers' association have been involved through their representation of the parties in labour court cases and their presence on conciliation boards. Trade union representatives have also supported the works council with expert advice on important works agreements. The chairman said many contacts were necessary in the mid-1970s when the works council was establishing its presence in the firm against management opposition and the works council's own knowledge of the law was limited. Since then they have gained in knowledge and expertise and do not need to contact the trade union as often. Management said their contact with the association is mainly on issues relating to collective agreements, court cases and conciliation boards.

There have been a number of collective references to the labour court at company level. At works level the main references have been on the question of the evaluation of the performance of white-collar employees (won by the works council), the new computerised system for personnel information and wages calculation (won by the employer) and the works council's call for a court order to prevent the employer initiating extra overtime against the decision of the Factory Inspectorate (Gewerbeaufsichtsamt). Only the issue of the computerised system was a straightforward labour court case, the other issues are considered in the section on conciliation boards. In the case of the new computing system, the works council tried to persuade management to draw up a works agreement on a number of areas relating to the operation of the system. When management refused, the works council initiated a reference to a conciliation board but management rejected it, claiming the works council had no right of codetermination in this area. Reference to the labour court led to the decision that the works council had a codetermination right and that a conciliation board was responsible for deciding the issue. Management refused a conciliation board and there was a works stoppage and collection of signatures in a bid to keep the
old wages calculation system. A second reference to the labour court led to the rejection of the works council's case as wages remained the same although they were subject to new calculation procedures. The trade union would not support an appeal to the next stage of the labour court system. Apart from the above labour court cases, if there has already been labour court cases in specific areas and a case law had been expressly accepted by legal experts, management tends to accept this.

Conciliation boards have been established on issues relating to the bonus system, performance evaluation of white-collar employees and overtime and extra shifts. The issue on bonuses was the evaluation of piece rates in the assembly sector. The works agreement on the bonus system includes a procedure whereby conflicts are referred first to a joint committee, which must meet to decide the issue within a week and reach a decision within a fortnight. In this instance, no decision was forthcoming and the next stage of the procedure was reference to a conciliation board for a binding decision.

The conflict about the evaluation of white-collar employees occurred after an evaluation of 258 employees; 92 of them complained about their evaluation which was seen as subjective (many were trade union members). After a series of discussions the works council declared that negotiations had broken down and it was time to move on to the next stage in the procedure (laid down in the collective agreement on evaluation of performance), which was a conciliation board. Management claimed that the internal complaints procedure had not yet been completed and refused to name its representatives for the board. The works council referred the question of procedural stage to the labour court, which decided the conciliation board was the next stage. Further reference to the labour court was necessary for the naming of the chairman and number of representatives from the trade union and employers' association, and after two conciliation board sittings had been held (one to assess the cases of 92 employees and one the cases of 4), a further reference was necessary to fix the value
of the object of the conflict, upon which the fees of the external representatives are based. A works agreement was eventually concluded in 1977.

The conflict about working hours spans the years 1978 to 1980. It began with a works council reference to the Factory Inspectorate on illegal overtime working in the firm. Their decision to threaten the firm with fines if the high overtime levels were not discontinued took 2 years to reach. The firm reduced shifts to 10 hours and continued Saturday working and the works council referred the issue to a labour court, where an out-of-court settlement was reached that management would not introduce overtime without the agreement of the works council, would end 12 hour shifts and employ a further 48 employees (July 1980). In November, the works council again appealed to the labour court to prevent management proceeding with overtime to do the normal monthly stocktaking. The labour court threatened a fine of 20,000 Marks if any overtime was carried out without works council consent. Negotiations on a works agreement to regulate overtime were begun in 1981 with the help of trade union and employer association representatives. A conciliation board was set up in the next stage of the procedure and a works agreement ensued, which reduced overtime to a maximum of 12 hours per month and days off in lieu of overtime worked. This led to opposition from the workforce and subsequent problems in the works council election of 1981. In general, the works council's experience of resolution procedures has shown they obtain better results by referring issues to conciliation boards than by internal discussion with management.

(iv) Key Influences on Conflicts and Resolution Procedures

The context of firm C has considerable conflict potential as economic and market pressures have encouraged the development of intense cost-cutting and productivity-enhancing policies
at multi-national company level, and workplace management, in its basic anti-trade union and-works council stance, has intensified the conflict in issues which have arisen, provoking references to external parties as the only way in which the works council can ensure the recognition of its legal rights and responsibilities. Conflicts have, however, been concentrated at works council-management level due to the low conflict potential of the workforce and the emphasis of the works council on legal battles with management, either as a result of the lack of workforce support or as a factor which has promoted this low level of support.

The economic, market and technological pressures which lie behind the conflicts between management and works council also reduce the level of solidarity and potential for collective awareness and responses to conflicts arising. The context of staff reductions, increasing work pressure, the shift from group to more individual jobs in the work process and the high level of internal transfers has led to individualism and sectionalism within the workforce, which is threatening the coherence and effectiveness of works council policy on behalf of the collective body of employees. Shopsteward organisation is too weak to counteract these prevailing trends and has itself been further weakened by them. These problems are recognised by the works council which is forced to continue its present, mainly legal, strategy in the hope that some return to a measure of economic stability on the world market will reduce the pace of technological and organisational change in the workplace and permit them to 'pick up the pieces' and build a greater level of solidarity around collective policies of the workforce. (For illustration of these key influences see the chart in the appendices).
2) The Engineering Industry: 3 Firms

I) Firm D - a Small Engineering Firm

(i) The Context of Conflicts Arising and their Resolution

Firm D is the main plant of a firm employing 103 employees, of which approximately 90 work in firm D. The number of employees fluctuates with the economic cycle, the highest level has been 138, the lowest 90 (in 1978). Most of the workforce are skilled, together with 2 unskilled women responsible for fitting rubber seals and a few auxiliary fitters. The white-collar sector is small - two bookkeepers, one industrial manager, one buyer and several secretaries. The workforce is predominantly local and German. Trade union organisation is estimated at 65%. Firm D manufactures steel and aluminium window frames, doors and panelling according to customer specifications. The smaller works produces garden fencing, railings and steel bannisters, installs them and does repairs. Often orders have special requirements such as heat resistance, water resistance as well as being a particular size and shape. A large company may order 40 frames with the same specifications, another order may be smaller and with different requirements. The technology of the firm is not seen as especially problematic by the works council apart from health risks outlined in section (ii).

The firm was established last century by the grandfather of the present owner-managers who are local men. One brother is production manager; one is business manager. Management hierarchy is non-existent. Apart from the 2 owner-managers there is one foreman in production with a responsibility for minor technical problems arising in the stores, door and steel girder construction sections. The works council chairman operates as a de facto chargehand in the rest of the production sector. Production comprises stores, pre-assembly (where 2 presses cut the metal to shape) and final assembly. The
administration of the firm is kept to a minimum with bookkeeping, secretarial and technical staff. The latter design the products to customer specification and are responsible for the materials used in each order.

The representation of the workforce is carried out by a works council with 5 members, 4 of which are blue-collar workers, one is from the administrative section. None are released from their jobs. There are no works council committees. Issues are dealt with collectively when the works council meets once a week and at the quarterly meetings with management. In practice, the works council chairman does most of the grievance resolution on a day-to-day basis. There are also 5 shopstewards in the firm who meet quarterly during working hours. The head of the shopsteward body attends all works council meetings. The works council chairman pointed to the problems of recruitment of shopstewards - 4 of the 5 present shopstewards were reluctant to stand for election. The reasons given include the lack of protection, the additional work involved which must be done in a steward's free time and a general lack of motivation of the workforce. There are no stewards in the girder construction section and stores because no-one was willing to stand for election.

The organisation of workforce representation is informal - works councillors and shopstewards meet daily in the workplace. Responses to the questionnaires showed that both the works council and shopstewards view their roles in terms of the works council as the legal representative of workforce interests, whilst the shopstewards have trade union duties such as recruitment and organisation of warning strikes. The works council also described shopstewards as a link between the works council and workforce, passing on information and grievances to the works council for resolution. Shopstewards do not, however, resolve any worker problems.
Relations between management and works council were stormy in the years following the introduction of the WCA in 1972 until about 1978. Management resisted the WCA on all points, refusing even to supply paper and pencils and the necessary legal texts for works council work. The works council's response was to buy what was required and send the bill to management. Management further struck off the workplace bonus for all employees who attended IG: training courses. The chairman explained the attitude of the management in terms of their 'penny-pinching' mentality common to owner-managers with a craft foreman background (Handwerksmeister). These small businesses are very dependent on cost cutting to win customers' orders and the owner-managers put their 'heart and soul' into the business, working long hours and rarely taking any holidays. They generally are the most vociferous against wage increases if they attend collective bargaining negotiations and resist spending any extra money apart from what is absolutely necessary to keep their businesses open. The stalemate between works council and management in firm D was only broken by the intervention of trade union and employers' association representatives, who persuaded management of the illegality of hindering the works council by, for example, not allowing them time off for their duties, and helped the works council and management to reach a modus vivendi in their relations.

Reflections of earlier management attitudes are revealed in their response to the works council's request for information about new technical equipment and the firm's accounts - management threatened to close the firm down if they persisted in their demands. The works council thus is forced to use informal means to obtain its rights by developing contacts with the employees in the book-keeping section.

Present relations with management are described as better than during the 1970s. There has been a growth in the recognition of the works council's role in the workplace and there are now no restrictions on meetings during working hours, although the works council discusses with management which dates would
be appropriate if there are urgent orders to be completed. The attitudes of management vary but if it will cost them a lot of money to resolve an issue then conflict ensues. This is especially the case where safety and health precautions are concerned.

Generally, among works councillors, shopstewards and workforce there is a great awareness of the need for improvements in relations in the workplace. Emphasis is laid on an extension of the WCA 1972 and the need to make its provisions more precise to prevent management flouting the law. The works council chairman pointed to the difficulties small works councils face in ensuring management adheres to legal regulations. Trade union organisation and workforce support for the works council are also seen as key areas for improvement. The responses of the workforce also show recognition of the need for greater management cooperation (48%) and favourable economic circumstances (30%) for relations to improve.

(ii) Conflicts Arising

The wages system in firm D is based on a monthly salary for white-collar workers and an hourly rate based on the wage groups laid down in collective agreements for blue-collar workers. Most blue-collar workers are in the wage groups 4 and 5. There was an attempt to introduce a system of performance measurement at the close of the 1970s but the variety and precision of the production work prevents any uniform evaluation. There has been a reduction in the spread of wage groups in production during the 1970s in line with works council policy of reducing differentials spread, although holiday workers are still in groups 1 and 2. Problems of irregular groupings have arisen in the white-collar sector but there have only been a couple of cases of unfair wage grouping.
Transfers do occur within the firm but do not cause problems as they do not involve wage adjustments. Wage level reductions are rare and occur only for personal reasons. There have, however, been personnel problems due to economic pressure on the business, which is dependent on the fortunes of the construction industry. In 1973 there was a threat of 12 dismissals due to a drop in business. Since then there have been few new hirings and management takes workers on short-term contracts of 6 months before deciding whether to employ them full-time. The firm is less susceptible to rationalisation than larger firms with a mass production process, although some staff reductions are likely with the introduction of numerical control machines in the cutting and pressing sections. Apart from the dismissals for economic reasons in 1978, there has only been 1 dismissal for reasons of ill health. Written warnings have been given for laziness, absenteeism and drunkenness (3 cases).

Working hours do not present any major problems as there are no shifts. Overtime is common when urgent orders arise. The works council is then placed in a difficult position for, although it would like to see more workers employed, the urgent need for overtime if a contract is not to be lost is irrefutable.

The main area of conflict in firm D is working conditions and technical facilities. In several areas of the firm very old machinery is in use and this requires a high employee effort in order to obtain an acceptable product. There are no overhead cranes yet in the assembly section and stores and the lifting of heavy metal sections causes back troubles later. Noise levels are particularly high in the cutting and final assembly sections due to the fact that the rooms are small and there is no segregation of the machines from the rest of the workforce. Various attempts have been made to isolate the noise by the use of overhead cabins but cost is the prohibitive factor. Dirt and poor ventilation of the production sector are 2 further problems. Some dangerous materials have been in use including asbestos and glues which
are poisonous. The use of asbestos to insulate doors has been ended now and special precautions are taken with the glues now used instead of welding.¹³⁷

Distribution problems did arise due to hold-ups in supplies from other firms but employees filled in the waiting times with other jobs.¹³⁸

All problems arising were seen as collective issues, apart from problems between members of the workforce and workforce and management.¹³⁹

Overt conflict measures had occurred in 1979 and 1980 when the workforce was involved in warning strikes during regional collective bargaining rounds. A special meeting of white-collar workers has been called to deal with the problem of irregular wage groups in that sector. The works council has on occasions rejected management's request for overtime.¹⁴⁰

(iii) Procedures for the Resolution of Conflicts

Firm D has no written procedures to deal with conflicts apart from the provisions in the WCA 1972. Written procedures are seen as unnecessary because all issues in practice go via the works council.

The central role of the works council is reflected in replies from members of the workforce. In all issues the works council is the main reference point for the employees' grievances. The reasons for this include the negative attitude of management representatives (41%) and also the fact that the works council is the main source of information about who to refer grievances to for resolution (52%). Contacts with the works council are direct (70%). 60% of employees responding went to the works council on their own, 26% with a colleague and
14% with several colleagues. Resolution was seen to occur via the works council (67%) and foreman (25%). Details about the extent of workforce contacts with worker and management representatives showed that the works council was the most common contact and the works council chairman in particular was often seen in the workplace. This is not surprising in view of the fact that works council members are found in each section working alongside the workforce and the chairman does a tour of all the workshops every day.

Responses of the works council showed that references to the works council came mainly from employees and then the works council chairman and management. All references were oral and were dealt with orally by the chairman and his deputy in conjunction with the foreman, management and the wages office. All upward reference of problems went to the chairman and 3 councillors also mentioned the head of the shopsteward body as one they referred issues to for resolution. The majority of councillors said they personally were able to deal with less than 20% of issues arising. The chairman estimated his contribution at 61 - 80% of all issues arising. The two channels for conflict resolution are seen as the works council and management. A few employees have gone direct to management in the past but have seen this is to their own disadvantage. The works council's role as interest representative is now accepted even by those not organised in a trade union.

Shopstewards' replies supported the key role of the works council in grievance resolution, pointing to the works council and chairman as the persons to whom the workforce referred grievances. Shopstewards did claim to have some approaches to them from workforce members as well as from the works council and head of the shopsteward body. The majority of these were whilst on the job. Whilst problems were directly resolved by the chairman and management in the majority of cases, the shopstewards saw themselves as playing a part in the resolution
process via their discussions with the works council in their joint meetings.\textsuperscript{147} They directed all grievances which came to their attention to the chairman or other works councillors if he was unavailable.

The emphasis on oral resolution of issues in firm D is reflected in the low number of works agreements, of which there are 4. These cover payment of wages when visits to doctors or dentists are made, time off for training for shop stewards and extra training allowance for works councillors, holiday regulations and a workplace wage supplement of 60 pf per hour.\textsuperscript{148} The reduction in the number of workgroups in the firm is set down in the minutes of a meeting with management.\textsuperscript{149} The works councillors viewed the WCA 1972 and collective agreements as the chief sources of regulation in the workplace not works agreements.\textsuperscript{150}

There has been limited third party involvement in the resolution of conflicts arising in firm D. Reference has already been made to the intervention of trade union and employer association officials in the 1970s to help stabilize relations between the works council and management. They were also involved in the reference of 18 dismissals to the labour court in 1978, when the employees and employer were represented in court by union and association officials. There has only been the one reference to a labour court. As a result of its decision, 16 dismissals for economic reasons were rejected and 2 were accepted for which the employer paid compensation of 4,000 and 6,000 DM. This decision is seen to have created such a shock for management that they now prefer to seek an internal settlement of all issues. A conciliation board case on works council rights to time off was said to have been planned in 1972 but the conflict was resolved after the informal intervention of the trade union and employers association, who told management that they would not win the case.

Both the factory inspectorate and trade association have been involved in workplace issues\textsuperscript{151} as well as an industrial doctor.
The works council chairman estimates that 20% of issues in 1972 had to be referred to third parties for resolution due to management's reluctance to recognise the works council and the works council's lack of knowledge and experience. In 1982 most issues can be resolved internally apart from dismissals and redundancies, should they arise.

(iv) Key Influences on Conflicts and Resolution Procedures*

The economic vulnerability of small engineering firms is a key factor in the predominance of management definitions and policies in the workplace in this sector. Management in such firms often represents ad hoc responses to prevailing economic circumstances rather than long-term production strategies, which would permit the works council some involvement in the day-to-day running of the plant by their influence on general policies. In small firms, works councils also lack a support base in the workforce as well as the necessary expertise within their own ranks to counter the dominance of management in all areas of decision-making.

In firm D, the respective personalities of the 2 owner-managers and the works council chairman and their policies help to explain the existence of some works council resistance in the involvement of third parties in the workplace resolution process. The WCA 1972 thus provides the works council with a measure of legal support for the enforcement of management recognition of their role as workforce interest representatives.

* cf. chart in appendices for overview.
(II) Firm E - a Medium-Size Engineering Firm

(i) Context of Conflicts Arising and Their Resolution

Firm E is part of a larger company employing a total workforce of 6,000. Firm E has 226 employees - 126 production workers and 100 white-collar workers in the administration, design and research departments. The production workers are mainly skilled craftsmen with a few unskilled female workers employed in assembling small electrical parts. All are German workers and local. 90% of production workers and 23% of white-collar workers belong to the IGM. The region has considerable employment problems as it is close to the border with East Germany. The local population has seen a succession of firms setting up in the region with the help of state subsidies and then closing down a few years later. Very few firms have created new job opportunities.

The production in firm E is centred on medical equipment and centrifuges for laboratories in particular. Firm E makes the rotary parts for the centrifuges and for other types of machinery according to customer specifications. The very large research laboratory in the plant is responsible for the materials used to meet specifications such as the need to keep blood at a specific temperature and metals which are not corroded by acids. The precision parts produced are then encased in complex electronic equipment.

Firm E has been in existence since pre-war years and was rebuilt after 1945. A larger company held shares in the firm and bought the firm up in 1970. Since the takeover, rationalisation in firm E has been extensive. Workforce numbers have been reduced from 370 to 226 and production is being automated to increase turnover. At present, NC-machines are being introduced in the production sector. The focus of future rationalisation is, however, expected to be the white-collar sector.

The structure of management organisation is illustrated overleaf:-
The departmental managers (Obermeister) occupy their own offices. One is responsible for pre-assembly including lathe operators, milling cutters, fitters. One covers actual assembly including production planning, actual assembly of parts and the final assembly (paint shop). The foremen work alongside the production workers as do the chargehands.

The works council comprises 7 members, 3 of which are from the white-collar sector (dispatch, design and administration) and 4 from the production sector including the works council chairman. There are no job releases or works council committees. A works council was first elected by firm E in 1970. The impetus came from the company's main plant, whose works council came to firm E and called elections for a works council there. Previously there had been a handful of IGM shopstewards who had had little role in workplace affairs. There are considerable problems with workforce representation in firm E - very few workers are willing to stand as shopstewards in the fact of discrimination from management and possible job loss in an area of high unemployment. Workers are also reluctant to stand for the works council - the chairman described his reluctance to be elected in 1981 and he only stood for the post because no-one else was willing to do so. Older workers predominate in the works council although the chairman is in his thirties.

Management dominates all affairs in firm E adopting a patriarchal policy towards the workforce and rejecting the involvement of the works council in all but the areas where works council agreement is required by law, i.e. hiring, dismissals. The
works council does not have the acceptance or the respect of management; all attempts to establish a basis for 'trust relations' have been rejected by management. The works council chairman argued that the WCA 1972 has thus far not been put into practice in firm E. Management either rejects its provisions outright or finds its own restrictive interpretation to undermine it. So far, the works council has been able only to operate on the basis of hindering management decisions temporarily (Mitverhinderung) not joint decision-making with management (Mitbestimmung). No changes in the poor relations are expected in the near future as economic circumstances are to the works council's disadvantage. There is some evidence that the works council is adopting a 'legalistic' approach to their relations with management but they do not have the will or the support of the workforce to carry this approach to its logical conclusion and refer issues to a labour court or conciliation board.

(ii) Conflicts Arising

All employees are paid either an hourly or monthly rate of pay and no problems have arisen in this area as yet. The main areas of conflict are personnel cutbacks and working hours. 144 jobs have been cut since the firm's takeover in 1970. There has been no redundancy plan because the number of those dismissed has been below the legal requirement for a redundancy plan each time management has enacted a cutback and natural fluctuation of the workforce has also been used. Further cuts are expected with the introduction of NC-machines in production and conflict is expected on the issue of the information the works council should receive about the introduction of such machines because so far they have been given no information at all and can only register the arrival of the machines in the workplace. Job evaluation surveys have now begun in the white-collar sector, where future cutbacks are expected with the introduction of
VDUs and other computer technology. The white-collar workers have not supported the works council in the past and there is some speculation about whether their attitudes will change with the impact of rationalisation in their own sector. The obstacles to a change in their attitude include the lack of awareness that their jobs are at risk and the fear of repression by the employer, which encourages them to seek security in anonymity.

The problem of working hours arises from the effects of poor production planning which has led to periods of overtime followed by short-time working. Management seeks to introduce overtime without the agreement of the works council, especially if the chairman is away on holiday. Often the works council only finds out about overtime from employees who have been asked to do it. The works council is reluctant to agree to overtime in the face of staff cuts and short-time working but fears that management will use it against them at company level, portraying them as 'wild and irresponsible' when, for example, overtime is needed to meet the deadlines for new equipment to be put on show at trade fairs.\(^{154}\)

(iii) Procedures for the Resolution of Conflicts

There are no formal procedures in firm E. Employees, if they have any grievances at all and are brave enough to express them, take their issues through the management hierarchy. The works council deals collectively with issues referred to it by management such as new hirings and overtime working.\(^{155}\) There is little contact with works management on the resolution of issues as there are no works agreements. The company has so far rejected all attempts to establish works agreements although there are said to be some agreements at company level.
The involvement of third parties in the workplace has been limited to legal advice from the trade union. The company has its own legal department to advise it. There has been one case of a works council reference to a labour court when the heating broke down and the workforce was sent home. The management refused to pay the workforce for the time spent at home and told them that they would have to do extra hours to make up their pay. The works council referred the issue to a court which decided against them. The management then decided to pay for the time spent at home anyway as a conciliatory gesture to the workforce and thus succeeded in undermining the works council's position in the workforce still further. This experience has led the works council to believe that resort to a labour court is ineffective and can be directly prejudicial to their already shaky position. Thus the management continues to openly dispute the works council's interpretations of the MCA 1972 and the works council is unable to prevail against management and establish itself as a codetermining agent in workplace affairs.

(iv) Key Influences on Conflicts and Resolution Procedures

The major influence on conflicts and procedures for their resolution seems to be the economic and market context of firm E. The experience of firms in the region withdrawing, with consequent high unemployment, and of a takeover within firm E itself weighs heavily against conflict initiation by the workforce and works council and lends support to management policies. The centralisation of decision-making on personnel issues at company level further inhibits works council involvement in the regulation of workplace issues. The large white-collar sector in firm E has not supported the works council's role in the workplace and large scale rationalisation in the production sector has further reinforced the reluctance of blue-collar workers to take any stand against management policies.

* cf. chart in appendices for overview.
Some areas of conflict with management have emerged but it seems doubtful whether the works council has the experience and will to resist management's decisions. One unfavourable experience with a labour court case has further reduced the possibility of the works council realising the provisions of the WCA 1972 in practice in firm E.

(III) Firm F - a Large Engineering Firm

(i) The Context of Conflicts Arising and Their Resolution

Firm F is the main plant of a large German company with branches overseas, employing a total workforce of 33,000. Firm F has a workforce of 10,100 of which 5,000 work in the production sectors. 5,100 are employed in the central administration of the company and on the technical and research side. 95% of the production workers are skilled and 98% are German workers. Trade union organisation in the plant has increased since 1971, when there were only 32 trade union members and only 3 works councillors were in a trade union to 97% of production workers in the IGM and 40% of white-collar workers in the IGM.

Firm F produces steel products such as industrial ovens, foundries, pipe-systems for industrial complexes, metal fittings. The firm also constructs whole plants at home and abroad. The technology of the firm is not thought to create particular problems for the workforce. 90% of the workforce do a normal shift, only 10% work 2 shifts. Problems are, however, foreseen with the introduction of microtechnology and the possibility of a 3 shift system to exploit the full capacity of the new equipment. Thus far there has been no major rationalisation programme in the production sector because the firm concentrates on the production of individual components to customer specifications. The work is consequently varied and interesting especially in the industrial ovens section. There is some mass production in the metal fitments sector but their work is also very varied.
The mid 1970s saw a shift in the market structure of the company from home markets to overseas markets so that 60% of present day production is for export. The reasons given for the shift include the decline in government investments in West Germany and their indecisiveness about the construction of nuclear power plants. The shift in markets led to a restructuring of the company in 1980 to create 2 separate companies, one to concentrate on the construction of power plants, the other encompassing production of components and administration. Firm F belongs to the latter company, which is the leading company in the group, and is also the main plant in that company. The market situation for the company is favourable at present with orders to keep them in production until the end of the 1980s.

The organisation of management within the company is complex as the company is subdivided into specialist departments such as 'industrial ovens' with their own organisation and staff as in a small firm.

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Company Board (8 members responsible for areas such as finance, technical, personnel, sales etc.)

Company Sections (8 in all including industrial ovens, industrial machinery, personnel etc.)

Business Sections (Examples include pipesystems for nuclear power plants, industrial pipe systems etc.)

Main Departments (e.g. wages and salaries, personnel planning, administration)

Sections

Departments

Groups (Foreman level)
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The works council comprises 29 members, 13 white-collar and 16 blue-collar representatives. 26 belong to IGM and 3 to DAG. 7 members are released from their jobs and have specific areas of responsibility such as a works council committee, the chairmanship and deputy chairmanship of the works council. There is an extensive network of works council committees - 12 in all. There are approximately 130 shop stewards in firm F with constituencies of circa 30 workers. Each department sends 1 representative to the shop steward executive body of 13 members (8 production workers, 5 white-collar workers). Their main role is to act as an information channel between the workforce and works council with the responsibility of organising any industrial action viewed as necessary. Their role will be particularly important if real conflicts arise over closures and rationalisation of the production process. 'Understandings' exist between the works council and management that shop stewards can hold meetings inside the works, although not in working hours, elections are during working hours and their executive body can meet during working hours. Their security, however, is seen as based on the fact that the workforce is prepared to take action if management discriminates against the shop stewards. The worker director recognised the importance of shop stewards as information channels for the works council and in influencing workforce opinion but claimed they played no role in the resolution process.

The works council described their relations with management as a conflict situation, the intensity of which depends on what is happening in the workplace. Relations are 'relatively good' at present because of the lack of economic pressure. Management now accepts the position of the works council in the firm, (although this is seen to be dependent on the support of the workforce for the works council), and they conduct their relations in a 'reasonable, businessmanlike manner' but there is no partnership. The works council chairman argues that
there needs to be equal rights for there to be a partnership and the works council is there to represent workforce interests not form an alliance with management. Resolution of conflicts proceeds on the basis of generosity and good intentions in the evaluation of problems - if management is helpful in its interpretation of the law in one area, the works council will return the favour elsewhere. Changes are called for in legislation, including the extension of the coal, steel and iron model of codetermination, more rights in the area of economic decisions, and the burden of proof in dismissal cases to lie with the employer not the employee. Restriction in representation to legal norms, however, is seen as a hindrance to effective interest representation as it takes decades for there to be any changes in the law. The works council emphasises the importance of being able to justify their case by argumentation where differing interpretations of the law exist.

The works director described relations with the works council as 'comfortable' (bequem). He accepted it as a 'necessary institution' but argued it was often a nuisance and a hindrance to managerial decision-making. The WCA 1972 regulates many areas and everyone knew the basic principles of the Act. In some areas, he emphasised, management is prepared to go further than the law, but if they do not keep to the law then they are quickly reminded to do so. The WCA 1972 has to be accepted and management have more or less learnt to live with it but he opposed any further changes in the law as this would lead to an extension of present rights.

(ii) Conflicts Arising

The wages system is based on time rates, in accordance with the evaluation system laid down in collective agreements with some additional allowances for difficult working conditions, and created no serious problems. Employees worked a normal shift system with 10% on a 2 shift system. Overtime was worked in
the design and planning departments and there were a few individual problems connected with overtime working. Working conditions were seen as good on the whole with special allowances for heavy physical work, dirty and unpleasant conditions and work associated with VDUs.

The restructuring of the company had created some personnel problems associated with the increase in the number of employees working abroad and a shift in site for some employees. There had, however, been no redundancies and transfers had been unproblematic due to collective agreements on wage guarantees and the fact that the most flexible workers are accorded the highest wage group. Foremen were always careful to discuss suitable workers for transfers with the shopstewards prior to issuing a transfer request.

Problems are expected in the white-collar sector with the introduction of microtechnology and its effects in terms of dequalification, wage and job losses and risks to health. The works council has called in medical experts to assess the risks to health and establish guidelines on breaks, restriction of hours on VDU work and job variety, which they hope to fix in works agreements with management.

Overt conflict measures had taken the form of warning strikes during collective wage negotiations and some workplace strikes at departmental level about the bad behaviour of a foreman and grievances about overtime. The works council described the aim behind such action as to speed up the resolution process by bringing the works director into the department to deal with the issue on the spot with the works council. Such action is very limited and planned well in advance by the shopstewards in discussion with the works council. It takes the form of a special works meeting to 'discuss the workforce's request for information from the management' so that the workforce does not lose any wages as a result. The works council emphasised the level of trade union membership and activity of the shopstewards in persuading the workforce as the 2 important factors behind the existence and success of such action at workplace level.
(iii) Procedures for the Resolution of Conflicts

Works rules are outlined in a company-level agreement but they do not contain a grievance procedure. The works council chairman and worker director said they rely on the grievance procedure outlined in the WCA. Employees know they can refer questions to the foreman or works council and there is no need to write down the details of a procedure.

Actual procedures are said to be determined by the employees' 'intrinsic knowledge' of who to refer which issues to in practice. Issues are only referred to the foreman if he can resolve them, otherwise employees refer them to a shop steward or works councillor. The foremen interviewed estimated that they could resolve 75% of personal employee problems, most technical problems and dealt with most of the overtime issues arising. All wage-related issues go to the works council. Many of the foremen were previously shop stewards and have close contact with their own stewards, viewing them as the first point of contact if they have a problem with an employee before the issue is passed on to the departmental manager and works councillor. Foremen meet at least once a week with the departmental works councillor and those interviewed stressed the importance of cultivating a good working relationship with him because his agreement is necessary on transfers and changes in working hours. The departmental manager, an engineer, is the foreman's immediate superior and they meet daily to deal with production questions. The foremen argued that they had lost much of their decision-making competence with the introduction of the Works Constitution Act, which had shifted many decisions to works council - management level, where works agreements now regulate most of the issues which used to be dealt with by them. This loss of competence is viewed in a positive light as it has reduced conflicts at shopfloor level and facilitated the development of good relations with the workforce. The more positive shopfloor climate, in its turn, promotes speedy, effective resolution of minor issues at a low level.
The departmental works councillor deal with small issues arising on a day-to-day basis with departmental management and pass unresolved issues on to the works council committees. Their role is said to depend on the personality of the works councillor himself and the type of issues arising in his department.

Works council committees deal with routine individual issues arising which need the works council's consent - individual personnel issues for example.171 They are also responsible for drafting works agreements in their area and making recommendations to the whole works council on whether an agreement with management should be accepted with some reservations, accepted unconditionally or rejected.

The works council as a whole, however, actually decides on a works agreement and signs it. The worker director is the key negotiator on the management side and he views the works council chairman as his counterpart. Many issues can be resolved by discussion at works level although issues such as redundancies, large scale technical changes, additional allowances to large sections of the workforce have to be referred back to the company board for their approval.172 Most agreements are at works level because of the extreme diversification of the company's operations.173 The works council provided a list of 60 agreements concluded since 1971 and covering a wide range of issues.174 Works agreements are seen as general solutions to be supplemented by informal oral agreements in practice. The works council sees them as an advantage because they establish 'the rule of law' in workplace issues. They are necessary for management because they establish guidelines for individual managers and prevent a 'free for all' with the risk of workplace strikes, which are costly and sully the company's public image.

The involvement of third parties in the resolution of workplace conflicts in firm F has been relatively limited in recent years.
Management belongs to an employers' association and sees its role as limited to basic issues which have relevance beyond the individual firm, particularly wages. The trade union was very active in helping the works council build up trade union organisation in the firm in 1971 and gives legal advice on the interpretation of collective agreements and important works agreements such as redundancy plans and new wage agreements. Three trade union representatives sit on the company's supervisory board.

The labour court has played a role in individual dismissal cases and individual wages problems concerning construction site employees. During an earlier period of management opposition to the works council, collective issues were referred to the courts and most were decided in favour of the works council. Management is now reluctant to see such issues referred to a labour court and the threat of reference has been used to force an internal settlement of some conflicts. Currently, the works council is referring the issue of works council travel expenses to a labour court.

One reference to a conciliation board in 1972 on the issue of redundancies, which resulted in a very favourable decision for the works council, has had the effect of promoting internal settlement henceforth. The works council is wary of referring issues to a conciliation board, however, and views it as a last resort in redundancy cases to show the workforce that the works council has done its utmost to represent their interests. Both the works council and management favour internal settlement by negotiation and estimate that 90% of issues arising can be resolved this way.
Factors such as a favourable economic and market context and a craft-based technology in firm F promote a low level of conflict in the workplace. The diversification of company operations and its reflection in the specialised departments in firm F favour an extensive role for the works council in the regulation of workplace issues which do arise. The works council's role, as seen in the earlier case studies, is by no means realised by the mere provisions of the WCA 1972, although they provide a basis for works council action to secure recognition from management. A number of factors have supported the works council's fight for acceptance by a reluctant worker director in firm F. These include the high level of trade union organisation among the skilled production workers and foremen and the development of a shopsteward organisation which receives the support of the workforce and, in its turn, is effective in its support of the works council. The size of the firm and its influence on the number of works councillors released from their jobs has also enabled the works council to build up its expertise and maintain a vigilant eye on management policy and practice.

The high level of trade union organisation and extensive shopsteward body in firm F were similarly not 'given' factors upon which the works council could rely but had to be built up during the early 1970s. The trade union motivation of those individuals who, with the help of ICM, were involved in this work continues to be reflected in the attitude of the works council to its relations with management, whereby a partnership is rejected and relations are viewed as a conflict over differing interests in which the works council represents those of the workforce.

The experience of decisions by both the labour court and conciliation board which favoured the works council have promoted its recognition and power in the workplace and reduced management's open resistance to its role. This experience contrasts with that of the works council in firm E whose weak position was further undermined by a negative labour court decision.

* cf. chart in appendices for overview.
3) Mass Assembly in the Metalworking Industry

I) Firm G - a Motor Vehicle Production Plant

(i) The Context of Conflicts Arising and Their Resolution

Firm G is part of a large company producing motor vehicles and employing 119,446 employees. Firm G employs 16,541 workers of which 50% work on the production line, 36% are maintenance workers and the rest are white-collar workers. Foreign workers comprise 8% of the workforce. Trade union membership is 90% and divided between 3 unions, of which IGM has the largest share with 90% of the blue-collar and 78% of white-collar workers in membership with the trend towards IGM membership among white-collar workers. Firm G is one of the 2 big employers in the region and has attracted many employees from smaller works where low wages and job insecurity prevail.

Firm G produces spare parts for other plants within the company worldwide. There have been several changes in production methods during the 1970s and early 1980s, from the long assembly-lines of the early 1970s to the introduction of industrial robots interspersed with a few human workers on the new belts. The questionnaire survey was undertaken in the gear box assembly section where problems relating to the conveyor belts dominate. Details are also given of interviews with maintenance workers and workers from the metal pressing department, whose technology-related problems are very different.

The company comprises 6 plants within Germany. It does not belong to an employers' association and negotiates its own collective agreement with the trade union at company level. Management organisation in firm G is illustrated overleaf:
Works Board  (Directors for sales, production, finance, personnel)

Sections  (For example:- personnel, production, sales quality control etc.)

Main Departments  (7 in all including gearbox assembly)

Departments

Sub-Departments

Foreman Level

Deputy Foremen or Chargehands

Technical Equipper (A technical post with responsibility for tools and material)

The main departmental heads and posts above this level are higher executive posts (leitende Angestellten). Deputy foremen and above up to departmental manager are white-collar employees. The chief negotiator in the firm is the personnel manager, also known as worker director.

The works council in firm G comprises 37 members, 5 are white-collar workers, 32 blue-collar. All are released full-time from their jobs by informal agreement with the works management and have responsibilities in the departments where they were previously employed, for particular groups of employees and on works council committees. The main committees are personnel, wages, safety and ergonomics, social, planning and the executive committee. Due to the fact that 2 other trade unions apart from the IGM are represented on the works council, IGM members meet separately prior to all full works council meetings and actual policy is decided then.
The shopsteward body has 700 members each with an average constituency of 20 employees, although actual size varies depending on the extent of dispersion of the workforce. Shopstewards elect section spokesmen and each section sends 1 representative to the executive shopsteward body which has 8 members. The chairman of the shopsteward body is released full-time from his job. Informal agreements with management allow the monthly shopsteward meetings, the section shopsteward meetings and executive body meetings to take place during working hours on the firm's premises with full pay. Individual shopstewards are allowed whatever time they need to fulfill their duties in the workplace. The very favourable agreements on shopsteward work are seen as the result of strong trade union influence at company level, particularly, and also have their advantages for management as the shopstewards explain management policies to the workforce and reduce the possibility of conflict and misunderstandings.

The survey of shopstewards revealed their view of their role as a mediator between the workforce and the works council (63%) and between the workforce and management representatives (55%). Their view of the distinction between a shopsteward's role and that of the works council emphasised the role of the shopsteward as a communicator of employee problems to the works council, which resolves them with management (58%); and shopstewards as the trade union, the works council as the legal workforce representatives (39%).

The works council's replies similarly emphasised the trade union-legal distinction in their respective representation of workforce interests (100%), also the role of shopstewards in carrying out trade union duties whilst the works council represents workforce interests at workplace level (57%). Works councillors described the shopsteward's role as that of an information channel from the workforce to the trade union and to the works council. Attempts are being made to include the shopstewards in works council work to a greater extent by exerting pressure on the foremen to resolve minor issues with
the shopstewards instead of calling the works council in. Some managers and foremen are now beginning to accept this shopsteward role. The works council has also called for regular meetings at departmental level with shopstewards, works council and management representatives. This has been refused so far. A works councillor explained the refusal as being due to the fact that shopstewards are often critical of management policies and express this criticism at such meetings. There is some works council criticism of shopsteward attitudes, particularly of their executive body, when joint decisions made in meetings with the works council are not represented to the workforce, and there have been some conflicts where the shopstewards have not agreed with compromise solutions worked out by the management and works council. The organisation of effective channels of communication is also seen as a major problem in such a large firm. The old information channels which proceeded from the executive works council committee to the executive shopsteward committee to section shopsteward committees and on to individual shopstewards and the workforce led to a great loss of information along the way. A new channel, which informs section steward leaders direct in a monthly meeting and shopstewards in section meetings, is at present being devised.

Shopstewards interviewed pointed to general problems of a lack of commitment among some stewards, rivalry between time and salaried employees and some problems with finding candidates in areas like maintenance. The support of both works councillors and foremen was essential for them to develop a role in the resolution process as 'experts' in particular areas. Generally, cooperation between shopstewards and foremen is good, and shopstewards were satisfied with the works council, which had a good trade union understanding and promoted trade union policies in the workplace. There were some complaints about delays in the resolution of issues and non-availability of works councillors, also some suspicion about works council salaries. The cooperation between shopstewards and works council in firm G is, however, seen
as exceptional by full-time trade union officials as are the extensive rights of the shopstewards.200

The background to present day works council and management relations includes the election of a new works council in 1972, in which the former leader of the shopsteward body and shopstewards formed the majority of the members.201 The new works council had criticised the previous members for their elitism, lack of information to the workforce and slowness to exploit the provisions of the WCA 1952. Their policy emphasised information and communication between the works council, shopstewards and the workforce. The basis for cooperation with management was, it is argued, greatly improved by the introduction of the WCA 1972. In some areas, such as the number of job releases and the policy of no individual personnel measures without the consent of the works council, management has gone beyond the provisions of the law. The works council is felt to exercise much influence on management and if management is uncooperative, as seldom is the case, there are many ways of exerting pressure on them to conform.202

Management accepts the WCA 1972 as the basis of cooperative relations with the works council. Its advantages include the clear regulation of the relationship and the pressure it exerts on management to consider the interests of the workforce in its decisions. The foremen interviewed argued that the WCA 1972 gives protection to the foreman in his job by ensuring management does not issue orders which endanger health and safety and by removing conflict issues to works council-management level so foremen can develop better relationships with the workforce. Both management and the works council described their relations as cooperative, although the works council did not see it as a friendship or partnership but rather as a mutual interdependency based on business interests. Several reasons were given by them for the 'cooperative style' of management policies in firm C. The fact that representatives of the Social Democratic Party at the national and regional levels of government were able to exert political pressure on the
company by their shareholdings and representation on the company board was seen as a crucial factor in determining management adherence to the law and cooperation with the works councils. A change in government was expected to have a detrimental effect on the relationships. Thus far the works council had had no serious conflicts with management and had found them to be a willing negotiating partner.

Both the works council and shopstewards emphasised the advantages of the WCA 1972, preferring a solid legal base to relations with management instead of having to rely on good human relations. Both called for extensions to its provisions particularly in the area of codetermination in economic issues such as investments, and for the extension of the 1951 Coal, Iron and Steel model of codetermination at company level to their firm. Generally, they were satisfied with the level of information from management. They had so many sources of information even at company level and did not find the secrecy obligation on information restrictive because they ignored it where there was a direct impact on the workforce. Similarly the peace obligation on the works council and the call to work together for the good of the firm were not seen as unduly restrictive although problems did arise with the works council's long-term view of issues, which was sometimes not understood by the workforce. The solution was in the works council's hand - they should inform the workforce properly about their policies and how they are spending their time via the shopstewards, works meetings and direct discussions on the job.

Both the works council and shopstewards emphasised the need for more training of works councillor and shopstewards. The works council pointed to improvements required in trade union organisation. The shopstewards called for an extension of shopsteward rights (46%) and workforce support for shopstewards (42%) to increase their involvement in negotiations with management and exert a greater trade union influence on some
works councillors, who spent so much time on works council work that they neglected their trade union responsibilities. Their views were supported by the responses of workforce members, who called for improvements in workforce support of both the works council (23%) and shop stewards (21%) and in management cooperation (28%). 28% of the respondents, however, felt no improvements were necessary.

(ii) Conflicts Arising

(1) Wages

Skilled craft workers are paid time rates. The wages of the production workers are based on a system of job evaluation. The old job evaluation system created approximately 30 groups in the production area. The groups have been reduced to 12 wage levels for specified areas of work in an attempt to protect against wage losses due to dequalification as a result of rationalisation. In this new system a large number of similar jobs are grouped together in a wages system, which does not lay down the specific details of a particular job but uses general headings such as 'Production of Part X'. Production workers tend to be in group 4, more flexible workers and technical equippers are in a higher group. Craftworkers are classed with deputy foremen as specialised workers. The 'standards' department and works council work out all the piece-rates on which job grades are based by time-and-motion studies.

The personnel manager argued that the new system had led to a reduction in wage conflicts. The works council, however, said wages problems were constantly arising at an individual level. Some workers object to being paid the same wage as everyone else because they feel their job is more difficult. Most have now accepted the new system as a necessary protection of wages against the effects of rationalisation, although there are still problems with some craft workers; 95% of foremen questioned said they sometimes had grievances about wage groups and wage levels referred to them.
In the specific departments investigated varying levels of wage grievances were recorded. In gearbox production, the foreman said there had been many problems with the older more complex system but less now there were fewer wage levels. At most, there are a few individual workers who feel that they are being underpaid. In the maintenance section, the works councillor said there were still a lot of attempts to get into higher wage groups and several craft workers complained that they do not get the piecework rates and other allowances which the production workers are paid. In the pressing works, the foreman estimated there were 20 - 30 grievances a month about individuals being, in their view, wrongly accorded a particular wage group. Employees interviewed complained that the strenuous physical work in the press works was not sufficiently recompened in the wage groups and the groups did not adequately reflect the differently sized parts employees dealt with - some worked on car wings yet were still paid the same as others with smaller sections to handle. The grievances had not led to a collective demand by the workforce thus far.

(2) Personnel Issues

Mass redundancies occurred throughout the company in 1975 due to the introduction of new vehicle models with fewer sections to assemble and new technological processes. In firm G no compulsory redundancies occurred. Various methods were used to reduce the number of employees including no new hirings, non-replacement of the natural fluctuation, voluntary redundancies among older workers and non-renewal of short-term contracts of foreign workers. Mass transfers have also been employed. Various agreements have been concluded to protect transferred workers, of which the new wage systems is but the latest. The fact that wages are now the same in similar production processes, such as assembly-line work, has reduced the problems associated with transfers, although initially the new system cost management a great deal of money as differentials were
reduced. Details from the foreman and shopsteward questionnaires show that transfers to different wage systems do occur but transfers within one wage system are the most usual and occur often. In the pressing section there are many transfers within the same system, which do not lead to any changes in wages. Only during slack production periods are workers transferred to other systems. A similar situation exists on the gearbox assembly-line - transfers within systems take place when there is an oversupply in certain areas. Problems only arise when an employee comes from maintenance, where different wage groups exist.

Short-time working has been introduced on several occasions. In 1982 there were 10 days of short-time working, affecting 3,000 employees. This was due to a drop in sales overseas. The usual system is for employees on short-time to be interchanged with those working so that it is evenly distributed. Often production is reduced for just 1 model and just one line is closed. The works council agreed to short-time working in 1982 on condition that it excluded those aged 59 and over and that there would be no increase in production during a specified period.

Some dismissals do occur but all respondents emphasised that it was the ultima ratio in serious cases of sabotage, theft and alcoholism. Some employees leave voluntarily, often because they cannot get used to assembly-line work.

(3) Working Hours

In the production sector 2 shifts are worked; in the foundry and pressworks 3 shifts. Workforce respondents did not view shiftwork as problematic. Only 18% of shopstewards cited shiftwork as an obstacle in their work.
Overtime is a problem in some of the repair workshops, where employees often have to work Saturdays and Sundays to complete their workload. The works council is divided in its opinions about overtime - some argue that if the management can prove it is necessary then they should grant it, others argue that it is part of a cutback in personnel and new hirings should be made. The works councillor responsible for the maintenance section appreciated that some repairs have to be carried out at weekends but employees should have days off in lieu to maintain a 40-hour week. He does foresee problems, however, with the workforce who are ready to work overtime as well as be on continuous night shifts to increase their wages regardless of the effect on their health.

(4) Working Conditions

The most common problem areas are noise levels, ventilation and dirty conditions. Noise levels are often cited as obstacles in the work of foremen, shopstewards and works councillors because they hinder communication in the production sector and the press works. 27% of shopstewards in production also mentioned physical exertion as a problem as did employees in the press works. It was accepted, however, that the firm is attempting to improve conditions.

(5) Technology-Related Issues

The introduction of the new 'transfer' lines, whereby the flow of production is not controlled by the machine but by the individual worker who only allows the parts through as he is ready to deal with them, led to problems in the maintenance of the flow of work and ensuring group work functions effectively. The new belts equipped with robots are creating problems because
they employ so few workers and these workers will be separated from one another by great distances, unlike the old belts where they work facing each other and with colleagues on either side. Few workers are willing to work on the new belts. These social problems also arise with the high number of transfers of workers, which break up friendship groups, although the wages problems have now been largely resolved.

Other problems associated with the assembly-line production process include the pressure of work, which affects maintenance workers too as they are pressurised by foremen to repair the belts as soon as possible, and problems of keeping production flowing. Materials supply was mentioned as an increasing problem due to personnel cutbacks in that department. 27% of shop stewards and 24% of foremen reported that problems occurred often due to the assembly-line process.

The size and organisation of the maintenance and assembly departments were also cited as obstacles in the work of shop stewards and works councillors due to the problems in contacting and talking to workers, and the time spent on fulfilling such duties.

The form of conflicts is overwhelmingly individual, although foremen pointed to some group issues in the area of working conditions (9.5%), work organisation (4.8%) and working hours (4.8%).

Forms of overt conflict included spontaneous workplace action and warning strikes in conjunction with company-level wage negotiations. There had also been special workplace meetings, talks to halt production, overtime bans and demonstrations. The main issues in conflict were company wage rates, the attitudes of management, workplace wage rates and working conditions.

There had been 3 warning strikes in 1981 each lasting 1 - 2 hours and involving 50 - 60% of the workforce. This was because wage negotiations were being long drawn out and the
action was directed at forcing a decision by the management representatives. Workplace stoppages had taken place due to attempts to cut bonuses and non-adherence by management to an agreement whereby the workforce accepted a low wage settlement on condition that there would be no price rises in the cars produced. The works council had refused to cooperate with management on certain occasions, especially on the question of overtime working by maintenance workers. Conflict measures were taken when management made sudden decisions without consultation but such instances were rare due to the favourable economic conditions during the late 1970s. More conflict is expected in future as jobs came under threat and negotiations become tougher year by year. So far, the works council has been able to rely on pressure exerted by the works council and union at company level to prevent serious job losses. The works council said it desired more support from the workforce in its negotiations with management and relied on shop stewards to organise it, although there were problems with the solidarity of the workforce and their willingness to engage in conflict with management. Although attendance was high at works meetings, which are paid, there was low support of trade union meetings and warning strikes according to shop stewards. The low level of solidarity was explained by the fact that many workers commute long distances to the firm and only see one another at work.

(iii) Procedures for the Resolution of Conflicts

An agreement on works rules has been negotiated at company level. It includes a general clause that offences against the works rules are to be dealt with in agreement with the works council and provisions for employees to make a complaint orally or in writing to departmental managers. They can be accompanied in this by the works council or go alone. Both the works council and the personnel manager stressed that an
employee is free to refer a grievance to whoever he prefers. The only instances of written grievances occur in important issues which could be referred by an employee to a labour court if he is not satisfied with the workplace decision. Most grievances are said to be oral and are dealt with orally, usually by telephone. Only 19% of employees surveyed claimed that the works rules were their source of information about who to refer grievances to. Those interviewed stated that there was nothing written down about grievance procedures, although management recommended a procedure which common sense dictated and which they use if they do not want to upset their immediate superiors. If they were only consulting on a specific issue, however, it was deemed alright to go direct to the shop steward or works council. The procedure recommended by management is illustrated below:

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Employee -> Chargehand -> Foreman -> Works Council
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(1) Actual Procedures

A) Stage One

The responses of workers from the gearbox assembly section revealed the shopsteward as the main first reference point with grievances. Pay issues were referred in equal measure to shopstewards, chargehands and foremen. Organisational and technical issues were the domain of the chargehand, and safety issues went to the safety representative. The works council was contacted on the issue of social facilities (47%), personal problems (22%) and problems with management (28%).

Reasons for referring issues to specific actors included the fact that they were seen to be the best representative (47%) and positive shopsteward (19%) and management attitudes (26%). References were always oral and by the employee himself (98%) to the shopsteward who worked nearby (50%) and the foreman who
either worked nearby (20%) or was on his round of inspection (20%). The availability of specific actors was a crucial factor in who issues were referred to. Shopstewards work alongside some employees and some shopstewards have 20 years service in that role and are able to resolve many issues. Some employees work more or less on their own and refer issues to the foreman when he comes on his round, or to the works council if there are problems in their relationship with the foreman. Employees see their choice as limited to shopstewards or foremen. There is little or no contact with management above the level of underdepartmental manager (Kostenstellenleiter) and very rarely do employees see, let alone speak to, their works councillor.

Issues were resolved by shopstewards (53%) or the foreman (40%) in gearbox assembly. All the respondents were members of the IGM and 28% had been shopstewards or were at present shopstewards, including 2 deputy stewards.

Employees from the maintenance section, interviewed during the pilot study, referred most issues to the chargehand or foreman, and transfers were referred to the works council. There were a number of factors hindering effective shopsteward work including problems of recognition from chargehands in the machine repair section, conflict between IGM stewards and employees from other trade unions in factory maintenance and problems of solidarity among the electricians who work on their own.

Replies from employees in the press works showed that references were made to the shopsteward, chargehand or foreman depending on who is available at the time.
B) Stage 2

Issues were overwhelmingly referred to shopstewards in the gearbox assembly by employees (88%). Other referees included chargehands (15%), the shopsteward executive (12%) and works council (12%). 76% of stewards said employees came to their shopsteward with grievances in the first instance either while they were working (70%) or during breaktimes (42%). Shopsteward meetings were also a location where issues were referred on to them (27%). A high percentage of stewards (61%) said they resolved issues with the chargehands, 58% with foremen, 49% with the works council and management representatives and 33% with the employee concerned. The common issues dealt with included conflicts between employees and management (64%), personal problems (42%), working conditions (42%), piece rates (39%), social facilities (33%), conflicts between employees (33%) and quality of work issues (24%).

The time spent on resolving grievances was under 1 hour per day for the vast majority of stewards (94%). Unresolved issues were referred to the departmental works councillor with whom there was a high level of contact. Contacts with other representative bodies such as the works council and its committees and the shopsteward executive body occur only in formal meetings. Contacts with management above foreman level were very rare.

C) Stage Three

Replies from the foremen in the gearbox assembly department confirm the important role of the shopstewards in the resolution process. 52% had issues referred to them by shopstewards and 43% resolved issues jointly with shopstewards. Other important referees of issues, apart from shopstewards, were the employees themselves (100%) and chargehands (57%). Only 14% of the foremen said the works council referred issues to them but 24% said
they resolved issues with the works councillor. The process of resolution is an oral one with only 10% of foremen claiming they receive written grievances.

Foremen who were interviewed emphasised their responsibility for technical aspects of the work and administrative work in connection with their section. Circa 40% of their time is spent on office work, 60% on the shopfloor. The main issues dealt with by them were quality of work (100%), allocation of work (90.5%), piecerates (90.5%), safety (90.5%) disputes between individual workers (90.5%) and technical issues (76.2%). The usual procedure was to try to regulate a conflict with the shopstewards, then to call in the works councillor for discussion and then to go with the employee in question to the under-departmental manager if there was still no resolution of the issues.

Most of the foreman's contacts are with his section, including shopstewards and chargehands. The under-departmental manager and he discuss the technical side of production and meet daily. The aim of both is to resolve issues without involving departmental management or those above him. The works councillor is consulted on special problems or queries about the WCA 1972 and its applicability in specific situations. Contacts with the personnel department are by telephone and deal with issues such as transfers, absenteeism and sickness records.

D) Stage Four

The works councillors from the gearbox assembly department said issues were referred to them by employees (86%), shopstewards (100%), foremen (43%) and the shopsteward executive body (43%). Shopstewards are the most common referees as they come to the works councillor with problems in their department. Individual employees come up to the works councillor when he tours the department and some come to his office if they
know him personally.

Most issues can be dealt with on the spot or by telephone with the foreman (71%) or departmental management (71%). Departmental management is the highest level contacted by individual works councillors. Issues not resolved at this level are usually referred on to works councillors in appropriate works council committees. Major issues affecting a whole section and requiring the agreement of the works council and management at the highest level are referred on to the executive committee or works council chairman.

Issues dealt with by individual works councillors include piece-rates (71%), overtime (86%), conflicts between employees and management representatives (100%), working conditions (71%). Time spent on issues is usually under 2 hours per day, although some issues, such as transfers, and some circumstances, such as when a departmental manager is not in the plant or is on another shift, can lead to delays in resolution.

Apart from obstacles to their work related to noise levels, system of shifts, the size and organisation of the department, 43% of works councillors claimed individual management representatives were hindrances where they did not accept shop-stewards and all issues had to be dealt with by a works councillor, or where they referred requests for overtime to the works council chairman if they knew the individual councillor would not agree to it.

E) Stage Five

The works council committees are responsible for resolving issues which arise in the day-to-day running of the firm and involve some specialist considerations such as technical knowledge in respect of safety and ergonomic issues. The personnel committee is the only committee with an independent decision-
making capability and the only parity committee. It meets one
day a week with management (personnel department) and one day
a week on its own. The wages committee draws up new wage-work
areas but all its decisions must be referred on to the whole
works council. The planning committee was only recently
established in response to management's refusal to draw up a
works agreement on information about the effect of new
technology on jobs. It employs its own expert and provides
information and advice to the works council on the probable
effects of specific management plans.

All major issues are referred on to the whole works council,
which meets once a month with extra meetings if particular
problems such as short-time working arise. Prior to the full
meeting, the members of the IGM meet together to make the
actual decisions.\textsuperscript{278} The other 5 members from other trade
unions seldom vote against these decisions in the plenary
session.

F) Stage Six

Actual negotiations are conducted by the works council executive
committee and the personnel and works managers. Few workplace
problems are referred up to company level. The aim of works
management is to resolve issues, such as special holiday
arrangement, dissatisfaction of whole sections with their wage
group and serious instances of group theft, decentrally.

Most questions concerning the firm are, however, dealt with at
company level, where wage agreements\textsuperscript{279} and agreements on
general working conditions\textsuperscript{280} are negotiated by management and
trade union representatives. Other company-level agreements
cover works rules, flexitime, reorganisation of production
planning, general conditions about the use of replacement
workers ('Springer'), regulations about the transfer of older
workers and redundancies.
The few existing works agreements include regulations on the support of employees in hardship and breaktimes for assembly-line workers. The policy of management is described as central control at company level with informal agreements where necessary at works level. The fact that the same negotiating parties meet at company and works level means, however, that there is a lot of overlap between the agreements and their application at all levels. 281

The foremen cited the Works Constitution Act (76%) and works rules (76%) as the foremost procedures regulating their role in the firm, followed by works agreements (62%) and the general agreement on working conditions (52%). Works councillors emphasised the WCA 1972 (100%), the general agreement on working conditions (86%) and wages agreements as the key procedures. 43% also mentioned works agreements and departmental agreements, although the latter were not written down but were implicit due to long tradition - for example, special arrangements about breaks in the press works.

(2) Third Party Involvement in Resolution Procedures

In firm G there have been very few instances of recourse to the labour court. In the area of individual references, dismissals never occur without the agreement of the works council 282 so that cases only arise where an employee goes against the decision of both the works council and management. This rarely happens. The works council could remember two examples of collective references at plant level in the early 1970s. 283 There have been a few cases at company level. 284 Both management and the works council, however, favour internal settlement. Management said its policy was not to let a conflict go so far that the works council has to resort to a labour court. The works council pointed out that it usually had no need to refer to a labour court as it has many other means of exerting pressure, including political pressure at company and concern levels.
However, trade union officials have been greatly involved in conflict resolution in firm G. There have been no formal conciliation boards. Instead, full-time trade union officials have joined the works council and management in discussions. Management said its policy was not to call in a conciliation board as it had no wish to transfer responsibility for important decisions to retired labour court judges with no specialised knowledge of the issues. They prefer to negotiate with the works council for as long as is necessary to reach an agreement. If there is no agreement then the issue is left at stalemate.

The IGM plays a very important role in firm G. The leading negotiator on the workforce side in the annual wage negotiations with the company is the regional trade union representative of the area where the main plant in the company is situated. The committee which supervises a trade union negotiated collective agreement on wage differentials is a trade union body, as is the wage commission. Trade union representatives also sit on the supervisory board of the concern.

The exceptional influence of IGM in firm G has historical roots in the development of the concern from a nationalised company to a company under British control in 1945, which was transferred back into national and regional government control in 1958. The important role of the trade union is said to strengthen the works council's hand in negotiations with management and leads to what must be some of the most favourable conditions for works council and shopsteward activity in West German industry.

(iv) Key Influences on Conflicts and Resolution Procedures

Both the economic / market context and technology of firm G contain considerable conflict potential in their direct threat to jobs, qualifications and humane working conditions. Most of

* cf. chart in appendices for overview.
this conflict potential, however, has been reduced due to the close cooperation between the works council and management both at firm and company levels. Management has in fact gone far beyond the legal requirements in its cooperative stance towards the works council and shopsteward organisation. One important reason for management cooperation is the political pressure for cooperative policies exerted by national and regional government representatives and trade union officials on the company's supervisory board. However, the evidence from other vehicle production plants in West Germany, which is outlined in brief in the following addendum, point to organisational factors which promote a bureaucratic structure for conflict resolution in what is intrinsically a highly conflictual context for industrial relations.
II) Addendum - Other Motor Vehicle Production Plants in West Germany

Visits were made to two other plants in other companies in West Germany. Impressions gained from discussions in these plants, together with details from articles about other motor vehicle production plants in West Germany, provide the basis for the brief comparison with findings from firm G outlined below.

The technical and market contexts of most of the motor vehicle production plants are similar and produce similar conflict areas. These include the rationalisation of production with the resulting pressures of work due to cutbacks in personnel and the breakup of the old system of workgroups in favour of an individualisation of work processes. Market pressures had led in all the firms considered to mass redundancies during the 1970s and a policy of no new hirings. The works councils emphasised the need to influence company planning of production to a greater extent in order to prevent mass job losses, mass transfers of skilled workers to the conveyor belts (with wage and status losses) and ambiguous policies of overtime and extra shifts followed by redundancies and short-time working.

The formal organisation of works council and shopsteward activity also bears many similarities with firm G. These include extensive job release of works council members, elaborate shopsteward organisation based on the concept of section shopsteward bodies and an executive body for the whole plant and management agreement to some shopsteward meetings during working hours at the firm's expense. Most firms have a number of unions competing to represent the workforce although IGM is the dominant union in all cases.

The procedural systems are generally informal - there is seldom a formal grievance procedure and works agreements are few in number as the majority of issues are regulated at company
level. The actual system of resolution is based on the individual works council members who deal with issues arising in their old departments and refer unresolved issues on to works council committees and the whole works council for a solution.

Key differences emerge from the different histories of works council-shop steward activity and the differences in policies developed towards management decisions made in response to the pressures of the technical and market contexts of the firm. Some of the plants\textsuperscript{294} have seen the removal of works councils which were active during the prosperous years of the 1960s and their replacement by shop stewards trained during the late 1960s, as in the case of firm G. The reasons for the change include the charge that the former works council did not represent workforce interests, for example, by agreeing to hundreds of dismissals by management. In other firms there are oppositional groups of shop stewards but they have been unable to overturn the old works council.\textsuperscript{295} Some of the works councils which were active during the 1960s have succeeded in shifting towards a more legalistic, as opposed to social partnership, strategy vis-à-vis management.\textsuperscript{296} Others have sought to maintain the old social partnership in the face of increased conflict during the 1970s and have thereby alienated themselves from the workforce and active shop steward groups by agreeing to mass transfers of skilled workers without any wage guarantees, extra shifts and temporary 3 month hirings, and new systems of work measurement seen as detrimental to the workforce.\textsuperscript{297}

The most effective works councils, in terms of their success in representing workforce interests, are those which developed from shop steward training during the 1960s and early 1970s. The policies of the works council\textsuperscript{298} in one plant visited accord closely with those of the works council in firm G and have enjoyed some success, although their context of operation is less favourable than in firm G due to the fact that it is part of a foreign-owned private multi-national company\textsuperscript{299} with none of the resources to exert informal political pressure on
the management to reach a compromise favourable to the interests of the whole workforce.

The least effective works councils, and those firms with the highest levels of overt workplace conflict, occur where the works council seeks to maintain a policy of social partnership in the face of rising conflict levels. Their policies amount to a 'sell out' to management interests in actual fact and give rise often to oppositional groups based on political factions in the workplace. The problem arises where a works council is insensitive to the changes in the context of its relations with management and the opposition to its policies in the workplace is not strong enough to force a change in the composition of the works council which would introduce new policies more in line with the changed context of industrial relations.

This brief outline of the similarities and differences in the conflicts arising and their resolution within plants belonging to the same group in terms of technological process and product gives some support to the view that technological and market contexts often give rise to similar conflicts and formal procedural organisation. The actual resolution of conflicts, however, is more dependent on factors specific to a particular plant such as the history of the relations between works council and management and the development of workforce representation policies and strategies to meet the demands of a changing context of industrial relations. Further consideration of these influences on conflicts and their resolution at plant level follows in chapters 6 and 7.
4) The Steel Industry: 2 Plants

I) Firm H - a Steel Producing Plant

(i) The Context of Conflicts Arising and Their Resolution

Firm H is part of a large steel producing and steel processing concern employing 108,000 workers. It employs 7,900 workers and 350 apprentices. Most of the employees are production workers (4,300). There are 2,000 maintenance and 1,600 white-collar workers in the administrative block. Foreign workers total 1,800 and work in production areas where mechanisation levels and qualifications required are low. The majority of the production workforce is unskilled and is given 4 - 6 weeks training to do their jobs. Trade union organisation levels are 99% among blue-collar and 68% among white-collar workers. The IGM is the only union organising in the firm. The area in which the firm operates is the main centre of German steel production. During the 1970s, 10,000 jobs were lost in the production and 20,000 in the craft area of German steel production in the town and there is a lack of alternative job opportunities due to the monostructure of the labour market in the area.

Firm H produces the steel for other plants in the concern, which manufactures steel pipelines and comprises blast furnaces, a rolling mill and large research laboratory and quality control laboratories. Production is continuous process based on a 4 shift system operating throughout the year. Production is stable at circa 3.5 to 3.8 million tons a year.

The concern dates back to the nineteenth century when it produced seamless pipes from steel blocks. Firm H was established in the 1920s. During the Second World War, the company director was head of the Industry Group (Reichsgruppe Industrie) under Hitler and the concern was broken up after the war and placed under British control. In 1951, the company came under the regulations on codetermination in the iron, coal and steel
industries which ensured equal representation of shareholder and workforce representatives on the supervisory board and a worker director on the company board who is recommended by the workforce representatives. Reorganisation of the company during the 1970s has called into question the applicability of the Montan model of codetermination, although a 6 year moratorium on any changes in codetermination has been agreed by the Federal Labour Court. Management organisation in firm H is illustrated below:

```
Works Board
  /\         /
 /   \      /   \          
Technical Director (Chairman) Financial Director Personnel Director
          /
Departmental Managers

  /\      /
  /   \   /
Section Managers ('Betriebsleiter') 1st Assistants
  /
Works Engineers ('Betriebsingenieur')
  /
Foremen
```

The works council comprises 33 members all with job release under an informal agreement between management and the works council. All but one member belong to the IGM. Members have responsibilities on works council committees and in the production and white-collar sectors.

There are 420 shop stewards in firm H in the production sector. Full shop steward meetings are held once a month during working hours, departmental meetings are held as necessary. The executive body has 19 members including 16 representatives from all the departments and groups of employees in the firm. Each representative on the shop steward executive body is responsible for one area and receives and passes on information to it.
During the years 1968 - 1973 there was generalised conflict between the works council and shopsteward bodies. This was based on a personal conflict between the works council chairman, a 'left-winger' said to have polarised the workforce by his views, and the head of the shopsteward body. The problems were only resolved as the 2 leaders stepped down from office. Some individual problems still exist between the works council and shopstewards but the general power struggle has now ended. Cooperation between the 2 bodies is seen as dependent on the leaders and their deputies as well as a good information policy so that shopstewards are informed and their opinions sought before the works council reaches a decision and before any information becomes public knowledge.

The shopstewards' role is described by the works council in terms of ensuring that trade union policies are represented in the workplace and developing workforce consciousness, especially in view of the new trade union strategy of a flexible response during collective bargaining negotiations. Shopstewards also provide the link between the workforce and the works council, providing information about what is happening. They have a 'minimal involvement with the resolution of worker problems', as this is the role of the works council. The works council views shopstewards as potential works councillors, encouraging extra training and recommending specific stewards for election to the works council.

Problems arise in finding employees willing to stand as shopstewards in the face of possible job losses and the lack of facilities for them to fulfill their duties. Changes in the technological process have broken up workgroups of 50 men and tied employees more to their jobs, both of which make the shopstewards' work more difficult. Management attitudes to the shopstewards, especially those of the foremen, are important too.
Relations with management were described as better than in most industries because of the possibilities for informal contacts and the person of the Worker Director laid down in legislation for the steel industry. The informal aspect of relations with management was emphasised, especially the relationship of mutual trust with the personnel manager and his department which ensured that conflicts could be resolved via personal discussions. Both sides respect each other's responsibilities and seek to work within the realm of what is possible and reach peaceful solutions to conflicts, although their roles are different. Problems with management representatives occur at concern level and at the level below works management. The present head of the concern is described as being anti-trade union and always ready for a battle, challenging the workforce representatives to prove how seriously the workforce think about an issue before management will give in. Problems also arise with department and section managers in the works who still operate on the basis of class warfare and often disregard the law. They obstruct attempts by works councillors to reach agreements with them on the spot and are often called to explain their attitudes to the personnel department and works council executive body.

The WCA 1972 is seen as useful in that it guarantees legal entitlements which can be realised, in the last resort, through the labour courts. This has been used as a threat in the past to ensure management cooperation, particularly with the technical managers who have no legal training and are afraid to break the law. The disadvantages of the WCA 1972 include the fact that its norms are not necessarily trade union norms and this means the works council is not always able to achieve what shopstewards and the trade union desire. The institutional framework of the law is useful in providing opportunities for informal contacts and creating readiness to negotiate. Emphasis is, however, placed on the person of the worker director, personnel manager, and works council and the informal contacts between them.
(ii) Conflicts Arising

Firm H has its own wage system based on 20 groups, which have been arrived at by summary rather than analytical methods of comparing jobs. No employee falls below group 7, most are in groups 10 - 14. The system is accepted by the whole workforce with only individual problems arising about which group a specific employee fits into. Employees are paid a timerate-based wage. A bonus system used to be in operation. This was fixed by works agreement at 15% during a period of high production and has remained at that level despite a decline in production. The works council has argued the decline in production is not due to a decline in worker performance but is the result of a management decision in response to a fall in market demand, therefore the bonus level should remain the same.

Problems of possible wage losses have arisen with changes in technology and the transfer of workers to lower paid jobs as well as the amelioration of poor working conditions, which formed the basis of higher paid unskilled jobs in the 1960s and early 1970s. The transfer of skilled workers to lower paid production jobs in the late 1970s led to the creation of a new grade of steelworker, who receive higher wages and are given special jobs to do in production. The recent closure of a department led to a works agreement to secure wage guarantees for transferred workers. An agreement on wage guarantees for 7 months for workers who remain in the same job although the demands of that job have changed has also been agreed.

Job losses in firm H have been limited so far. The firm produces high grade steel and has not been affected by EEC restrictions affecting mass steel production. Production is for the plants within the same concern and has been limited to meet their needs. There has, however, been a slow reduction in staffing levels by voluntary redundancies and early retirement at 57, and the aim is to reduce present levels to 6,500
whilst maintaining the same level of production. In 1979, internal settlements were agreed with foreign workers in the plant who were no longer able to cope with the newly mechanised production process, which demands greater verbal skills and entails no physical exertion. In general, the job situation is viewed optimistically for the employees at present in the plant. The new coking plant will involve no job losses as the same number of employees will produce double the capacity. Additional jobs will be created by the new rolling mill.

In 1982, however, problems leading to short-time working for 33% of the workforce emerged with a stagnation in the market for oil drilling pipes and a U.S. embargo on pipes as a reaction to West German sales to the U.S.S.R.

During the 1970s there has been considerable rationalisation and mechanisation of the production sector. Future mechanisation is expected to be restricted to the white-collar sector, where job losses and dequalification are likely.

The technology of steel production creates problems with working conditions. The continuous process system operates on a 4 shift basis throughout the year and, in order to abide by collective agreements on a 40 hour week, employees in production have an extra holiday of 13 days per annum which has to be taken during one of 2 holiday periods laid down in a works agreement. This process of production creates problems in the organisation of breaktimes and ties workers to their jobs.

Working conditions have been greatly improved as a result of government policies on environmental pollution and mechanisation, although this has threatened wage losses. Up to now, wage losses as a result of the decline in physical exertion necessary have not been serious.

Problems within the workforce are usually individual ones only, although the ideological power struggle between the old works council chairman and shopsteward leader divided the whole workforce and shopsteward body. The early retire-
ment of the chairman due to ill health and the assumption of the former shopsteward leader to the office of works council chairman has ended the political confrontation and permitted the works council and shopstewards to concentrate on representing workforce interests.

Overt conflict measures have occurred at departmental level and at works level. In 1972 and 1973 the majority of the workforce opposed low trade union wage settlements and this led to action being taken in the rolling mill, main workshop and transport section to enforce a higher wage settlement for the works. In 1972, the action was limited to the rolling mills where workers demanded a higher basic wage and management acceptance of recommendations made by a parity commission on their wage levels. In 1973, 2,000 workers were involved in strikes against a low wages settlement and demanded an additional payment for all workers. Work stoppages have taken place during heat-waves to secure extra breaks. In 1979, the workforce struck to secure a 35 hour working week in negotiations between the trade unions and employers. Management did not introduce any sanctions after this strike but have developed a harder line in their dealings with the works council and shopstewards. Whilst at regional level, the employers' association has opposed trade union demands determinedly. This led in 1982 to protest demonstrations and warning strikes involving the whole workforce, although specific departments took a leading role.

(iii) Procedures for the Resolution of Conflicts

In the agreement on works rules there is a clause which permits employees to refer grievances directly to the works council. In practice, the works council estimates that circa 60% of grievances are referred to the foreman and 40% to the works council. Trust relations between the foremen and workforce are described as very strong partly because the 2 groups work side by side, partly because the foremen view themselves as
members of the workforce too yet with technical expertise so they can give advice and assistance where necessary. There are some individual problems between foremen and employees but this is rare. Work-related issues, such as complaints that an employee always gets the dirty jobs or wants to be promoted to first smelter are usually referred to the foreman. Private problems, such as a desire for a specific holiday period, are referred to the foreman in 60% of cases and to the works council in 40% of cases. Problems relating to the labour law are always referred to the works council.

Foremen are an important contact of individual works councillors in the departments. The individual works councillors deal with individual issues arising in their area with foremen and departmental management, although the decisions are formally made in works council committee meetings.

Works councillors spend an estimated 70% of their time in preparation for and attendance at committee meetings. Most problems arising can be dealt with either by individual councillors or committees which can become joint committees with management where controversial issues need to be decided, as in the case of the personnel committees. Serious issues such as short-time working and redundancies are dealt with by the executive committee of the works council which meets once a week and includes the chairmen of all the other committees.

The key negotiating partners of the works council at works level are the technical, finance and personnel managers who constitute the works board. The technical manager is the main spokesman of the board. The works council also has close contacts with the worker director of the steel pipes works of which firm H is now a part. They view him as a trade union man in a management position and invite him to important works council meetings. He comes to at least one works meeting a year and meets regularly with the works council chairman, making recommendations and alterations to any works agreements drawn up at works level. The close connection between the
offices of personnel manager, worker director and the works council is revealed in management organisational changes at present underway in firm H.\textsuperscript{342} The informal agreements arrived at in firm H are viewed as dependent on the persons of the worker director and personnel manager.\textsuperscript{343} The works council also has formal and informal contacts with the worker director at concern level.

Works agreements are mostly drawn up on wages and working hours and provide the skeleton of workplace administration.\textsuperscript{344} The flesh is provided by informal regulation by the works council and management on a day-to-day basis. The increased centralisation of management which has arisen as a result of recent organisational changes,\textsuperscript{345} is causing problems in the drawing up of works agreements as works management always has to refer back to the company level for their approval.

Contacts between the works council and the trade union are many and varied. The shopsteward executive maintains contact with the local IGM office and a number of employees are represented in trade union committees.\textsuperscript{346} Trade union officials attend workplace and shopsteward meetings and provide expert advice to works council committees either by telephone or by works councillors actually going to the local trade union office.

There have been no collective references to a labour court for over a decade. Individual appeals total about 6 a year and occur in cases of dismissals for economic reasons and for offences against the works rules, particularly the prohibition on alcohol on the premises.

References to a conciliation board have been rare as an internal settlement can usually be reached. One reference was made in 1975 on a works agreement to curtail health risks in the workplace. The conciliation board decided the works council had a codetermination right and that the issue should be referred to a labour court. Management and works council then drew up a works agreement with the help of health and safety experts
without referring it to a labour court. The reason for the lack of an internal settlement in the beginning is seen partly as a personality clash. When the persons concerned left, the issue was resolved pragmatically. In 1977, the works council referred a management call for short-time working to a conciliation board, which decided that short-time working was necessary due to a drop in production but cut the period from 3 to 2 months and agreed extensive financial compensation for those employees affected.

Most issues, however, have been resolved internally by management and the works council. The works council argues that the opportunities for informal contacts and conflict resolution provided by the institutional framework of the Iron, Coal and Steel Codetermination Act make recourse to third parties outside this framework largely unnecessary.

(iv) **Key Influences on Conflicts and Resolution Procedures**

The economic context of firm H has, until recently, been a favourable one leading to limited job losses which have occurred by way of voluntary redundancy settlements and early retirement. Changes in technological processes in the steel industry have led to problems of dequalification but in firm H have created additional jobs too. Although the system of production involves 4 shifts, this is not seen as a source of conflict between the workforce and management but as an inevitable concomitant of the industry of steel production.

Personality factors both among management representatives and shopstewards and works councillors have in themselves promoted conflicts at workplace level in the past but these are outweighed by those influences promoting informal conflict resolution in the workplace and at company level through the institutions

* cf. chart in appendices for overview.
of Montan Codetermination. Historical factors explain the importance of the 1951 Act as it applies to the steel industry in West Germany today.

The context of firm H, therefore, has promoted a low level of conflict and a high level of informal resolution of problems arising. Changes in the context over the past 3 years are provoking some conflicts between management and works council and threaten the continuation of the informal modes of resolution outlined earlier.
II) Firm I - a Steel Processing Plant

(i) The Context of Conflicts Arising and Their Resolution

Firm I is a subsidiary of a company employing a total workforce of circa 31,800 employees. Firm I has a workforce of 2,600 of which 2,070 work in the production sector, 400 in the administration and 130 are apprentices. 90% of blue-collar and 60% of white-collar employees are members of IGM. No other unions are represented in the firm. Skilled craftsmen work in the maintenance section of production; production workers are trained for their jobs over several weeks.

The technology of firm I involves the production of lightweight steel parts for the construction and motor industries and cast iron and ingot moulds for the steelworks. The actual site comprises hot and cold rolling mills, a foundry, a processing plant and finishing section.

The joint stock company, of which firm I is a subsidiary, owns several steel production plants, 10 steel processing plants, 2 packaging firms, a dolomite works, an electricity works and a plant producing building materials. The company comes under the 1976 provisions for company-level codetermination. Firm I has its own advisory board (Beirat) by special agreement with the company comprising 4 workforce representatives (2 works councillors, 2 trade union officials), 4 management representatives and a worker director.

The organisation of management in firm I is illustrated overleaf:-
The works council in firm I has 19 members of which 5 are released from their jobs full-time including the chairman and his deputy. There are 7 works council committees and 3 joint committees with management. The shopsteward body comprises 70 shopstewards, whose role, according to the works council chairman, is to pass on information to and from the works council and to represent trade union policies in the workplace.

Replies of works councillors in the questionnaire survey distinguished between shopstewards as the trade union and the works council as the legal workforce representatives (77%). Other descriptions of the 2 roles included the trade union and the interest representation of the workforce (41%) and shopstewards as mediators between the workforce and works council (35%). Shopsteward replies also emphasised the trade union—interest representation distinction (61%) and the shopstewards' mediating role (54%). Their description of their duties concentrated on trade union duties (61%), looking after individual trade union members (53%) and mediating in conflicts between employees (38%).
An agreement has been concluded between the works council and management on 2 shopsteward meetings per annum. The works council chairman pointed to problems in the operation of shopstewards as information channels due to their low level of training and work pressures upon them. Generally, they are considered to be ineffective and employees are said to refer issues direct to the works council because of this.

The shopstewards themselves pointed to the following obstacles to their work: noise levels (43%), time pressures (32%), shiftwork (29%), dispersion of their constituencies (25%), the lack of interest of employees in their work (25%) and problems related to work organisation in their sections (21%). On improvements to their work, 61% called for greater workforce support for shopstewards, 43% for an extension of the role of shopstewards in the workplace and 43% for more training. Responses from employees supported the need for improvements in the role of the shopstewards in the areas of extending their role (40%), supporting them in the workplace (30%) and extra training for shopstewards (20%).

Relations between the works council and management are described as good. Management shows understanding for works council claims and the works council in return understands the firm's difficulties and cooperates with management to overcome them. Each side is said to respect the other's interests, although the works council rejects any idea of a friendship or alliance with management for the works council is there to represent the interests of the workforce. The personnel manager emphasised the important influence of the 1976 Codetermination Law and the agreement on a works-level joint committee. Previously, most issues had to be referred to the main administration at company level where there was little understanding of workforce problems. Since 1976, there is a worker director at company level who does accept that workforce interests need to be taken into consideration, and a worker director at works level who can resolve a wider range of issues at workplace level than was previously the case without one.
All the workforce respondents emphasised the need for improvements in legislation on the Works Constitution and company-level codetermination, although the works council and management described it as a safety net or basis for relations, which in practice are informal. The institutional framework provided for by the legislation ensures that many conflicts do not arise because the workplace actors meet together and discuss problems in advance. When conflicts do arise they are discussed in a factual and sensible way. Both view legislation as ensuring a basic consensus for the resolution of conflict despite the deterioration in the economic context of relations. 41% of works council members did, however, see a need for improvements in management's policy of cooperation.

Responses to the questionnaires further showed problems relating to the workforce's support for the works council and the level of trade union organisation in the workplace. 30% of employee respondents saw a need for improvements in the economic context before relations could improve. 30% felt no improvements in workforce representation were necessary.

(ii) Conflicts Arising

The wage system in firm I is based on an analytical evaluation in accordance with conditions laid down in collective agreements, although the firm has 15 not 10 wage groups. Most jobs are based on an individual evaluation and bonus system. In the rolling mills there is a group evaluation of wage levels. Maintenance workers are paid on a time rate basis. The problems associated with wages are caused by the large number of transfers taking place due to technological changes, and the need for a new evaluation of individual jobs altered by the changes in technology.

Personnel problems arising are associated with management's reaction to market changes including technological changes
mentioned earlier, redundancies and transfers. The shift of production from hot to cold rolling mills in the mid 1970s led to staff cuts of 1,900 in 1978. 80% of the cuts were achieved by voluntary redundancies, 20% by compulsory redundancies agreed by management and works council in a redundancy plan. The questionnaire responses showed dismissals occur sometimes and the workforce has experienced short-time working.

Working conditions vary according to the department. 3 shifts are worked in the foundry and 2 shifts in the rest of the production sector, although 3 shifts are also worked there when orders are increased. Most problems associated with shiftwork arise in the 3 shift sector. The main difficulties associated with working conditions are noise levels (shopstewards = 86%, foremen = 83%), dirty conditions (shopstewards = 57%, foremen = 67%) and poor ventilation (shopstewards = 36%, foremen = 33%). Shopstewards also mentioned physical exertion as a problem (43%). The personnel manager argued that the problems of working conditions are largely unresolvable due to the cost factor involved.

Problems relating to holidays occur often in those departments where the number of foreign workers is high, such as in the processing plant. The main area of grievance concerning facilities for the workforce is the lack of provision of rooms where employees can spend their breaktime.

The form of conflicts arising is mainly individual, although group issues do occur in connection with wages issues, working conditions and conflicts between employees, according to the foremen's responses.

Overt conflict measures have mainly been associated with annual wage negotiations. In 1981 the workforce staged 2 warning strikes, each one hour in duration. Two works councillors mentioned action in connection with grievances about working conditions and one in connection with management policy. The measures have taken the form of warning strikes and workplace meetings or demonstrations.
(iii) Procedures for the Resolution of Conflicts

At company level there is an agreement on works rules incorporating the right of all employees to put forward a complaint if they have reason to believe they have been put at a disadvantage or unjustly treated by either management or other employees. The details of the procedure should be set down in a works agreement. In firm I there are no written procedures for referring grievances. The personnel manager argued the undesirability of written procedures as they restrict the flexibility in the handling of problems arising. At most, there is a recommended procedure for blue-collar workers, which is illustrated below:-

employee → foreman → works council → personnel manager

Actual procedures for white-collar and blue-collar employees were thought to be as follows:-

A) white-collar employee → group manager → personnel manager
   (or direct contact with the personnel manager by telephone).

B) blue-collar employee → works councillor in department
   (or → works council office).

This was substantiated by replies from workforce respondents, who cited the works council as their main resource in cases of grievances, except where technical issues were concerned which were referred to the chargehand, personal problems and grievances about other employees were referred to the shop stewards. The 3 main resources of employee grievances were the works council, shop stewards and foreman. Reasons given for their choice of referee were the positive attitudes of the works council (70%) and foremen (75%). Their knowledge about appropriate procedures came from the works rules (60%) and talks by the works council (55%).
References were always oral and direct to the referee either by the employee affected (80%) or together with a colleague (20%). Resolution of the grievance was overwhelmingly oral by the works council (60%), foreman (40%) and shopsteward (40%). Details of the extent of workforce contact with actors in the workplace showed a high level of contact with the works council and shopstewards as well as management representatives.

The shopsteward respondents were mostly skilled workers (79%) with constituencies of 30 employees or less. 68% said employees usually addressed grievances to shopstewards or works councillors, with shopstewards usually as the first point of reference. Persons referring issues to shopstewards were employees (79%), works councilors (46%) and other shopstewards (32%), with the location of the reference being whilst the shopsteward was on the job (82%), in breaktimes (36%) and at shopsteward meetings (54%). The shopstewards' most common contacts, apart from the workforce, were works councillors and chargehands.

Details of their role in the resolution process showed that 89% spent less than an hour a day dealing with employee grievances. The usual problems dealt with included working conditions (71%), social facilities (57%), personal problems (50%), allocation of work (43%) and overtime issues (43%). They were resolved orally (93%) by the shopsteward and foreman (54%) and with the works council and management representatives (43%). Unresolved issues were referred on to the works council chairman (75%) and works councillors at departmental level (64%).

The foremen who agreed to complete the questionnaire survey were all members of IGM and the majority were industrial foremen by qualification. Constituency size was between 26 and 75 employees with 1 - 3 chargehands and the same number of shopstewards. Most of their time was spent on the shopfloor (40 - 60%) and in their office (20 - 40%).
Reference of grievances was made to them by employees (100%) and works councillors (50%), orally \(^{383}\) and on the shopfloor usually. \(^{384}\) Resolution was also oral and by foremen and management at group level (50%) or foremen and works council (33%) and shopstewards (33%). The foremen's role in the resolution process was not seen by them as extensive. 50% spent under half an hour a day on grievance resolution and resolved issues concerning personal problems (83%), discipline (83%), technical (50%), safety (50%) and holidays. Unresolved problems were referred to departmental management (67%) and works council members (50%). The foremen's contacts revolved around chargehands, departmental management, shopstewards and works councillors. \(^{385}\)

Individual works councillors spend most of their time on their ordinary jobs unless they have job release or are involved in works council committees. Issues are referred to them by employees (94%), the works council chairman (59%), committees (53%), shopstewards (47%) and foremen (41%). References are oral, either direct or by telephone, and written (29%) to works councillors on the job (59%), at works council meetings (65%) and to the works council office (47%). The time spent on resolution varied with the issue in question: easy problems took under 2 hours at departmental level, difficult problems from one week to over a month if a works agreement needed to be drawn up. The most usual issues at departmental level concerned working conditions (71%), facilities (65%), holidays (59%), transfers involving changes in wage groups (53%) and safety issues (47%), and were resolved together with departmental management (71%) and foremen (53%). The majority of works councillors estimated that they could resolve under 40% of issues arising at their level. \(^{386}\) Unresolved issues were referred on to the works council chairman (82%) and works council committees (35%).

Individual works councillors \(^{387}\) and the works council committees \(^{388}\) deal with routine matters arising whilst major issues are resolved by the works council chairman and personnel manager,
who discuss and draw up all works agreements. The worker
director deals with questions involving major principles and
signs all works agreements together with another board member.

Many questions are covered by agreements at company level.\textsuperscript{389} Agreements at works level deal mainly with the wages system, working hours and redundancy plans and establishing general
guidelines in areas open to codetermination. Both the personnel
manager and works council chairman preferred informal regulation
to legal contracts such as works agreements and regulated many
issues via telephone conversations and personal discussion.
Neither the foremen nor works councillors cited works or depart­
mental agreements as important guidelines in their work. The
foremen emphasised works rules (67\%) and collective agreements
on conditions (50\%) and wages (33\%). Works councillors saw the
WCA 1972 as the key influence on their activities (77\%), then
collective agreements on conditions (35\%) and wages (35\%).

Resolution of conflicts in firm I is very much an internal
process with limited third party involvement. Management views
the main responsibility of the employers' association as the
negotiation of collective agreements with the trade union. The
works council's contacts with the union are mainly on admin­
istrative and legal issues but there is little need for
extensive legal knowledge in the practice of workplace
industrial relations so consultation with the union is limited.
Both saw problems arising from trade union and employer
association stances during collective bargaining rounds and
their attempts to induce conflicts at workplace level.\textsuperscript{390}

Some cases have been referred to the labour court by individual
employees\textsuperscript{391} and the company agreement on personnel issues was
referred to a labour court by several works councils in the
company who objected to decision-making competences being taken
away from the works council. There have, however, been no
collective references from firm I.
Firm I has never experienced the establishment of a conciliation board - the redundancy plan of 1978 was agreed internally by management and the works council. References to third parties are seen as indicative of a lack of trusting cooperation between the works council and management.

(iv) **Key Influences on Conflicts and Resolution Procedures**

Economic and market pressures on firm I have led to large scale technological changes which have affected jobs and wage levels of the workforce during the late 1970s and early 1980s. Despite the high level of potential conflict, the problems associated with technological change have been resolved by uncontroversial means through informal discussions of personnel management and the works council chairman. Factors such as the large number of foreign and unskilled workers employed by the firm help to explain the low level of conflict activity and active support for the works council and shop stewards. This, in turn, provides some clues as to why works council representation has developed into a 'one man show' whereby the chairman resolves all major issues with management and is taken into their confidence, being given extensive information on production planning and investment programmes. The person of the worker director at company and workplace level and of the personnel manager in the firm are also important influences on this development in that they actively seek the cooperation of the works council chairman in the running of the firm.

* cf. chart in appendices for overview.
5) Conclusion

A Brief Analysis of the Survey Data in the Light of Existing Information on Conflict and Conflict Resolution in West German Industry

The survey data supports the assumption made in chapter 4 that legislation plays an important role in establishing the framework of workplace industrial relations in West Germany. Despite opposition from management to aspects of the WCA 1972, especially in the smaller firms, the legislative provisions were generally accepted as providing the basis of their relations with the workforce and their representatives. In the larger firms, the WCA was seen more as a safety net providing the minimum requirements of cooperation in what was mainly an informal relationship between management and works council. In the smaller firms, some of the provisions were seen as inappropriate and there was criticism of the extent of the regulation of workplace issues by the WCA and collective agreements.

In many of the firms the wages systems were based on the analytical system set down in collective agreements and both the foremen and the works councils emphasised the importance of collective agreements on wages and working conditions in their respective roles in the workplace. The WCA was also a crucial factor in the operation of workplace relations on the shopfloor.

In the question of references to the labour courts, references by individual employees occurred in the smaller firms only where the works council rejected management's application for dismissals. Rejection occurred only in the instance of dismissals for economic reasons in firm D. In the larger firms, dismissals tend to be the ultima ratio in cases of absenteeism, discipline, worker performance and sickness and the works council usually agrees to them. Dismissals for economic reasons in the larger firms are covered by redundancy agreements or voluntary redundancy in the case of individual employees if they occur at all. Larger firms can make use of non-replacement
of natural fluctuation to obviate the need for economic dis­missals in many cases. There were very few instances of employees appealing to the labour court against the decision of both the works council and management.  

The study shows the high proportion of collective references to the labour courts in the years immediately following the enactment of the WCA in 1972, when there was considerable management opposition to the new extended role of the works council. In many of the firms the works council's role came to be accepted after legal precedents on the application of the law in practice had been set. In some of the firms the works council still uses the threat of a reference to the labour court to keep management opposition in check. In firm C, management opposition has continued throughout the 1970s which means the works council is forced to make the legal position clear by further references, although management will accept clear legal precedents. There were some instances of collective references of specific management decisions in the smaller firms but the bulk of references came from the larger firms, particularly those under the 1976 Codetermination Law who do not have the same opportunities to appeal to company board pressure on works management as those under the 1952 Montan rulings or in the special case of firm G. There was no discernible pattern in the subjects of the references, which included the evaluation of worker performance, the introduction of new computerised systems, overtime and shiftwork, works council travel and information, executive employees and personnel matters. After a period of stormy relations in the early 1970s, the relationship between the works council and management in most firms has stabilised and the expressed preference of both is for internal resolution of conflicts with possibly the informal involvement of trade union and employer association officials. The deterioration in the economic climate does not appear to lead to an increase in collective references to the labour courts but may create more conflicts of interest, which are the preserve
Findings on the extent of reference to conciliation boards confirmed their low level. The smaller firms had no experience of such boards. In the larger firms, only firm F had made a reference of redundancies to a board and in firm H short-time working had been referred to a board. In both cases the board was a last resort measure to show the workforce that the works council had done its utmost to defend their vital interests, i.e. jobs. The reasons behind the low level of references include the preference for informal internal resolution by both parties. Management generally does not wish to transfer decision-making on important issues to a retired or active labour court judge with little knowledge of the firm's affairs and prefers to negotiate with the works council until a compromise is reached, works councils also prefer internal resolution with the informal involvement of trade union and employer association officials where necessary. The influence of the chairman is too unpredictable for the management or works council to relish reference of issues to a conciliation board. Firm C is an exceptional case since the works council can obtain better results from referring issues to a conciliation board, even with the risks involved, than from discussion with management. Management's opposition to the works council in this instance overrules their desire to keep conflicts within the firm and retain control over decision-making on key issues. In general, however, the parties prefer internal resolution procedures with some assistance from trade union and employer association representatives to a formal conciliation board with a neutral chairman. References to conciliation boards are thus expected to remain at a low level despite the deterioration in the economic climate.

On the role of the trade unions and employers' associations, the findings showed considerable trade union activity in the years immediately following the enactment of the WCA 1972 in the larger firms. Works councils emphasised the importance of the trade union in the years before they were able to develop their own expertise on the WCA and also in the development of
trade union organisation in the firm. The trade union's role in later years seems to be confined to legal and expert advice in difficult and important areas, such as the drawing up of a works agreement on a new wages system, and to legal representation when references are made to a labour court. In the smaller firms in the electro-technical industry, the trade unions played no role in the relations between works council and management. In firms G and H, the trade union continues to play an exceptional role in the conduct of workplace relations due to its influence at company level and the effect this has on management's attitudes towards the trade union both at company and plant levels.

Management responses on the role of the employers' associations emphasised the negotiation of collective agreements as their main responsibility. As in the case of the trade unions, the employers' associations were more closely involved with the workplace in the years following the enactment of the WCA 1972 when management required training, advice and representation on legal matters. Now their role at workplace level is confined to legal representation in court cases.

Other third parties mentioned included the Factory Inspectorate and medical experts, both of which were called into the workplace by the works council.

The empirical studies revealed the dominance of management in the smaller owner-managed firms in all aspects of the running of the firm. Management hierarchy was very simplified with all decisions emanating from the top. In the larger companies, decision-making was often centralised at company level with little scope for agreements at works level, although in two instances (firms F and I) agreements were at plant level due in the one case to the extreme diversification of the company's operations and in the other case to a special agreement on an advisory board and worker director at plant level.
Patriarchal attitudes towards the workforce and opposition to the works council and trade union were particularly prevalent in the small owner-managed firms and medium-size firms in both the electro-technical and metalworking sectors. In such instances, management viewed themselves as the sole technical experts capable of managing the firm and resisted works council interference with the 'natural' process of management. In the larger firms it was recognised that management of the workforce would be impossible without the cooperation of the works council and, in some instances, the shop stewards too.

Foremen tended to stress their production responsibilities and their role as technical experts, limiting their role in actual conflict resolution to issues relating to the technical aspects of the work, safety, discipline and personal problems of employees, where they resolved a high proportion of issues arising. They argued that the WCA 1972 had removed many conflicts from the shop floor to works management level, where they were resolved in conjunction with the works council, particularly wages issues. This had improved the climate of relations on the shop floor and left the foreman free to deal with the technical issues of the production process. Most issues could be resolved on the shop floor informally. This was true of all the firms where foremen were employed in the production sector.

On the centralisation of workforce representation in the works council, the empirical survey showed that the works council was the key, and often the only, channel of workforce representation at plant level. Within the works council itself, the chairman was a dominant figure in all negotiations with works management. In the smaller firms, the chairman was in effect the sole workforce representative and conducted all negotiations and contacts with management. There was no bureaucratisation of works council organisation in the small and medium-size firms. In the larger firms, the works council chairman was in effect the key negotiator with management on all important issues.
There were extensive works council committee systems to deal with routine matters arising and offer expert advice on specific areas of workplace relations but they seldom had their own decision-making competence, which was reserved for the full works council or the works council executive committee in the largest firms. In firm C there had been an actual reduction in the number and role of the committees and a shift in decision-making to the job-released works councillors on a day-to-day basis and the full works council on key issues.

There was some evidence of very long service of works council chairmen in particular. The works councillors who were replaced in the elections during the 1970s had often served many years on the works council. Professionalisation appears to be restricted to those works councillors who are released from their former jobs - this applies to the whole works council in some larger firms in the metalworking industry.

Alienation of the workforce from the works council occurred in some of the smaller firms such as firm B, where the works council was viewed either as impotent or unnecessary and all reference of grievances went via the management hierarchy. This was particularly true where management pursued paternalistic policies towards the workforce and sought to restrict the works council as a workforce representative. Evidence of criticism of the works council was also found in the very large firms, for example firm G, where the workforce rarely saw their works councillors, who spent much of their time in committee meetings. Although there were instances of workforces being split in their support of or opposition to specific decisions made by the works council, works councils such as the one in firm C, which were seen to be actively representing what they considered to be vital workforce interests, usually evoked a positive attitude in the workforce even if they did not always fully agree with their policies. All works councils emphasised the vital need for workforce support in their work and many employees agreed with the works councils' view that support was often not forthcoming and needed to be improved. Few works
councils, however, were taking active steps to develop their support base in the workplace apart from those trying to develop shopsteward organisation and functions. The evidence appears to support the assumption that only those works councils with an active trade union consciousness, often having been shopstewards themselves in the past, are able to develop a workforce support base to sustain their independent policies vis-à-vis management.

The composition of the works councils in most firm was predominantly blue-collar due to the fact that white-collar workers referred issues through the management hierarchy and saw no need for a workforce representative body. The process of rationalisation now taking place in the white-collar sector may, however, develop a new awareness of a conflict of interests between white-collar workers and management and the recognition of the impotence of individualistic responses to the attack on qualifications and jobs. In the larger firms, where the administrative and research sectors are mass organisations, there is evidence of high levels of trade union organisation among white-collar workers.

Findings on shopsteward organisation and roles confirmed Kotthoff's and Dzielak's view that the number of shopstewards was a better indicator of trade union influence in a firm than trade union organisation levels, although a high level of union organisation and extensive shopsteward system were often found together in the largest firms.

In the smaller firms, unionisation is often low, especially in the electro-technical industry, and shopstewards are often non-existent as their role is viewed by the works council and the workforce alike as unnecessary. In the metalworking sector, the smaller firms did have shopstewards but there were problems of few workers being willing to stand for shopsteward posts and the restriction of their role to basic trade union duties.
In the medium-size firms, such as firms C and I, unionisation was higher than in the smaller firms and shopstewards did exist but their organisation was viewed as ineffective. Facilities for the shopstewards amounted to two full meetings a year during working hours.

In the largest firms, trade union organisation was high and the shopsteward system in the production sector was extensive with meetings at works and departmental levels based on informal agreements with management. Their role was usually defined as the provision of a link between the works council and the workforce and provision of information on what was actually taking place on the shopsfloor. In firm G, the shopstewards' role as a link between the trade union and the workforce and even management and the workforce was emphasised.

In chapter 4, the assumption that the shopstewards' effectiveness was dependent on the attitudes and policies of the works council was outlined. The findings in chapter 5 emphasise the importance of a trade union motivation of the works council if shopstewards are to be viewed as necessary and given the support from the works council they need to be effective. This motivation can arise from intensive trade union training and work with shopstewards who later become works councillors. More importantly, significant trade union influence at both company and workplace level, as in the case of firm G, can ensure that works councillors maintain their trade union motivation whilst having extensive contacts with management, by the exertion of pressure from above and below in the form of the shopstewards. The cooperation between the works council and shopstewards in firm G, however, can be seen as exceptional in West German industry. Elsewhere, where shopstewards do exist, they are usually subordinate to the works council and are unable to operate as a check on the works councils' representation of workforce interests. In very few instances, the shopsteward body is strong enough to offer significant opposition to works council policies. However, this opposition is often based on political factionalism which only promotes
management interests by dividing the workforce and provoking conflicts within the workforce body. 412

The position of the shopstewards generally in German industry is a weak one and recent technological and organisational changes, which have promoted individualisation of the workforce and a consequent reduction in workforce solidarity, have weakened their position still further.

In relations between the works council and management the key influence on whether they were cooperative or not was management policies and attitudes. These in turn were influenced by economic pressures, the organisation of the firm and whether the works council was seen to be vital in the smooth running of production. Some works councils argued that the basis for cooperation had been improved by the WCA 1972 once managements came to accept it as the basis for their relations with the works council. However, the crucial factor in cooperative relations was felt to be a good economic situation which meant few serious conflict issues had arisen thus far. 413

Where conflicts had arisen in the larger firms some works councils had instituted legal action against management, appealing to worker representatives at company level, refusing to agree to overtime and dismissals and, in some cases, encouraging workforce action in the form of special workplace meetings to promote speedy resolution. This latter mode of action was, however, dependent on shopsteward organisation in the workplace. 414 Some works councillor pointed to other sources of pressure they could use against management including non-cooperation in a generous evaluation of problems arising and accusations of management non-cooperation, where the firm lays particular stress on its cooperative relations with the workforce. The effects of a recession on cooperative relations between the works councils and management were an unknown factor in the firms surveyed.
The survey confirmed the high level of management control of wages by means of 'scientific' systems of work measurement, especially the analytical system of evaluation. This was combined with a bonus payment to production workers in the electro-technical industry. Only in firms G and H were summary systems of wage evaluation in operation to protect against wage losses in the increasing rationalisation of the production process. Wage issues were overwhelmingly individual and usually involved attempts to move into a higher wage group (although in firm G there were indications of craft worker discontent with the present wages system). Problems of wage loss are expected as jobs are dequalified and skilled workers are transferred to lower paid jobs. In firm C, the increasing centralisation of the wage payment system with the large scale introduction of computer technology was also creating problems between the works council and management.

Key issues in the area of personnel matters were: dismissals, mass redundancies and transfers, particularly in the production sector, although there was evidence that rationalisation was now being concentrated in the white-collar sector. Dismissals tended to be the resort of smaller firms when demand fell, although there had been an increase in behaviour-related dismissals in firm C. The larger firms were usually involved with mass redundancy measures, which were handled by voluntary redundancy and early retirement, a policy of no new hirings and non-replacement of natural fluctuation; voluntary redundancies were concentrated particularly among foreign workers. Transfers of employees were common due to technological changes but only created problems where they involved a change from one wage system to another. Job mobility was encouraged by the training employees received and the fact that the most flexible workers were in the highest wage groups. Collective and works agreements on wage guarantees provided at least temporary financial security for transferred employees.
Problems had arisen with management refusal to provide information on the introduction of new technology and its effect on jobs and health. Only the works councils in the largest firms were able to respond to management reticence by setting up specialist committees and hiring their own expert technical and medical advisors. Increasing mechanisation in the production sector had led to the break-up of work groups and increased the pressure of work whilst reducing the problems of physical exertion and poor working conditions. The attention of the works councils was now being focused on the white-collar sector, where the introduction of micro-technology was leading to wage, job and qualification loss.

Management policies of no new hirings to ensure a reduction in the workforce had led to conflicts about excessive overtime and extra shift working in both small and large firms, especially among craft workers. The extension of works holidays was a conflict issue in the smaller electro-technical firms and in firm C, the large electro-technical firm, reductions in social expenditure at company level had led to court cases.

The survey confirmed the view that there is seldom a formal grievance resolution procedure in the workplace and works rules only include a general right of grievance without specifying the stages involved. Procedures are informal and employees are said to be free to refer issues to whoever they wish to, although they develop an 'intrinsic knowledge' of who is able to deal with specific issues. References are overwhelmingly direct and oral, except in the case of issues such as wage increases, dismissals, notices to quit, where there is the possibility of referring the issue to a labour court for a decision. These references are made in the written form in larger firms once they go beyond departmental level. At shop-floor level, the key actors in the resolution process are the foremen and works councillors. The foremen was the main reference point for production workers in the electro-technical industry, with the role of the works council being focused on resolution of key issues with works management. In the larger
metalworking firms, shopstewards played a role as the initial contact for assembly-line workers, referring issues on to works councillors at departmental level. Most issues arising could be dealt with at this level or below in the larger firms. In the medium-size firms, the works council chairman and works council members with job release resolved the majority of issues on the spot with management representatives.

The number of works agreements was low in most firms, especially the small firms, and dealt with basic issues such as wages systems, works holidays, working hours and works rules. In the larger firms, agreements were made formally at company level and at plant level were usually informal and oral applications of the basic guidelines laid down at company level. Firm F was an exception to this rule due to the diversification of the company's operations.416

The only example of custom and practice in the definition of workplace relations was found in firm C, where starting times were not regulated from above. There were no examples of individual or group 'bargaining' with the foreman such as is the case in many firms in the U.K.

The empirical survey points to some similarities between firms from the electro-technical and metalworking industries whatever their size. These include the effect of collective agreements on wages systems and the WCA 1972 as the basis of relations between management and workforce representatives. Centralisation of management decision-making and a low level of works agreements were common to all the firms but one, as was the preference for internal resolution of differences despite the framework of legal entitlements. The foreman's position as a technical expert had been promoted by the shift in non-technical workforce issues to works level with the WCA 1972. In all firms the works council was the key workforce representative, although the organisation of its representation varied according to the size of firm, and it was a predominantly blue-collar worker representative body. Management responses to economic pressure had led to similar problems with extra shifts and overtime working in all the firms.
Size and type of industry appear to have influenced the extent of dismissals and collective references to labour courts. The applicability of company-level legislation, either the 1951 or 1976 laws, also influenced the extent of collective legal references, trade union influence at workplace level and management policy towards the works council and shop stewards.

Economic circumstances were also a crucial factor in the relationship between works council and management. For most of the firms surveyed, the circumstances had been favourable, thus promoting cooperation. It was, however, recognised that a deterioration in the economy would lead to conflicts in the workplace. Although legislation provided a framework for relations in the workplace which was cooperative, conflicts over vital interests, provoked by market pressures, would place an intolerable strain on these relations.

The various influences on the constitution of workplace relations and particularly on the processes of conflict resolution will be considered in detail in chapter six.
1) The Main Influences on Conflicts Arising at Plant Level in the FRG

I) Similarities and Differences in Conflicts Arising

Market changes during the 1970s had affected all but one firm. The changes reflected the trend towards exports as internal markets declined due to saturation or cuts in government expenditure. This trend introduced an increase in market competition for the German firms surveyed and the subsequent pressure to rationalise production. Common problems emerged from this pressure for greater rationalisation. In all firms there had been a reduction in the workforce during the 1970s, although the means used to effect this reduction varied between firms. Transfer of employees had been at a high level as firms attempted to adjust their operations to the requirements of new technological processes introduced. Most transfers had occurred within one wage system but there had been problems where employees had been demoted to lower wage groups. Collective agreements on temporary wage guarantees for such employees had alleviated much of the potential conflict associated with dequalification of workers but more widespread dequalification was expected, especially in the white-collar sector, during the 1980s. Apart from the wages problems associated with transfers, several works councils were increasingly aware of the detrimental effect of large-scale transfers on the social organisation of the workforce and on the levels of workforce solidarity. This was negatively affecting their role as workforce representatives and also the effectiveness of the shop stewards' work.

Apart from the wage problems associated with transfers and regrading of existing jobs as a result of technical changes in their content, wage conflicts were generally confined to attempts

* Footnotes in Volume Two p. 114.
by individual employees to move into higher wage groups by means of formal petition to the job evaluation specialists.

The majority of conflicts arising in the firms surveyed were individual conflicts or 'queries', which was a term used by works council and management alike.

In the larger firms, policies of no new hirings and non-replacement of natural fluctuation in the workforce had led to problems associated with increased working hours in the form of overtime in maintenance sections and extra shifts in the production sector. The problems of overtime working in the smaller firms were more related to the difficulties of production planning in small firms and the need to respond to urgent customer orders with overtime working.

Rationalisation measures had been concentrated in the production sector during the seventies in the firms surveyed and it was a common expectation of the workplace actors that future measures would be focused on the white-collar sector with the large-scale introduction of microtechnology. Problems associated with rationalisation such as job losses, dequalifications and new health risks were expected among the white-collar workforce in the firms. The rationalisation of the work in administration was already affecting blue-collar workers as shown in the problems of centralisation of wage payment and technical surveillance of the workforce in firm C.

All the firms had experienced conflicts about the interpretation of the 1972 Works Constitution Act, especially in the years immediately following its introduction, although the actual subject matter of the conflict varied.

Similarly, there had been conflicts about specific management decisions in all the firms surveyed, although the decision in question varied from firm to firm.

Industrial action in the form of trade union warning strikes during the annual round of collective bargaining had occurred in all but the smallest electro-technical firms, where trade
union organisation was low; overtime bans and special workplace meetings to discuss issues in conflict were also a common experience in the firms considered.

Differences emerged, firstly, in the means used to reduce staff levels as part of the drive towards rationalisation of the production sector. The smaller firms made use of dismissals for economic reasons whilst the larger firms used a combination of no new hireings, early retirement, non-replacement of natural fluctuation, non-renewal of employment contracts of foreign employees and voluntary redundancies (particularly among foreign employees). The effect of these differing means was that staff reductions in large firms were less conflictual than in small firms, although the specific market context of particular firms such as firm I and firm F, which required rapid reduction of staff levels over a short period of time, led to compulsory redundancies and greater conflict potential between management and workforce. Market pressures also influenced the levels of short-time working, which had been experienced by firms in the metalworking branch.

Secondly, wage systems in operation in certain plants led to wages problems. In firms B and C there were conflicts about the operation of the bonus system and its application to individual employees. In firm G a company threat to cut bonuses in 1973 provoked a workplace strike led by the toolmakers. The system of piece rates in the production sector in firm C created problems and in firm G problems arose among maintenance workers because they did not receive the piece-rates and allowances found in the production sector. There was evidence of discontent among other groups of workers such as the press workers in firm G, who wanted to be upgraded in the wage system. In firm C, there was considerable controversy about the company system of job evaluation for white-collar employees, which was viewed as too subjective by the employees and the works council.
Problems concerning working conditions and work organisation also varied between plants due to their differing technological and work organisation contexts. Working conditions and work organisation were generally less problematical in the electro-technical branch, particularly in the smaller firms, whereas problems with working conditions were general in the metal-working sector and included noise levels, dirty working conditions, ventilation, heavy physical work and safety. Apart from this difference between the two branches of industry, there were differences relating to specific technological processes. Craft production of items according to customer specification was the least problematic in terms of working conditions and work organisation, regardless of whether the firm was small or large, as in the case of firm F. Continuous process production, as found in firm H, created some difficulties due to the system of 4 shifts and the fact that employees were 'tied' to their jobs but conditions had improved greatly during the 1970s with the introduction of new technology and greater observance of anti-pollution and safety provisions. The most problematic technological process was the assembly-line in mass production in both the electro-technical (firm C) and metal-working sectors (firm G). Its effect on working conditions included high noise levels, ventilation problems, physical and psychological pressures of work, shift problems and dirty conditions. Respondents in firms C and G referred to difficulties of production flow and work organisation on the assembly-line.

The minority of collective grievances which did arise were concerned with issues such as working conditions, work organisation and working hours, particularly in the metalworking sector and assembly-line production. The fact, however, that firm C did not record any collective grievances in these areas indicates that conflict potential in a workforce is not solely related to the existence of problem areas such as working conditions but also depends on the perception of the workforce and its ability to act as a collective.
Conflicts about the interpretation of the Works Constitution Act varied. In small firms the problems were often related to management's non-recognition of the works council's basic right to exist and included issues such as time off for works council duties, basic facilities for works council activity, non-consultation and lack of agreement with the works council on codetermination issues such as overtime and, in some cases, management's reluctance to hold any meetings with the works council. Some of these basic issues were evident in larger firms with a history of paternalistic management such as firm C, although interpretation disputes in the larger firms usually went beyond basic recognition of the works council by management and covered areas such as facilities for shop stewards, the extent of works council travel allowances, and perceived delays in grievance resolution. Common to the plants surveyed was the question of information on the introduction of new technology, although the extent of the absence of information varied - in firm E, a small firm, the works council received no information at all about the introduction of NC-machines, in firm G, a large firm, the works council received extensive information about new technological processes but not about the expected impact of new technology on jobs and wages.

Similarly, conflicts about specific management decisions were common to all the firms whilst the details of the decisions varied from problems about the extension of compulsory works holidays in firms A and B to problems concerning the extent of company-level codetermination and its effect on plant-level operations in firms C, H and I. Generally, the conflicts in smaller firms reflected the problems of small firms in highly competitive markets and the need to make quick short-term adjustments to the market. The conflicts in the larger firms, which were all part of a larger company, concerned company decisions which were part of longer-term policies of adjustment to a changing market environment.

Finally, conflicts between different workgroups were found mainly in the large metalworking plants and involved production and
maintenance workers. The power struggle between the works council chairman and senior shopsteward in firm H was exceptional among the firms surveyed.

II) The Main Influences on the Similarities and Differences in Conflicts Arising

The main influences on the similarities in conflicts arising in the firms included the common market pressures towards greater rationalisation of production, reduction in labour costs and the effects of new technological processes in terms of the individualisation of work organisation. In all firms there were areas which reflected the common conflicts of interest between labour and capital. Trade union and employer association agreements on analytical systems of job evaluation, wage guarantees in case of transfers and their extensive regulation of issues such as basic wage rates also provided a common environment within which industrial relations at plant level operates. Their policies affected not only conflict issues but their form (individual grievances) and overt expressions of conflict (warning strikes). Finally, the impact of the MCA 1972 was reflected in the conflicts about its interpretation as well as the actual form in which conflicts were expressed (individual 'queries', overtime bans, special workplace meetings). A simplified diagram of the main influences on the similarities in conflicts arising is included overleaf.
Diagram of the Main Influences on the Similarities in Conflicts Arising:

<table>
<thead>
<tr>
<th>Influences</th>
<th>Subject Matter of Conflict</th>
<th>Form of the Conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Market Context</strong></td>
<td>- job losses</td>
<td>legal (works council - management) via labour court</td>
</tr>
<tr>
<td>- reduced government expenditure</td>
<td>- high level of transfers</td>
<td></td>
</tr>
<tr>
<td>- saturation of home markets</td>
<td>- increase in overtime (maintenance workers)</td>
<td></td>
</tr>
<tr>
<td>- rationalisation of production (leading to greater individualisation of work organisation in all cases)</td>
<td>- increase in shiftwork in some areas (production), decrease in other areas (cf. supplies in firm C)</td>
<td></td>
</tr>
<tr>
<td>- shift in production towards exports and hence greater market competition</td>
<td>- dequalification and job losses in white-collar sector with introduction of microtechnology</td>
<td></td>
</tr>
<tr>
<td>- conflicts works council - workforce on issue of job creation or higher earnings for current workforce</td>
<td>- interpretation of the WCA, i.e. the rights of the works council</td>
<td></td>
</tr>
<tr>
<td><strong>WCA 1972</strong></td>
<td></td>
<td>336</td>
</tr>
<tr>
<td><strong>Trade Union-Employer Association Policies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- collective agreements on:</td>
<td>- evaluation of specific jobs and attempts to get into higher wage groups</td>
<td>individual references to production planning / job evaluation experts</td>
</tr>
<tr>
<td>- analytical system of job evaluation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- extensive regulation of wage rates and working conditions</td>
<td>- conflict over basic wage rates</td>
<td>warning strikes (related to level of trade union organisation in a firm)</td>
</tr>
<tr>
<td>- wage guarantees for transferred employees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Trade union strategy on greater involvement of the plant level in annual wage negotiations</td>
<td>- conflicts over specific management decisions with direct impact on jobs, wages, working conditions</td>
<td>conciliation board</td>
</tr>
<tr>
<td><strong>Conflict of Interests Labour-Capital</strong> (Expression is influenced by the WCA 1972)</td>
<td></td>
<td>overtime bans (WCA 87,3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>workplace meetings (WCA 43 - 45)</td>
</tr>
</tbody>
</table>
The main influences on the differences in conflicts arising included specific market pressures in particular product areas, industry branch (electro-technical - metalworking) and the products and technological processes associated with it, size of firm and form of management, level of workforce solidarity and key personalities on both the management and workforce representation sides.

Size of firm, for example, was associated with different forms of management and management policies (absolute rule of owner-manager, paternalism, business relationship) and this affected the type of issues arising under the interpretation of the WCA 1972. Owner-managers in small firms and paternalistic managements in medium-size firms both questioned the basic right of the works council to exist. Management employees in large companies, on the other hand, recognised the existence of works councils and only came into conflict with them about the details of their operation. Size was also associated with differing management responses to market pressures and varying conflict levels arising from their decisions. The provisions of company-level codetermination in the FRG based on size of firm, mean the size factor influences conflicts about decisions made at company level. Levels of trade union organisation at plant level were associated with the size of workforce as was the level of workforce trade union activity, the level of collective grievances and disputes between different groups of workers.

Industry branch (electro-technical, steel, engineering and other metalworking branches) influenced the subject of issues in conflict, with working conditions and work organisation showing greater conflict potential in the metalworking branch and working hours being the object of conflicts in the electro-technical and steel sectors. Wage systems also varied according to industry branch as true bonus systems were more prevalent in the electro-technical sector. The steel industry occupies an exceptional position with reference to company-level co-
determination (Montan Codetermination Law 1951) and this was reflected in the conflicts concerning company-level decision-making in this sector. Hostility towards the works council and trade union was more prevalent in the electro-technical industry and was associated with paternalistic management policies towards the workforce. Likewise workforce indifference towards the works council and trade union was greatest in the electro-technical branch.

The varying technological processes in the firms were associated with different products, each subject to varying market pressures. Assembly-line production created the greatest amount of conflict in terms of working hours, working conditions, wages issues and work organisation and was associated with the highest levels of collective grievances of all the firms surveyed.

Finally, the effect of individual personalities on both the management and workforce sides on conflicts arising was significant in many of the firms covered in the survey, particularly in firm C.

A simplified diagram of the main influences on the differences in conflicts arising is included overleaf.
Diagram of the Main Influences on the Differences in Conflicts Arising (1)

<table>
<thead>
<tr>
<th>Main Influences</th>
<th>Subject of Conflicts</th>
<th>Form of Conflicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Size of Firm</td>
<td></td>
<td></td>
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<tr>
<td>(i) Associated</td>
<td>Interpretation of the</td>
<td>Collective / legal</td>
</tr>
<tr>
<td>with Specific</td>
<td>the WCA 1972</td>
<td></td>
</tr>
<tr>
<td>Forms of</td>
<td>basic works council</td>
<td></td>
</tr>
<tr>
<td>Management</td>
<td>rights are called</td>
<td></td>
</tr>
<tr>
<td>- owner-managers</td>
<td>into question</td>
<td></td>
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<tr>
<td>in the smallest</td>
<td></td>
<td></td>
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<tr>
<td>firms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- paternalistic</td>
<td>the works council</td>
<td></td>
</tr>
<tr>
<td>management in</td>
<td>is accepted and</td>
<td></td>
</tr>
<tr>
<td>medium-size</td>
<td>conflicts turn on</td>
<td></td>
</tr>
<tr>
<td>firms</td>
<td>the interpretation</td>
<td></td>
</tr>
<tr>
<td>- management</td>
<td>of the specific</td>
<td></td>
</tr>
<tr>
<td>employees in the</td>
<td>details of works</td>
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<tr>
<td>larger</td>
<td>council activity</td>
<td></td>
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<tr>
<td>companies</td>
<td></td>
<td></td>
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<tr>
<td>(ii) Associated</td>
<td>dismissals for</td>
<td></td>
</tr>
<tr>
<td>with Management</td>
<td>economic reasons,</td>
<td>Collective / legal</td>
</tr>
<tr>
<td>Responses to</td>
<td>extension of</td>
<td></td>
</tr>
<tr>
<td>Market Pressures</td>
<td>compulsory works</td>
<td></td>
</tr>
<tr>
<td>- small firms</td>
<td>holidays, conflicts</td>
<td></td>
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<tr>
<td>(limited</td>
<td>over payment for</td>
<td></td>
</tr>
<tr>
<td>resources,</td>
<td>hours lost due to</td>
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<tr>
<td>unstable</td>
<td>heating breakdown,</td>
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<tr>
<td>market</td>
<td>visits to doctors...</td>
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<tr>
<td>environment</td>
<td>and need to respond</td>
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<tr>
<td>and need to</td>
<td>quickly to sudden</td>
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<tr>
<td>respond to</td>
<td>market changes</td>
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<tr>
<td>need to respond</td>
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<tr>
<td>(iii) Associated</td>
<td>large firms (larger</td>
<td></td>
</tr>
<tr>
<td>with Codetermi-</td>
<td>resources, more</td>
<td>Collective / legal</td>
</tr>
<tr>
<td>nation Legislation (1976)</td>
<td>stable market</td>
<td></td>
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<tr>
<td>- information,</td>
<td>environment and can</td>
<td></td>
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<tr>
<td>- investment,</td>
<td>respond to market</td>
<td></td>
</tr>
<tr>
<td>- pricing and</td>
<td>changes over a</td>
<td></td>
</tr>
<tr>
<td>- product policies</td>
<td>period of time</td>
<td></td>
</tr>
<tr>
<td>(iv) Associated</td>
<td>issues relating to</td>
<td></td>
</tr>
<tr>
<td>with Levels of</td>
<td>company-level co-</td>
<td>Collective / legal</td>
</tr>
<tr>
<td>Trade Union</td>
<td>determination -</td>
<td></td>
</tr>
<tr>
<td>Organisation,</td>
<td>information,</td>
<td></td>
</tr>
<tr>
<td>workforce</td>
<td>investment,</td>
<td></td>
</tr>
<tr>
<td>action and</td>
<td>pricing and product</td>
<td></td>
</tr>
<tr>
<td>conflicts between</td>
<td>policies etc. in the</td>
<td></td>
</tr>
<tr>
<td>work groups. In</td>
<td>companies with 2000+ employees</td>
<td></td>
</tr>
<tr>
<td>the larger</td>
<td>warning strikes</td>
<td>Collective / interest</td>
</tr>
<tr>
<td>companies:</td>
<td>during collective</td>
<td></td>
</tr>
<tr>
<td>- there is a</td>
<td>bargaining rounds,</td>
<td></td>
</tr>
<tr>
<td>a higher level</td>
<td>workplace meetings,</td>
<td></td>
</tr>
<tr>
<td>of workforce</td>
<td>action against</td>
<td></td>
</tr>
<tr>
<td>activity of all</td>
<td>the agreed collective</td>
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<tr>
<td>kinds</td>
<td>wage rates in the</td>
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<td></td>
<td>early 1970s</td>
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<tr>
<td></td>
<td>i.e., production v</td>
<td></td>
</tr>
<tr>
<td></td>
<td>maintenance workers'</td>
<td></td>
</tr>
<tr>
<td></td>
<td>conflicts</td>
<td></td>
</tr>
</tbody>
</table>
## Main Influences

<table>
<thead>
<tr>
<th>2) Industry Branch</th>
<th>Subject of Conflicts</th>
<th>Form of Conflicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metalworking, steel, electro-technical). Affects:</td>
<td>working conditions, heavy physical work and and work organisation in metalworking. Working hours in electro-technical firms</td>
<td>collective</td>
</tr>
<tr>
<td>(i) Issues in Conflict</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) Wages Systems</td>
<td>bonus systems operate in electro-technical sector and firms often develop their own evaluation systems with conflicts arising about their subjectivity. Analytical systems predominate in metalworking</td>
<td>collective wages issues occur</td>
</tr>
<tr>
<td>(iii) Management Styles - paternalistic management predominates in electro-technical sector with implications for interpretation conflicts outlined above</td>
<td></td>
<td>individual references about job evaluation</td>
</tr>
<tr>
<td>(iv) Levels of Trade Union Organisation with implications for collective conflicts outline above - organisation is much lower in the electro-technical branch</td>
<td>conflicts concerning the interpretation and undermining of Montan codetermination</td>
<td>individual conflicts in electro-technical, more collective conflicts in metalworking</td>
</tr>
<tr>
<td>(v) Application of Montan Codeetermination (restricted to iron, coal and steel) and also wider ECC regulations on Montan industries</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## 3) Technological Processes (craft, continuous process, assembly). Affects:

| (i) Specific market pressures on products being made | conflicts about short-time working in mass assembly, compulsory redundancies in steel processing | collective |
| | Basic fixed rates in craft production & continuous process, piece rates and bonuses in assembly-line production | |
| (ii) Wages Systems | Problem of working conditions and work organisation in assembly-line production, working hours in continuous process industry | collective |
| (iii) Subject of Conflicts & Their Form | | |

## 4) Personalities of Key Workplace Actors

| (i) Especially works council chairman and senior steward | Conflicts due to opposition of management representatives at company, works, department & shopfloor levels to works council. | |
| (ii) of management representatives at all levels. | | |
III) Analysis of the Theoretical Status of the Main Influences

The empirical survey was carried out within a national industrial relations system and shows the effect of a common external environment, comprising industrial relations legislation, general market context and representation by one industrial union and one employers' federation at national and regional levels, on the similarities in conflicts arising in the firms. The differences in conflicts arising have been accounted for by differences in industry branch, size of firm and its organisation as well as workplace-specific influences such as differing technological processes, management styles and policies, levels of trade union organisation and general workforce solidarity and the impact of key personalities on the industrial relations climate at plant level.

i) Different Levels of Influence:—National, Extra-Plant and Plant Levels

National level influences were significant in the definition of general areas of plant-level conflict, which included those relating to market pressures to rationalise production and cut labour costs, conflicts concerning the actual role of the works council in the workplace and conflicts of interest between management and workforce. Industrial relations legislation, in particular the Works Constitution Act 1972, was not only an object of conflict but also influenced the expression of conflict via its prohibition on strike action at plant level and provisions for the cooperation of works council and management on all plant level issues.

The influence of extra-plant elements, especially the relations between the trade union and employers' association, was important in providing a basic framework for plant-level industrial relations in terms of establishing basic wage rates, systems of wage payment, working conditions and working hours as well as more recent agreements on areas such as wage guarantees and protection for older employees.
Differences between the firms were mainly the result of differing plant-level influences, although industry branch was a significant factor exercising a general influence on key areas of conflict and general patterns of management policy and style as well as levels of workforce organisation. In the more traditional industry branches such as steel and metalworking, management - workforce representative relations have stabilised and there is mutual recognition of each others' role and interests, although hostility towards workforce representatives is still apparent in some areas of the steel industry. In the newer industry branches, such as the electro-technical branch, relations have not stabilised. Management has adopted a hostile policy towards both the works council and the trade union and the working conditions of the industry do not promote a collective workforce response towards management. Works council and trade union activity in this branch is understandably very difficult.

Size of the firm was associated with differing market contexts, management styles and policies in response to market pressures and the role of the works council, level of trade union organisation and the resources and expertise of works councils. All of these factors influenced the conflict situation at plant level. Conflict was generally more blatant in small firms, where management questioned the right of the works council to exist and undertook dismissals for economic reasons. However, the combination of managerial dominance and weak trade union organisation and works council resources in such firms reduced the conflict potential of the workforce. In the larger firms both works council and management had wide resources with which to reduce the conflict potential of, for example, large-scale staff reductions and they recognised each others' roles in the firm. Medium-size firms, such as firm C, had the greatest conflict potential due to the combination of paternalistic and absolutist management policies involving crude responses to market pressures and opposition to works council rights on the one hand, and the greater resources of the works council to perceive and act upon conflict issues on the other.
Technological processes have been shown to have an important influence on conflicts relating to working conditions and work organisation. The lowest conflict levels in these areas were found in areas of small-scale production to customer specification in the electro-technical sector; the highest conflict levels were in mass assembly in both the electro-technical and engineering sectors. There was evidence of an association between the technological process and wage systems in operation. The wages systems with the most conflict potential were found in assembly-line production as they involved individual piece-rates and bonuses.

Management organisation, policy and style, associated with size of firm as well as the particular industry branch, influenced both the subject matter and extent of conflicts arising in the workplace. A distinction has been made between the following management types: owner-manager in small firms who acts as an absolute ruler, paternalistic management in medium-size firms which seeks to pursue a policy of absolute rule but is hampered by a certain level of works council - workforce opposition, and managerial employees in large firms, who recognise the advantages of works council cooperation in the management of the workforce and promote joint rule, although management at company level, which reflects more the owner-manager type, can create problems for this relationship.

Works council organisation, policy and style are also associated with size of firm and industry branch as these affect levels of trade union organisation and other resources available to the works council (via provisions in the WCA 1972). Where low levels of trade union organisation exist, such as in small electro-technical plants, neither the works council nor the workforce perceived or acted upon potential conflict issues. In larger firms where the works council could draw on greater legal resources, even though trade union organisation was low (firm C), the alternative policies include a legalistic approach to relations with management or a junior partnership with them. In the former case, conflict potential is increased, albeit to a limited extent, in the latter it remains low or non-existent.
Finally, the case studies revealed the importance of individual personalities in specific firms, especially the key plant-level actors, in promoting conflicts in areas such as authority issues and status as well as intensifying conflict areas which already existed.

The empirical survey of conflicts arising at plant level in the FRG has indicated the need to consider different levels in the industrial relations system and its external environment. Influences at national and regional levels provided a common environment for plant-level conflict issues and defined the main areas of conflict in all the plants relating to general market pressures, legislation on the constitution of relations between works council and management and terms covered by collective agreements. Plant-level influences were important in specifying the details of these general areas of conflict.

The studies show how the impact of factors at one level of the industrial relations system can be reinforced or counteracted by influences at another level. Examples of this include firm I, where severe market pressures led to compulsory redundancies but the history of cooperative relations at plant level meant these could be resolved internally without the need for a conciliation board. In firm C, problems with the interpretation of the Works Constitution Act 1972 were reinforced by management's hostility towards the works council. These effects of different levels again underline the importance of considering all levels of influence on conflicts at plant level. The studies indicate the need to go beyond national level to consider the impact, for example, of the international economic climate on conflicts arising at plant level. In addition, levels below the plant need to be studied, particularly in the case of large companies, where individual sections such as maintenance, administration and the assembly-lines tend to operate, in many respects, as independent industrial relations systems and show considerable differences in the subject matter and extent of conflicts arising.
The Relative Importance of Structural, Historico-Cultural and Action Influences

Structural influences such as market context, size, technology and industry branch have been shown to have an important impact on conflicts arising both in terms of similarities and differences in conflicts between firms. There has been evidence of an association between factors such as size and management policy and style and levels of trade union organisation, which in their turn have an impact on conflicts in the workplace. It is acknowledged that structural factors have emanated from decisions made by human actors and are not 'neutral' or 'givens' but need to be examined in the light of historical developments to understand their present form and influences. They do, however, provide the present day context within which the plant level actors have to operate and hence a check on the decisions made by the actors. Structural influences are not fixed or immutable as shown in the cases of decrease in firm size due to staff reductions, changes in technological processes and shifts within an industry branch as in the case of firm B from a concentration on mechanical and electrical engineering to electronics and microtechnology. Any changes in structural factors will lead to changes in conflicts arising at plant level, both in their subject matter, their form and extent.

Historico-cultural influences refer to the organisation and policies of extra-plant actors including the state, the courts, trade unions and employer associations. Their influence on conflicts arising was expressed in terms of similarities in conflicts due to the common contexts of influence from the state, trade unions and employers' associations which all firms shared. It affected areas of conflict such as works council rights, wage rates and job evaluation, issues relating to decision-making at company level in firms where legislation was applicable. Specific labour court decisions, however, affected the climate of plant level relations in different ways:-
promoting the role of the works council in some firms, under­
mining its role in others. This will be considered in more
detail in the section on conflict resolution procedures.

Historico-cultural influences are differentiated from purely
structural influences because they not only represent structures,
which are the result of decisions made by the actors, but also
the actors themselves. They also reflect even more clearly than
structural influences the historical development of the national
industrial relations system and its cultural values and priorities.

Action influences were most apparent in the differences between
firms in the conflicts arising. An association did exist
between factors such as management style and policy and size
of firm and industry branch. Management hostility towards the
works council and low levels of workforce organisation and
activity were more apparent in the electro-technical branch as
a whole and particularly in the smaller firms than in the
traditional metalworking branches. There was, however,
indications of the importance of key personalities on both
management and workforce sides in actually influencing the
intensity of conflicts arising and extent of conflict in firms
at all levels - shopfloor, department and plant level. In
some firms, such as firm I, the effect was to promote a co­
operative relationship and fewer conflicts. In others, such
as firm C, individual actors promoted high levels of conflict.

iii) The Relative Importance of 'Variables' and 'Constants'

In a comparison of two national industrial relations it is
assumed that 'constants,' such as size, technology, market
context and the conflict of interest between capital and labour,
will lead to similarities in conflicts arising, whereas
'variables,' such as the organisation and policies of trade
unions and employers' associations, the role of the State and
the legal system, prevalent cultural values and priorities, will
produce differences in conflicts arising. Within a national industrial relations system, the 'variables' produce similarities in conflicts, the constants differences. This was indeed the case in the empirical studies undertaken in the German firms, where a common context of legislation and collective agreements and the general economic environment promoted similarities in basic areas of conflict in the workplace. The differences between the firms in terms of size, technology, industry branch as well as personalities, promoted differences in conflict issues and the details of the basic areas of conflict. In the one case where it was possible to consider several firms in the same industry branch, with similar technological processes and similarities in size, the motor industry, the similarities between the firms extended beyond basic areas of conflict into actual conflict issues such as mass redundancy, mass transfer of employees, shift and overtime problems and working conditions. There were, however, still areas of differences in conflicts arising as a result of differences in company ownership (semi-nationalised foreign-owned, private German company), differences in the models produced and the markets they were destined for, differences in the evolution of relations between management and the workforce and the development of workforce organisation in the individual firms.

The influence of the state, trade unions and employer associations was particularly significant in the area of works council rights, basic wage rates and job evaluation as well as conflict resolution procedures (covered in the next section). Factors such as size and technology influenced conflicts about redundancies and dismissals, working conditions and work organisation.

iv) The Pattern of Conflicts Arising

The main pattern of conflicts arising appears to be that of collective rights with reference to the Works Constitution Act 1972 and collective agreements, initiated by the works council, in particular, the works council chairman.
The present study has made a distinction between conflicts of rights and conflicts of interests. The former arise in conjunction with the fixing of employee entitlements by legislation or collective agreements, especially where such agreements are regarded as legal contracts. The latter represent those issues which are not covered by legislation or collective agreements. The case studies reveal that most conflict areas in the workplace in the FRG are covered by legislation or collective agreements. In some areas, actual substantive entitlements are fixed, as in the case of basic wage rates, the details of specific wage groups and the calculation of wage guarantees in cases of transfer. More often, procedural entitlements are fixed, for example, that management must seek the agreement of the works council on the introduction of overtime and extra shifts and in cases of redundancies and dismissals.

In small firms, conflicts of rights over substantive entitlements do arise as the conditions in collective agreements are viewed by management as excessive and as maximum levels. This type of conflict is rare in larger firms where the conditions in collective agreements are viewed as minimum conditions, representing a safety net for smaller firms.

Conflicts over procedural entitlements in both collective agreements and, more particularly, the Works Constitution Act arise in both small and large plants, although there are differences in the quality of the issue. The case studies reveal how in smaller firms, management often resists basic entitlements accorded the works council by the WCA 1972, such as time off for works council duties. In the larger firms, management generally abides by the letter of the WCA 1972, although conflicts do arise about the spirit of the Act with reference to specific conflict issues such as the type of information provided by management on the introduction of new technological processes.

Conflicts of rights are thus more apparent in small firms, which do not abide by the basic provisions of legislation and collective agreements. In larger firms there is scope for
conflicts of interest because conditions go far beyond the basic legal requirements in both substantive and procedural areas. Despite this fact, the case studies show that the plant-level actors do not regard themselves as dealing with conflicts of interest, which are the prerogative of trade unions and employers' associations at regional and national levels. The reason for this can be seen in the extensive coverage of all potential plant-level conflicts via the procedural provisions of the WCA 1972. Since the WCA defines the type of relationship management and works council should foster and provides for the involvement of third parties where the relationship breaks down, conflicts arising at plant level tend to be viewed in terms of this legal relationship and automatically become issues of rights. Examples of this include the reference of redundancies to a conciliation board for resolution, the reference of cuts in welfare benefits to the labour court on the premise that the benefits constitute a custom and practice and objections to individual management representatives dealt with on the basis of the right of the works council to object to the appointment of management representatives.

These examples reveal another facet of the conflicts arising in the German firms surveyed, that is the fact that they are generally based on a reaction by the works council to a specific decision by management rather than on initiatives by the works council to actively promote workforce interests (an exception to this is the summary system of job evaluation in firm G, which was the result of the works council's policy of safeguarding wage levels when changes in technological processes were introduced). In most firms, there was little evidence of a collective response by the workforce to conflict issues. References were mainly in the form of individual queries about an individual employee's position with regard to wage levels, holiday entitlements and transfer. The collective response was left to the works council, which often has a limited perception of conflict issues and limited ability to initiate a conflictual reaction to an issue due to the low level of support from the workforce. This led
to a situation in the small electro-technical firms where very few conflict issues were perceived at all. The situation in assembly-line production in the car production plant was somewhat different due to higher levels of workforce support and the more obvious nature of collective conflict issues regarding working conditions and work organisation in the assembly section and wages in the maintenance section. Even in this case, however, the works council was the key factor in both the perception and the initiation of conflict, aided by the shop-steward organisation. The significant role of the works council, and in particular the chairman, in the perception and initiation of conflict at plant level, provides a further explanation for the prevalence of conflicts of rights since their role is a legal one as defined by the WCA 1972.

Within the general category of 'conflicts of right' arising in the German firms there is evidence that procedural rights provoke more conflict than substantive rights. Many conflicts are expressed as procedural conflicts, i.e. management did not inform the works council about overtime being worked, rather than in substantive terms, i.e. how much overtime is being worked. Some of the most severe conflicts turned on works council procedural rights and once these had been resolved, often by reference to a labour court, the resolution of the substantive conditions of a particular issue appeared to be straightforward as if managerial acceptance of the codetermination right of the works council promoted cooperative resolution of conflictual issues. This appears to be substantiated by the low level of references to conciliation boards, which deal specifically with major conflicts of interest, such as mass redundancies, and the predominance of the internal resolution of conflictual issues. The legislative provision of a framework for cooperative relations based on a codetermination right of the works council also appears to have the effect of disarming issues of their conflict potential by joint discussions before an issue breaks with full force on the shopfloor. This in turn explains in part the low level of collective response to conflict issues by the workforce.
The empirical survey has, therefore, provided evidence of a pattern of conflicts arising at plant level in German firms which is one of collective procedural rights initiated by the works council in response to action taken by management. This pattern is the result of the institutionalisation of the conflict between capital and labour by the WCA 1972 and collective agreements, especially as regards the status and role of the parties at plant level and basic wage rates and working conditions.

v) Evidence of Convergence and Divergence in Conflicts Arising at Plant Level in the FRG and U.K.15

i) Conflicts Arising at Plant Level in the U.K.

Studies of engineering firms in Britain show some similarities in conflict issues arising with their German counterparts. These include conflicts about the recognition of workforce representatives, their status and role in the workplace, problems involving mass redundancy and dismissals since the late 1970s, and wages issues. Although there are some similarities in conflicts arising as regards general conflict issues, the differences both in the details of the conflict issues and the quality of specific conflicts arising are striking. Wage conflicts predominate in British firms and include conflicts about actual rates of pay at plant level, collective conflicts about pay differentials and problems associated with poor control exercised by systems of payment by results.16 Although there was evidence of a conflict between craft and production workers over pay differentials in firm G, this type of conflict was exceptional in the firms surveyed. Similarly, conflicts associated with demarcation, recruitment to trade union membership and the problems of work allocation and manning levels in British firms with more than 1 union on the shopfloor were not found in the German firms surveyed, where, on the whole, all production and maintenance workers, and often many white-collar workers, belonged to one industrial union. In German firms, transfers led to some problems in terms of wage
guarantees but not to trade union disputes. The collective agreement on wage guarantees had contributed to the general mobility of labour on the shopfloor in German firms.

In British firms, conflicts arise about the recognition, status and role of workforce representatives as they did in the German firms. The conflicts in British firms appear, however, to be more intractable in their nature than the German conflicts due to the absence of legal entitlements and recourse to third parties to resolve the disputes, although ACAS was involved in disputes about trade union recognition from 1975 to 1979. Similarly, the conflicts which arise on the proper use of procedures to resolve issues are less easy to resolve in British firms because of the lack of legal provisions on procedures and an absence of agreed procedures in the workplace. Conflicts are often caused by obscure and inconsistent procedures which lead to misunderstandings and the tactical use of procedures by both sides to serve their own interests. Informal plant-level agreements are also used tactically, being withdrawn without notice or ignored depending on how the actors view their interests in a specific situation.

Earlier studies of British metalworking firms pointed to problems of systematic overtime, overmanning, resistance to change and wage drift as indications that the plant-level actors were not coming to grips with the changing economic and technological environment of their world competitors. This contrasts sharply with the picture of extensive rationalisation, shift to overseas markets and redundancies in the German firms during the 1970s. Studies of British firms in the 1980s will no doubt reflect the pressure to rationalise which has arisen as a result of the Conservative government's policies, and thus reveal greater similarities in the conflicts arising in German and British companies than was the case during the 1970s, although rationalisation in German companies is shifting more towards the white-collar sector in the 1980s.
There are also considerable differences in conflict expression in British and German firms. Studies of British firms show the resort to low level unofficial strike action or conflict measures such as working-to-rule, go-slow, and overtime bans in response to conflict issues. In German firms, even those with high levels of trade union and shop steward organisation, action is limited to workplace meetings to discuss an issue in conflict and to works councils' refusal to agree to overtime, which is their legal entitlement in specific circumstances. Neither the empirical survey nor other studies of German firms have provided any example of an endemic strike situation as found in some British companies.

ii) Influences on Conflicts Arising

An outline of the lack of a positive definition of plant-level relations by either the state or the trade unions and employers' associations has been given in chapter four. During the 1970s there was an attempt by the Labour government to influence areas such as health and safety, discipline and dismissals and trade union recognition, and their policies had some effect on stabilising relations in these areas. The Conservative government has limited its intervention to subjects such as picketing and the closed shop and the trend is towards active state intervention to restrict these activities rather than just a reversal of Labour's previous positive intervention. In comparison to the role of the state in plant-level relations in the FRG, however, the role of the British state has been marginal.

A consideration of the impact of the market context on plant-level relations during the 1970s shows an apparent absence of the market pressures to rationalise, which were such an important influence on conflicts arising in the German firms during the 1970s. The subsequent decline in the British share in its own home markets as well as markets overseas is one
result of the lack of response by companies and trade unions alike to the changing market context. The present government's policies have subjected firms to the full force of market competition and the resulting rationalisation process is provoking similar conflicts to those found in the German firms in the seventies. The delayed response from British firms, however, tends to reduce their options in the introduction of rationalisation processes. Whereas the German firms were able to adopt a policy of early retirement, voluntary redundancy and mass transfers together with non-replacement of the natural fluctuation in staff, British firms are often faced with compulsory mass redundancies and closures.

White argued that in Britain the main motivations, pressures and influences on workplace relations originate within the plant itself. Earlier studies, such as that by Cole, emphasised the importance of structural factors, such as economic and technological influences, on plant-level relations, in terms of whether they promoted management or workforce control. Studies of British firms during the 1960s and early 1970s highlighted the importance of the absence of management control in areas such as wages levels and payment systems, work allocation and manning and economic conditions which favoured the bargaining power of workgroups and shopstewards. This led to fragmented workplace bargaining between individual employees or groups of employees and the rate fixers, with shopstewards dealing with only the most intractable bargains. The wages 'system' became the result of numerous bargains, and the fact that groups could not control the bargains of other groups and risked a drop in relative wage levels as well as the threat of losing trade union members if they did not keep up in the bargaining stakes meant a wages 'free-for-all' which led to the demoralised payment-by-results systems and inequitable pay structures as described in the studies of British firms, particularly in engineering and car manufacture, in the 1960s and early seventies. The abdication of management control left the definition of the workplace context to fragmented groups of workers, divided by trade union, departmental and sectional loyalties. This in
turn helps to explain the fact that wages and work organisation were continuous sources of workplace conflicts. Relations between management and workforce were described as 'adversarial' or 'conflictual'. Unlike the FRG, there were no countervailing influences to lessen the conflictual climate. On the contrary, the absence of control and agreed rules for interaction promoted the resolution of conflict by trials of strength.

Studies of British firms in the late 1970s and early 1980s give some indication of a trend towards systems of job evaluation and the exercise greater management control over wages systems, together with an increase in the hierarchy and integration of shopsteward bodies. These changes reflect new government economic policies and a shift in the balance of power towards management with increasing unemployment. These new influences are expected to lead to a reduction of the difference in conflicts arising in British and German firms with respect to issues relating to demoralised pay systems and the effects of rationalisation. However, differences in conflicts arising will continue to exist due to the specific influence of legislation, in the form of the UOA 1972 and Company Codetermination Acts, the centralised organisation and policies of trade unions and employers' associations and differences in the personalities of key plant-level actors and the history of their relations on plant-level relations in the FRG.

iii) The Theoretical Status of the Main Influences

Both intra-plant and extra-plant influences have affected the conflicts arising at plant level in Britain. Until recently, both the state and the trade unions and employers' associations have been conspicuous by their lack of definition of plant-level relations, and recent attempts by various governments to define certain aspects of plant-level relations have been limited. The governments have, however, played an important
role by means of their economic policies, which have either promoted or restricted the bargaining power of employees. Thus the extra-plant environment has not led to uniformities in some aspects of the system of plant level relations as has been the case in the FRG. Intra-plant influences have had a greater impact in Britain on conflicts arising at plant level and it is therefore to be expected that greater diversity will characterize actual plant-level relations in Britain than in Germany.

British literature on the workplace reflects this emphasis on intra-plant influences. Much of the work in the 1950s and 1960s focused on the effect of structural influences, such as size of firm, technology and management organisation, on the levels of conflict and type of relations between management and workforce. More recent studies have highlighted action variables including the values, goals and interests of specific workplace actors to explain the conflict situation at plant level. The influence of historico-cultural variables has only been assessed in terms of the preference of state, trade unions and employers for a voluntary system of industrial relations. It could be argued that in the British system, plant-level structures are more likely to influence the pattern of plant-level relations and conflicts arising than in the FRG, where other influences are significant as well. Further, there is more scope for the influence of the plant-level actors' own goals, values and personalities on plant-level relations in Britain.

The operation of the 'variables' and 'constants' model within a national system leads to 'variables,' such as the role of the state, cultural values, trade union and employer association organisation and policies, promoting similarities in the pattern of conflicts arising between firms and the 'constants,' such as size, technology etc., promoting differences. Within the British system, the variable factors have encouraged workplace autonomy in the regulation of its own relations and the
constant factors have been crucial in determining the type of
relations which emerge together with action influences relating
to the goals and values of specific plant-level actors. Studies
of firms in the same industry branch and with the same
technological processes, such as car manufacture, have shown
considerable differences in the levels of conflict arising,
with some firms exhibiting endemic strike situations whilst
others are relatively peaceful. Recent studies comparing
firms of similar size, industry branch and product manufacture
have revealed the inconstancy of 'constant' influences such as
 technological process and management organisation.

Sorge's study of the introduction of CNC-machines into engin­
eering firms in Britain and West Germany has shown how the
application of technology is adapted to the present patterns
of decision-making, status and organisation of a company.
Woodward, likewise, emphasised the importance of managerial
decision-making in firms. Prais's study of the size of
companies in Britain and West Germany revealed differences
in the methods used to increase the size of firm according
to national predilections. These studies underline the fact
that present day structures are products of past decisions
made by specific actors in different national contexts. Their
findings point to the continuation of differences in conflicts
arising in firms within differing national contexts even with
respect to the so-called 'constant' influences. The influence
of size and technology across national systems of industrial
relations only provides a general outline of likely areas of
conflict. Other influences need to be considered to discover
specific conflict areas and the significance attached to
these conflicts by the plant-level actors. These influences
include the historico-cultural set of variables as well as
action variables.

iv) The Pattern of Conflicts Arising in the U.K.

The comparison between conflict areas in British and German
plants reveals the limitations inherent in any consideration
of conflict solely in terms of subject matter or their association with the technical, market or power contexts of plant-level relations. Apart from general conflict areas such as wages, redundancies and dismissals, transfers and work allocation, working conditions and the recognition and status of workforce representatives, there were differences in conflicts arising. In Britain, conflicts arose concerning trade union demarcation, manning and working arrangements, differentials in wages and fluctuation in earnings, which were not found in the German firms. The fact that wage conflicts arise in both systems also does not reveal the considerable differences between collective wage conflicts between groups of employees in Britain and individual wage 'queries' in Germany.

In contrast to the pattern of conflicts in the German firms, described as one of collective procedural rights initiated by the works council in reaction to management decisions, the British pattern could be described as collective procedural and substantive interests initiated by groups of employees and their representatives in pursuit of their own interests as well as in reaction to management decisions. During the 1970s, there have been some attempts to introduce a distinction between conflicts of rights and conflicts of interests, between grievances and claims, in the British system. Several studies point to an increase in conflicts of rights referred to ACAS as indicating an increase in the formality of workplace relations in large firms, where most of these references come from. Generally, however, formal and legal entitlements, both in terms of procedural and substantive issues, are limited in British firms. This leads to most conflicts being about interests rather than rights for although employees may define an issue as one of rights due to the existence of a custom and practice arrangement, they have no objective source of appeal unlike the works councils, and the resolution of the issue amounts to a trial of strength based on a conflict over interests. The outcome of this trial of strength is dependent on those factors influencing the relative power position of the two parties, including objective resources as well as the actual perceptions of the two sides. In British
plants both the procedural and substantive aspects of the relationship between management and workforce are the subject of a conflict of interests due to the absence of externally imposed 'legal' entitlements. The opportunity for cooperative resolution of substantive issues on the basis of agreed procedural positions (often after a court battle), which exists in the German firms, is absent in British plants as the settlement of both areas of conflict is left to the plant-level actors and thus to a trial of strength between the two.
2) The Main Influences on Conflict Resolution Procedures at Plant Level in the FRG

I) Similarities and Differences in Conflict Resolution Procedures

In all the firms surveyed there was a low level of formal procedures and works agreements. There was no evidence of formal grievance procedures or any other plant-level procedures agreed by the two parties or unilaterally imposed. Works rules, usually agreed at company level, only provided for a general right of employees to refer grievances without specifying a procedure. Written grievance reference was rare and only used in cases which could ultimately be referred to a labour court or, in larger firms, where individual grievances went beyond departmental level and concerned aspects of the employment contract. In all but one firm there was a limited number of works agreements. Works agreements were drawn up to cover basic issues such as wages systems, working hours and annual works holidays. All other agreements were made informally.

Most conflicts arising were resolved at departmental level or below with only serious issues affecting whole sections of the workforce or with legal implications being referred to higher levels of decision-making. Although foremen emphasised their technical role and argued they had little role in conflict resolution, they were usually able to resolve most issues arising from the workforce at their level. The works council was the key workforce representative in all the firms, although the specific form of their involvement varied according to the size of the particular firm.

A distinction was made between actual procedures for reference of grievances used by blue-collar and white-collar employees. The former usually referred issues via the works council, the latter via the management hierarchy. The reasons for this differentiation in actual procedures include the different work locations of the two groups of employees, the absence of white-collar representatives on many works councils, and the
close working relationship between white-collar employees and management representatives.

Finally, in all firms there was very limited reference of issues to conciliation boards. No references were made by small firms. References made by large firms included the following issues: redundancies, short-time working, health risks, working hours, bonus systems and performance evaluation of white-collar employees.

Differences in conflict resolution procedures reflected varying levels of works council organisation in terms of the number of committees, job-released works councillors and the relative distribution of decision-making competence between individual councillors, the executive body and the works council chairman. Works council organisation was non-existent in small firms and extensive in the large firms. Shopsteward organisation also varied between firms. It was almost non-existent in small firms and in the electro-technical branch. In large metal-working firms there was an extensive hierarchy of shopsteward organisation but actual shopsteward involvement in the conflict resolution process was only extensive in firm G, where they were the first source of reference for employee grievances, in part due to the non-availability of foremen on the assembly-lines. Facilities for shopstewards were most generous in firms G and H, where trade union and works council influence at company level was significant. Plant-level conflict measures appeared to be related to the level of shopsteward organisation and their involvement in the conflict resolution process.

The relative importance of specific actors in the process of conflict resolution varied with size of firm and industry branch on a scale ranging from management domination of the whole process of resolution (small electro-technical plants) through to joint resolution at all levels found in the large metal-working plants. The specific role of the works council varied greatly. In the small electro-technical plants the works council chairman only dealt with issues referred to him by management because they legally required the works council's
consent. In the small metalworking plants, the works council chairman was also the main representative of the workforce but in firm D, especially, he did not confine himself to dealing with management references but also pursued certain workforce interests in the light of trade union policies. The chairman and works councillors with job release were the key representatives in the medium-size electro-technical plant and were pursuing a policy of reducing the number of works council committees. Elsewhere, in the large plants, the procedure for conflict resolution had a similar pattern:

<table>
<thead>
<tr>
<th>Stage 1:</th>
<th>Foreman - individual works councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 2:</td>
<td>Departmental - individual works manager councillors</td>
</tr>
<tr>
<td>Routine issues</td>
<td>Personnel - works council committees person</td>
</tr>
<tr>
<td>requiring Stage 3:</td>
<td>Management representative</td>
</tr>
<tr>
<td>works council consent.</td>
<td>Issues requiring specialist knowledge</td>
</tr>
<tr>
<td>Major collective issues:</td>
<td>Works management committee or works council chairman (+ worker director in certain plants)</td>
</tr>
</tbody>
</table>

Reference of conflicts to third parties varied between firms. Most firms had experience of individual and collective references to labour courts, although the former were relatively more frequent in small firms and the latter in large and medium-size firms. The large firms had all been the subject of extensive trade union involvement in the late 1960s (shop steward and trade union organisation) and the years immediately following the enactment of the WCA 1972 (legal advice and support). The involvement of other third parties such as the Factory Inspectorate and medical experts varied with the issues which had arisen in specific firms.
II) The Main Influences on the Similarities and Differences in Conflict Resolution Procedures

The main influence on the similarities in conflict resolution procedures amongst the firms surveyed was the Works Constitution Act and its general procedural provisions. These accounted for the low formalisation of procedures and grievances in the workplace, the low level at which most problems were resolved, the role of the foreman as technical expert and confidante of the workforce, the central role of the works council as workforce representative as well as the general patterns of reference of conflicts to third parties and the preference for internal resolution of issues arising.

The differentiation of procedures used by blue-collar and white-collar workers was related to the organisational separation of the two groups of employees and the different management hierarchy under which they work in their departments. It is also associated with the differences in view as regards the need for a plant-level representative body.

The low level of works agreements reflects the extensive regulation of substantive issues by collective agreements at national and regional level, as well as the growing centralisation of decision-making at company level and the increase in the number of company agreements between management and works council at that level. This reduces the scope for regulation at plant level. The low level of works agreements is also a consequence of the expressed preference of plant-level actors to retain their flexibility of response to specific situations as they arise. Works agreements are thus reserved for basic issues such as details of the plant-level wages system, timing and arrangements for annual works holidays and special allowances.

The WCA 1972 provides a general framework for the procedural resolution of issues arising at plant level, which focuses on the works council and works management. The Act provides for the joint resolution of conflicts and lays down specific areas
where management requires works council consent to proceed with a measure. The system of cooperative conflict resolution at plant level, based on an acceptance of the free market system and a recognition of the mutual rights and responsibilities of both management and works council, is supported by the regulation of key controversial issues, such as wage levels and job evaluation methods and wage guarantees in cases of transfer, at levels above the plant. Likewise, the concentration of the regulation of major plant issues, such as transfers, redundancies, discipline and dismissal and individual wage levels at plant level, in the hands of the works council and works management promotes a non-controversial environment at shopfloor level, where the foreman's role involves the resolution of technical, organisational and personal issues in his particular section. Most issues arising at shopfloor level can be resolved pragmatically by the actors at that level. There is, however, some evidence of conflict between the works council and management at departmental and company levels, both of whom are not directly involved in the cooperative system of relations outlined in the WCA 1972.

In all firms the works council was the key workforce representative. Trade union influence at plant level was generally weak and was exercised through the works council. There was little evidence of a power struggle between the works council and trade union representatives at plant level. The latter were either non-existent or played a very secondary role to the works council, with one exception (firm G). Despite the low level of direct trade union influence, most works councils emphasised that their position in the plant was dependent on trade union support and strength at national and regional levels. In the larger firms, the workforce tended to deny that they personally experienced any benefits from trade union membership, or from having a works council in some instances, but they still argued the necessity of both the trade union and their works council for their continued general well-being in the workplace.
The reference of conflict issues to third parties, or lack of reference as in the case of the conciliation boards, was related to the provisions in the WCA 1972 for third party involvement. There were some similarities in the firms' experience of third party references - most had experience of both individual and collective references to the labour courts, albeit to varying degrees, and many firms had required the involvement of trade union and employer association officials, particularly in the years immediately following the introduction of the WCA 1972 and in labour court cases. The general low level of reference to conciliation boards reflects the reluctance, particularly on the management side, to involve outsiders in the actual resolution process of 'interest' rather than 'rights' issues and to support the considerable costs such references incur.

The main influences on the differences in plant-level conflict resolution procedures were size of firm and industry branch and the association of these two factors with differences in management policy and style as well as organisation, different levels of trade union involvement at company and plant levels, and varying levels of complexity of works council organisation.

The size of the firm influenced both management organisation and, with respect to the differing provisions of the Works Constitution Act dependent on size of firm, works council organisation. Differentiation and specialisation of management and works council functions and structures increased with size, as reflected in the large number of works councillors released from their jobs full-time and the extensive network of works council committees in the large firms. These factors then influenced the different stages in the processes of conflict resolution from the shopfloor to plant level. In the small firms the resolution process centred on the works council chairman and works management. In the larger firms, the process included individual works councillors, foremen, departmental management, works council committees and their counterparts on the management side, the works council executive committee.
and chairman with works management, and in the firm covered by Montan company-level codetermination, the worker director.

Size of firm also had some influence on shopsteward organisation as well as trade union organisation, as both were seen to be more necessary by the workforce, works council and management as size increased.

Size of firm was also associated with differing management styles and policies including their policies towards workforce representatives. Most hostility was expressed by management in small firms, who sought to dominate all the processes of resolution. In larger firms, there was less hostility and greater recognition of the part the works council, and in some cases shopstewards, could play in the management of the workforce. Firm C was an interesting example of the problems which arise in the gradual transition from paternalistic to more rational management styles and policies, associated with medium-size firms.

Industry branch was another significant influence on conflict resolution processes. In the case studies of electro-technical firms it was shown how management representatives dominated all levels of the procedural process for conflict resolution apart from plant level where there was some works council involvement. Management style was generally paternalistic and hostile to the activities of workforce representatives. Decision-making tended to be centralised at company or concern level and there was opposition to the drawing up of agreements at plant level. In the traditional metalworking firms there was general acceptance of the role of the works council and joint regulation of at least the key conflict issues arising.

Trade union organisation and shopsteward organisation were low in the electro-technical plants and high in the traditional metalworking plants, especially in the plant covered by Montan company codetermination legislation (H) and the semi-nationalised plant (G), where the trade unions still exerted considerable influence at company level. However, even the smaller metal-
working firms had some shopsteward organisation, although its involvement in actual resolution of conflict was limited.

Both the dominance of management and the weakness of trade union organisation in the electro-technical industry were related to factors such as the individualisation of work organisation, the low level of technology-related conflict issues, the low level of external trade union involvement in the promotion of trade union organisation at plant level and centralised, paternalistic management traditions. These led both management and workforce to question the need for workforce representation and to the dominance of management viewpoints. On a scale of involvement of workforce representatives in the resolution of conflict, the lowest level of involvement was in small electro-technical plants followed by small metalworking plants, then the medium-size electro-technical plant, steel processing, and steel production plants and car manufacture with the highest level of involvement. The form of the workforce representatives' involvement also varied from the dominance of the works council chairman or the works council executive of job-released members to the involvement of all works councillors, where all were released from their jobs, and of shopstewards in the largest metalworking plants. In these latter examples, special factors were in operation due to the fact that the steel production industries are subject to the Montan Codetermination legislation and to the semi-nationalised status of firm G, both of which meant management were willing to go beyond the provisions of the WCA 1972 in the granting of concessions to the works councils.

With reference to the involvement of third parties in the resolution of plant-level conflicts, size was an important factor since larger firms had more resources on both the management and works council side to resolve issues internally, especially in those firms mentioned above where trade union and works council representatives could exert considerable influence at company level to promote the resolution of issues at plant level. Other influences, however, also came into play in the explanation of why some firms refer more issues to
third parties than others. Changes in works council-management relations which provoked instability and a lack of consensus necessary for internal resolution often led to the involvement of third parties, as in firm C. Personalities also played a role as was the case in firm H, where the conflict between the works council chairman and the shopsteward leader meant issues, which previously had been resolved internally, were now being referred to a conciliation board. Experience of past references to third parties can either promote further references (firm F) or discourage them (firm S), depending on the results of the references. Finally, the sheer intractability of certain issues, such as compulsory redundancies, can lead to the involvement of third parties in the resolution process, although the absence of workforce pressure on the works council in firm I meant even this issue could be resolved internally by the plant-level actors.

The general pattern of resolution in larger firms is for minor individual issues to be resolved at shopfloor or departmental level between individual works councillors and management representatives. Routine issues requiring works council consent and specialist issues are referred to works council committees and representatives from the personnel and other departments. Major collective issues, such as redundancies, mass transfers and works agreements on new wages systems, are dealt with at plant level by the works council executive and works management, although in practice the works council chairman tends to dominate this level of resolution.

The question of the initial referee of workforce complaints is very dependent on factors such as work organisation, the level of shopsteward organisation and availability of referees. In electro-technical plants with low or non-existent shopsteward organisation the referee is usually the foreman, even in mass assembly plants. Maintenance workers generally refer issues to the foreman. Assembly workers in the metalworking industries find shopstewards often the most readily available first reference point, whilst white-collar workers refer issues to the management representative in their specific departments.
III) Analysis of the Theoretical Status of the Main Influences

The theoretical status of the main influences producing similarities and differences in conflict resolution procedures between firms was similar to those which produced similarities and differences in actual conflicts arising. Those influences producing similarities were at national and extra-plant level, historico-cultural influences and those elements called 'variables', which produced differences between different national industrial relations systems but similarities within a national industrial relations system. The influences producing similarities in conflict resolution procedures in the firms surveyed related to the common context of Works Constitution legislation and collective agreements in the particular industry branches under consideration. These influences reflect historico-cultural developments and decisions, which resulted in the present significance of the state and trade union and employers' associations in the regulation of plant-level relations, both their procedural and substantive aspects. All structures, both those relating to size, technology, organisation and the role of the state and collective groups in industrial relations, are the result of a series of decisions made by different actors over the course of industrial relations systems' historical development. However, those structures relating to the role of actors, rather than inanimate structures such as size, are more closely related to specific historico-cultural preferences.

Those influences producing differences in the type of processes used to resolve conflicts in the workplace were plant level and extra-plant where industry branch is concerned. They were structural and structure-related influences such as management styles associated with a particular size of plant. Action influences were also important, especially in the reference of conflicts to third parties. In the variables-constants model, it was the constant factors shared by the two national industrial relations systems which produced differences within a national system.
Size of firm was an important factor producing differences in the structures and processes of conflict resolution between firms, although it needs to be seen as operating within the framework laid down by the WCA 1972, which, for example, provides for a greater number of works councillors and more extensive organisation of works council activity with increasing size of firm. The significance of industry branch needs to be seen in conjunction with legislation on co-determination in the iron, coal and steel industries as well as traditions of trade union involvement and management philosophy and style in different industry branches. Action influences were particularly significant in the exceptional situations, where the role of certain actors led to internal resolution of the most controversial conflict issues (firm I), or the reference of issues, which could have been resolved internally, to third parties (firm C). An additional important factor in these situations was the development of the relationship between the works council and management, where there was a breakdown in the previous pattern of conflict resolution and instability of present day relations, also past experience of reference of issues to third parties.

The actual conflicts arising in the individual firms did have some influences on procedures as in the case of firm G, where the problems of information on new technology led to the setting up of a special committee to ascertain the likely effects on jobs and wage levels of the introduction of new technology. Similarly, the emergence of basic conflicts of interest such as mass redundancies tended to be referred to third parties for resolution. Specialised issues dealing with complicated job evaluation systems, work organisation and technology are expected to promote the role of expert committees, although final decision-making resides with the whole works council. The similarities of procedural systems once size was accounted for appears to discount the effect of the internal plant technology on procedural systems in German firms.
IV) The Patterns in Conflict Resolution Procedures

i) The Form of Conflict Resolution Procedures

Resolution procedures are often differentiated into official procedures, standard practices and actual practice in the British literature. These were the categories used in the questionnaire survey. Empirical results revealed that actual practice was the only suitable category for use in the German firms since official procedures and standard practices were not generally operative. Processes of conflict resolution were internal to the plant, informal, low level on the whole with a distinction in the procedures for white-collar and blue-collar workers and, to a certain extent, for the maintenance and production workers. There was also some evidence of a choice of first stage for the referral of complaints depending on the subject matter of the complaint:- technical, administrative and personal issues were referred to the chargehands and foremen; and wages, social facilities, working conditions and legal issues to works councillors. The general pattern of conflict reference was as follows:-

employee

/shopsteward) - in large metalworking firms

/chargehand) - in large metalworking firms

foreman : works councillor

departmental : works councillor

manager

personnel management : works council committees

works management : works council chairman or works council as a whole or just its executive committee

Formalisation of issue reference and the procedure increases in large firms after departmental manager level. All the firms surveyed fit into this general pattern of conflict resolution,
although in the smaller firms there is often only one stage (employee to works council chairman and works management). The structure of workforce representation is dominated by the works council. The shop stewards play at most a role as the first source of reference for employees and pass issues on to the works councillors for resolution. There was no evidence of groups of employees raising collective grievances and attempting to resolve them with management representatives.

ii) The Function of Conflict Resolution Procedures

The categories used by Hyman to describe the functioning of conflict resolution procedures included the following: judicial model, bargaining model and conciliation model. In his study of the now defunct engineering procedure his findings showed that wages issues dominated the procedure and he thus concluded that the procedure was being used as a bargaining tool.

The empirical study of German plant-level procedures has emphasised the role of the WCA 1972 as providing a general procedural system by outlining a framework of issues likely to arise in any plant and specifying the type of involvement of workforce representatives in each case, in addition providing for the involvement of third parties if internal resolution is not possible. An analysis of the function of the WCA 1972 as the plant-level procedural system shows that the actors do not employ it in an administrative sense to apply agreements to specific plants, except where works council and management are called upon to apply the provisions, for example, of collective agreements on the guarantee of wage levels in cases of transfers. Since wage rates are not the subject of plant-level regulation, the WCA 1972 is not used as a bargaining tool to obtain higher wage rates, although individual employees do attempt to move into higher wage groups within the system of job evaluation. The judicial use of the WCA 1972 has been
evident in those cases where issues have been referred to labour courts because management refuses to abide by the legal provisions for the facilities and involvement of the works council. Such cases were particularly prevalent in the years immediately following the enactment of the WCA 1972 and are arising in conjunction with the introduction of new technology and the definition of works council rights in this area. Generally, however, a legalistic use of the WCA 1972 is seen as indicative of poor relations between management and works council and the last resort of works councils which are unable to rely on sufficient workforce support to bolster their position vis-à-vis management.

The main use of the WCA 1972 is constitutional, i.e. the definition of relationships between management and works council at plant level, their respective status, rights, functions, responsibilities, and the promotion of a cooperative model of joint regulation of issues arising. Within the relationship defined by the WCA 1972, agreement on the substantive details of plant-level issues can occur, as can the application of the terms of collective agreements at national and regional level to specific workplace situations. The evidence of a low number of works agreements indicates that these processes occur informally.

Thus, the WCA 1972 is not intended to act as a procedure to apply agreements or negotiate agreements in the traditional sense as found in the U.K. and the U.S.A. but it represents a constitution for the workplace, an outline of how a factory should run. It leaves considerable scope for each plant to develop its own substantive agreements in accordance with prevailing conditions. The operation of the WCA 1972 in the case studies appears to indicate that once agreement can be reached on the status and rights of the respective actors at plant level, albeit after a number of legal battles, agreement on substantive terms can proceed via joint cooperation apart from cases of a serious conflict of interests such as compulsory mass redundancies.
Conflict resolution procedures reflect the state of relations between management and workforce at a given time. The WCA 1972 has as its aim the establishment of cooperative relations between management and workforce and it can be argued that to a great extent power bargaining, which is characteristic of the British system of industrial relations, has been replaced by technical and legal discussion by two sets of experts in the field of plant-level issues arising. The general procedural framework outlined by the Act cannot, however, be compared with the narrow formalism and piecemeal approach to the development of plant-level procedures in British firms during the 1970s, which have given rise to problems associated with a lack of flexibility of response to problems arising day-to-day on the shopfloor.

V) Evidence of Convergence and Divergence in Conflict Resolution Procedures at Plant Level in the FRG and the U.K.

i) Similarities and Differences in Conflict Resolution Procedures

The following details about plant-level procedures in British firms are taken from the literature survey in chapter 4 and compared with the empirical findings from the German firms. This comparison revealed some similarities in the general outline of procedures in German and British firms, notably the greater formalisation of procedures with increasing size of firm, the general preference of plant-level actors for internal resolution of issues arising, the importance of dismissal cases in small firms, the generally low level of formalisation of plant-level procedures and substantive agreements, problems of non-recognition of workforce representatives by lower management and the realisation of the importance of high trust relations for procedures to function effectively.

In small British firms very informal and highly personalised modes of resolution operate. These are accompanied by management hostility towards any form of consultation with workforce
representatives, a low level of trade union organisation and management dominance of the resolution process as was the case in the small German electro-technical firms. In the larger plants (1000+ employees), there are indications that procedures are more formalised. Here, there is greater professionalisation of industrial relations management, a more advanced organisation of workforce representation with full-time senior stewards and joint shopsteward committees, and generally a higher level of management recognition of trade unions and shopstewards as was the case in the larger German firms. These influences have increased during the 1970s in Britain as a result of government legislation on aspects of plant-level industrial relations, a shift towards company-level collective bargaining and the increasing size of companies.

Other common factors in British and German plants with respect to conflict resolution procedures include the preference for internal conflict resolution by the parties at plant level, the low levels of formalisation of plant-level procedures and substantive agreements, an emphasis on procedures rather than on substantive agreements to regulate issues arising, and problems of non-recognition of workforce representatives by lower management. Individeual dismissal cases are particularly prevalent in smaller firms but ACAS, as the labour court in Germany via its informal pre-court hearings, seeks to help the parties reach a joint agreement without recourse to legal proceedings.

Since proposals made by the Royal Commission on the need for the greater formalisation of plant-level procedures as one area of a larger strategy to create order in plant-level relations, there has been a growing realisation among practitioners and theorists alike that high trust relations between the two parties are important for such procedures to be effective. Purcell's description of 'cooperative constitutionalism' as the method most likely to produce good relations at plant level bears a close resemblance to the MCA 1972 - a cooperative plant-level constitution.
Despite these similarities between the two plant-level systems of conflict resolution it must be emphasised that they operate within two very different wider contexts of industrial relations. In Britain there is no legally defined constitution for plant-level relations, which means that conflicts about the role, status, rights, duties and facilities of workforce representatives, which inevitably arise in all industrial relations systems, can only be resolved by overt conflict measures in which one side seeks to enforce its viewpoint on the other. Despite the common reluctance of management and shop stewards to permit a greater formalisation of substantive agreements at plant level, shop stewards have favoured the formalisation of procedural arrangements, which would provide some guarantee for their role and status at plant level, which at present is non-existent.

The common preference for informality in the conduct of plant-level relations operates in two very different contexts. In the German system, where there is considerable regulation of issues at national and regional levels in collective agreements, informality at plant level is viewed as a necessity in order to be able to react flexibly to issues arising within the general confines of agreements and legislation on plant-level relations. In the U.K. the informal system has been seen as the result of the plant-level actors' inability to agree on both the procedural and substantive issues at stake. Thus 'unwritten, informal understandings' only mask the basic conflict of interests between the two parties. Where they do represent agreement between the actors concerned, they are dependent on the continuation of the actors in office and their mutual goodwill. This is seen as an unstable basis for relations in times of great economic and technological change.

Changes in the form of conflict resolution procedures and substantive agreements in the larger British companies during the 1970s towards greater formalisation have provoked problems in plant-level relations. Several studies point to a relation between the formalisation of plant-level procedures and an
increase in plant-level conflict. Others point to a rise in conflict due to an increase in company-level as opposed to plant-level regulation of substantive issues, such as wages, in British companies. Terry explains this as the result of the traditions of workplace autonomy in the regulation of both procedures and substantive issues. Recent changes are seen by the plant-level actors as encroachments on their freedom to regulate their own environment.

These changes towards centralisation and formalisation of regulation at plant level do not in fact reflect the general ethos of the Donovan Commission proposals of 1968, which foresaw the establishment of a works constitution to cover issues regulated by the WCA 1972 in German firms including: comprehensive, authoritative bargaining machinery, joint disputes procedures, agreement on the role and facilities for shop stewards, agreement on how to handle redundancy and disciplinary cases and joint discussion of safety issues. One of the shortcomings of these proposals was that their implementation was left to the actors involved in the immediate conflict situation, with company management being responsible for the definition of a workplace constitution. The problems of joint agreement on such a constitution and its maintenance in times of severe economic and technological pressures by voluntary means only are immense.

Purcell similarly called for the development of an attitude of 'cooperative constitutionalism' in British firms as the best means of responding to the increasing pressures of the general economic environment. The formal structures of a constitution are insufficient without high trust attitudes which promote a cooperative approach to conflict resolution. His thesis, however, rests on the voluntary response of the plant-level actors to crisis situations arising in their relationship, such as the threat of closure or loss of an important order, which, in his view, were calculated to bring both sides to their right senses.
The German plant-level constitutional provisions avoid the problems of formalisation of procedures and substantive agreements at plant level by outlining a general framework, within which the plant-level actors can develop the details of their relationships in accordance with the particular context of the plant itself. None of the actors interviewed, apart from management in the smallest firms, felt that the provisions were too formal and prevented a flexible response to plant-level issues arising. The MCA 1972 does not rely on the plant-level actors themselves to generate a cooperative system of conflict resolution, which is an idealistic hope in view of the basic conflict of interests between the two parties. Instead, the Act provides opportunities for cooperation and deterrents to conflictual activity. These include provisions for monthly meetings between the works council and management, provisions for management to obtain the consent of the works council on key issues such as working hours, wages and working conditions, and prohibitions of industrial action of any form, with the reference of unresolved conflicts to third parties such as labour courts and conciliation boards.

The system of cooperative conflict resolution laid down by the MCA 1972 has not become established in German firms without a struggle, as revealed in the numerous court cases on its provisions in the years immediately following its enactment. In the smaller firms the system is still virtually non-existent as management dominates the whole resolution process. However, in the majority of firms surveyed, cooperative nodes of resolution had become established in one form or another and were most successful, in terms of joint cooperative resolution of conflicts, where the works council was supported by its close ties with the trade union both inside the plant and outside.47

The increasing pressures from economic competition and technological innovation, which are creating major conflicts of interest such as mass redundancies, dequalification and consequent wage reductions for employees, do put strains on cooperative nodes of resolution internal to the firm and there
will be increasing involvement of trade union and employer association officials in the resolution of such major issues. However, the premises of conflict resolution procedures, which involve the rationalisation of conflict expression and regulation, are based on the recognition of such inevitable conflicts of interests not their elimination. On this basis, the WCA 1972 provides a framework for conflict rationalisation, which thus far has been effective both in periods of economic prosperity and recession.

ii) The Theoretical Status of the Main Influences on Conflict Resolution Procedures

Superficially, the pattern of conflict resolution procedures at plant level in Britain and West Germany appears to be similar:- internal to the plant, informal in both their procedural and substantive aspects and low level. The functions of the procedures vary, however, with a bargaining model in Britain and a constitutional model for plant-level relations in the FRG. An appraisal of the key influences on plant-level resolution procedures shows similarities in the type of influence producing both similarities and differences between firms in both national systems. As was the case with the main influences on conflicts arising, the similarities in procedures are promoted by national and extra-plant factors (trade union - employer association relations), the differences by plant-level factors, particularly size of firm.

Recent government legislation on industrial relations issues, representing a change in the national context of plant-level relations, and the growth in the size of companies together with the trend towards company-level bargaining have all promoted a greater formalisation of plant-level procedures over the past decade. The absence, however, of a legally defined works constitution for all firms and the continuing low level of substantive regulation at extra-plant level, apart from some
company wage agreements, continue to promote considerable differences in the substance if not the form of plant-level procedures for conflict resolution in British and German firms.

The analysis of the main influences on conflicts and conflict resolution procedures at plant level in British and West German firms supports the assumption that historico-cultural structures, or 'variables' in the original model in chapter one, produce differences between two national industrial relations systems not only in terms of resolution procedures and processes but in actual conflicts arising as well. Contrary to structuralist arguments, historico-cultural influences do not only affect relationships, for example, between size of firm and formalisation of resolution procedures in terms of degree, but substance too. The positive determining role of the state and trade unions and employers' associations on plant-level relations in West Germany promotes a level of uniformity in conflicts arising and the basic shape of conflict resolution processes which is not found in British firms. The limited role of the state and trade unions and employers' associations in shaping British plant-level relations, in particular the processes of conflict resolution, has highlighted the influence of plant-level factors and produced discontinuities in conflict issues, levels and resolution between firms.

In the light of these very different historico-cultural structures and the difficulties of finding 'constant' factors to compare between different national industrial relations systems, as well as between firms in the same system, structural deterministic arguments that industrial societies are becoming increasingly similar in the problems they face and the ways in which they resolve these problems are not expected to provide sufficient explanatory power for the realities of industrial life in the foreseeable future.
3) Areas of Further Research into Conflicts and Conflict Resolution at Plant Level

I) Conflicts at Plant Level

The study of conflict issues at plant level has underlined the importance of factors such as economic context and technological process on the type of issues generated in a specific firm. However, the generation of conflict issues alone does not account for actual conflicts arising but needs to be studied in conjunction with the perception of issues by both management and workforce, in particular, their representatives. Whilst economic context and technological processes do influence perception of issues as well as the issues themselves, other factors need to be taken into consideration, particularly those influencing the level of collectivisation, as opposed to individualisation, of the workforce. These latter influences include size of firm, ownership relations, management policy and style, levels of trade union, especially shopsteward, organisation, personality factors as well as the macro- and industry-level influences of legislation on industrial relations and the organisation and policies of trade unions and employers' associations.

In the light of changing conditions in the 1980s, the thesis's assumptions about the perception of conflicts and types of conflicts arising in British and German firms need to be reassessed. These assumptions are that in the FRG most conflicts are seen in terms of procedural rights under the WCA 1972 and are initiated, if at all, by the works council. In Britain, in contrast, conflicts are viewed as involving collective procedural and substantive interests and are taken up not only by workforce representatives, but also by the workforce itself. It is expected that there is greater uniformity in conflicts arising between firms in the FRG and greater diversity in the U.K. The comparison between Britain and the FRG revealed substantial differences in conflict issues between British and German firms in the same industry branch.
At national level, there have been changes in the economic context and in the policies of the state, trade unions and employers' associations, which may have influenced conflicts arising as well as resolution processes at plant level. These include monetarist economic policies, attempts to restrict trade union action by government legislation in Britain, a decline in the economic consensus between the government and collective bargaining parties in the FRG, as well as high levels of unemployment in both countries. In Britain, there are indications of a decline in the influence exerted by the collective bargaining parties, especially the employers' associations, on plant-level relations. In the FRG, in contrast, their influence is increasing in the economic recession. The effect of the changing levels of influence of both the state and the collective bargaining parties on plant-level relations needs to be investigated in terms of their effect on conflict levels. In Britain, the change may lead to a heightening of the conflict situation at plant level, in the FRG to an alleviation of conflict during the economic recession.

The study has indicated that legislation does, in the long term, affect the perception of conflict by the actors at plant level and hence actual conflicts arising. Further investigation of how legislation subtly alters perception, i.e. the processes of influence, would be interesting, especially in the light of attempts to significantly alter the climate of industrial relations in the U.K. towards greater cooperation.

Continuing at national level, the study has shown how labour court decisions promoted the effectiveness of works council representation in some firms and reduced it in others. Further study needs to be undertaken into the courts' reasoning behind specific decisions on works council - management relations and how these decisions influence future processes of resolution in the firms in question.

The effects of the current recession on both actual conflict areas and conflict perception at plant level provides a large
area of potential investigation by industrial relations researchers in Britain and the FRG. Questions include its effect on actual conflict issues in the area of wages, working hours, redundancies and transfers with the resultant de-qualification of work, especially as German firms approach the limits of staff cuts by voluntary means and wage guarantees expire. The recession may promote a higher level of collective grievances or a greater individualisation of action or passivity from the workforce, depending on current levels of trade union organisation and past traditions of collective action in specific firms. The economic downturn may also provoke management attacks on basic works council rights or, more likely, new areas of conflict in relation to the introduction of new technology, investments and staff cuts. Within the FRG, the effect of the recession may be to increase the differences between firms in terms of conflicts and resolution processes. In Britain, the recession may lead to greater similarities in conflicts arising between British and German firms than in the 1960s and 1970s, as British companies are now forced to meet the pressures of international economic competition by staff reductions and technological innovation.

At plant level, technological innovation may lead to similar conflict issues in German and British firms in both the blue-collar and white-collar sectors. Of particular importance is the effect of changes in technology on the social organisation of the workforce and hence on trade union organisation, and shopsteward / works council activity. The changes may lead to greater solidarity, particularly in the white-collar sector, or desolidarity via the individualisation of work organisation and mass transfers. Further investigation of the association between particular industry branches, such as the electro-technical branch or chemicals, with a low level of collective response to issues needs to be carried out. Reasons probably include a combination of management styles and low levels of trade union, particularly shopsteward, organisation.

Size of firm appears also to be associated with certain levels of trade union organisation and management styles and policies, which affect conflicts as well as processes of resolution. Of
particular interest is the medium-size firm, where the transition from informal, paternalistic management styles towards greater professionalisation and bureaucratisation is taking place. This is expected to lead to problematic relations between management and workforce representatives and relatively high conflict levels with unstable resolution processes.

Ownership relations are often related to size of firm and they influence conflicts and resolution processes. Further investigation is needed of the association between ownership relations (owner-manager, family business, national company or foreign-owned, semi-nationalised or nationalised) and patterns of conflict and conflict resolution. Other important factors include the firms' development (via merger, takeover, internal differentiation) and the position of the firm in question within a larger company. In both the FRG and the U.K., there are indications of an increase in the regulation of issues at company level and the effects of this on plant-level relations needs to be studied.

The relation between specific management styles and policies, particularly on wage systems and relations with the workforce, need to be investigated. Empirical studies indicated an association between size of firm and the industry branch to which it belongs on the one hand and management styles and trade union organisation on the other. The dynamics of this process of influence need to be considered in greater detail, especially in view of the fact that trade union organisation has a significant impact on workforce representatives' activity and the organisation of their activity.

Personality factors were found to be important influences on both conflict levels and resolution processes in some firms. Further investigation of the circumstances under which this occurs and the key persons involved needs to be undertaken. More information is required on whether this factor is a more important determinant of the climate of plant-level relations in Britain than in the FRG due to the absence of an externally imposed structure of relations in the former.
Finally, the stability of plant-level relationships was found to be problematic and dependent on a number of factors including personalities, time in office and congruency of expectations. The WCA 1972 is thought to promote stable relations, although unwillingness to cooperate by either management or workforce representatives can thwart this.

II) Conflict Resolution Procedures at Plant Level

The empirical survey has indicated the preference of plant-level actors in both Britain and the FRG for informality and flexibility in the resolution of plant-level issues. Further study is needed on the reasons for this preference and the different quality of informal relations in German and British firms.

The recession may promote greater formalisation and legalisation of relations at plant level or simply extend informal processes via the inclusion of trade union and employer association officials in the informal resolution processes. The effect of the recession on the formalisation of works agreements and on overt conflict measures also needs to be further investigated.

Indications of a recent hierarchism of shopstewards in British firms and an extension of management control at plant level need to be considered in the light of their effect on resolution procedures. There may be similarities in the relationship between senior stewards and ordinary stewards in Britain and leading works council members (with job release) and other works councillors and shopstewards in the FRG. In the FRG, further investigation of the shift from works council committees to the executive committee in the resolution of conflicts in the electro-technical industry is necessary. Shopsteward involvement in resolution processes in the FRG has been seen as mainly indirect, where it occurs at all, and the most important effect is their influence on the works council's perception of issues and representative activity.
The thesis has described the 'constitutional' use of procedures to regulate relations in the FRG whilst actual resolution processes remain informal. More information is required on the details of constitutional usage of procedures and the possibilities of such usage in the U.K. context under specific conditions. Further, whilst procedures in the U.K. are usually thought of in terms of a transmission of issues from the workforce to increasingly higher levels of management, it is suspected that procedures in the FRG are more often used for a downward transmission of information from the works council and management to the workforce.

The applicability of the patterns of third party involvement in plant-level conflict resolution to other sectors of German industry and to the British context needs to be assessed, i.e. the prevalence of individual legal references in small firms and collective references in large firms. The use of conciliation boards remains at a low level. Further study of the reasons behind and influences on reference to a conciliation board is necessary. Important factors are thought to include a high level of trade union, and especially shopsteward, organisation, which exerts pressure on the works council to refer unpopular decisions to a third party. Poor and unstable relations between management and works council in firms of medium and large size with a medium-level of trade union organisation also tend to promote references as the works council is not in a strong enough position to enforce management cooperation nor is it so weak that it becomes subject to management's absolute rule. In interest disputes the conciliation board thus becomes the sole resort of the works council to enforce managerial recognition of some of its points of view. The effect of such references on future relations also needs to be investigated in greater detail, especially as regards processes of resolution.

The empirical survey has indicated the importance of parity company-level codetermination for the effective operation of the WCA 1972 in German firms. The reasons behind this need to be studied in more depth than has been possible in the thesis but it has been suggested that parity codetermination ensures
trade union influence on company level management and hence on works management too and promotes trade union organisation and shop steward involvement at plant level. Problems arise with management representatives who are not specifically covered by the WCA 1972, these include company management and departmental management. Codetermination at company level provides a solution for the former problem, and adequate trade union influence on works management ensures that departmental managers abide by the general provisions of the Act and do not seek to undermine the position of the works council. Further study would highlight the effects of the WCA on the role of management at all levels and reveal differences between the FRG and the U.K.

Further investigation of the actual processes of conflict resolution in German firms would permit the development of a scale of works council involvement in conflict resolution and provide more details of the influences on works council organisation and activity. These, in turn, could be contrasted with findings from British firms to highlight similarities and differences. As indicated earlier, it is expected that the common context of legislation will promote similarities in the form of procedures in German firms, although their actual operation in practice is dependent on other factors.
CHAPTER SEVEN: Discussion of the Industrial Relations System Model and Modifications based on the Empirical Results

1) Levels in the Industrial Relations System (IRS) Model

Three main levels of influence in the industrial relations system were identified in chapter one: national, industry and plant levels. Although the study focussed on conflict and conflict resolution at plant level, the plant had to be studied in its wider context to understand why specific patterns of conflict and conflict resolution had emerged and the meanings behind particular structures and processes for the actors concerned. The wider context of the plant was particularly significant in a crossnational study of industrial relations systems.

The empirical results showed how national-level influences promoted similarities in conflicts arising and resolution processes within a national system and differences between two national systems. Industry and plant-level influences promoted differences in conflicts arising and resolution processes within a national system and had been expected to produce similar patterns between national systems. The comparison of the two national systems was not detailed enough to provide sufficient evidence of this latter effect, although the general findings appear to indicate that the influence of the national level on both the industry and plant levels limits the extent of similarities between the same industry branch and plant size across different national systems.¹

Although it is important to consider the operation of aspects of the industrial relations system in context, it is expected that different levels will assume a greater or lesser importance in terms of their influence on specific processes in the system depending on the subject matter under investigation.

¹ Footnotes in Vol. Two p. 117.
For example, a cross-national study will highlight the effect of national level influences; a comparison of different industries within a national system will focus on industry level influences; whereas a comparison of different plants within an industry in one national system will tend to emphasise plant-level factors. The cross-national comparison of plant-level processes will of necessity include a study of the effect of all three levels.

The comparison of the British and West German systems showed how the different levels can exercise an active or a passive influence on the conflict situation at plant level. In the FRG, the state, trade unions and employers' associations have actively influenced both the conflict situation and resolution processes at plant level, whereas in the U.K., despite recent legislation, they have tended to leave the plant-level actors to deal with the conflict situation in their own way. Both types of influence need to be included in an assessment of plant-level processes. The empirical survey showed how the influence of one or more levels is reinforced or counteracted by the effect of other levels. Despite the influence of the state, trade unions and employers' associations, promoting a reduced level of conflict and cooperative modes of resolution, factors at industry and plant levels in firm C led to a relatively high level of conflict for a German firm and the involvement of third parties in the resolution of conflict, indicative of a lack of cooperation between the plant-level actors. In other firms, plant-level factors reinforced the effect of higher level influences and there was a low level of conflict and cooperative modes of resolution.

The empirical survey indicated a need to incorporate additional levels of influence into the IRS model, particularly the international economic context which exerted similar pressures to rationalise among the German firms studied and hence similar conflicts at plant level. Company-level factors were also included in the model, as policies at this level influenced conflicts in the plant and resolution processes depending on
the level of decision-making autonomy permitted in the plants and the extent of trade union influence at company-board level. In large plants additional influences below plant level were seen to be significant, particularly in the car assembly plants, where different departments faced different conflicts and resolution processes, although within the same plant context.²

In conclusion, the study has shown the need to consider the plant in its wider context, which includes various levels of influence, in order to adequately explain and understand current methods of operation and structures.³ This is especially true of a cross-national study. The findings indicate that plant-level influences tend to have greater explanatory power in an assessment of conflicts and conflict resolution in the U.K. than in the FRG, due to the absence of an active policy to define plant-level relations on behalf of the state, the trade unions or employers' associations.

2) Components of the Industrial Relations System Model

In the present study, a distinction has been made between environmental influences and social action influences. The former relate to those elements in the context of actor relationships which influence their decisions and action, and the latter focus on the actors themselves and how they shape their environment by their decisions and actions. The social action dimension was seen as an important addition to Dunlop's original model, which had emphasised the environment not the actors and had been accused of structural determinism in its view of the actors' roles and decision-making. A further distinction has been made between two types of environmental influences. 'Constants' were defined as those elements which produced similar effects whatever the national system and included elements such as size of firm, technological processes, the basic conflict of interest between capital and labour. 'Variables' were those elements thought to promote differences and incorporated the
role of the state in industrial relations, the structure and policies of trade unions and employers' associations, including their view of the plant level in the IRS, social structures and cultural value systems vis-à-vis the role of management, economic system, industry etc. Constants were expected to produce similarities across national systems especially in the area of substantive rules and actual conflicts arising. Procedural rules were thought to be more closely allied to the variables and hence to differ across national systems.

The literature survey illustrated the fact that present day structures are the result of past decisions by actors in a specific national context. This applies to both constants and variables, although the connection between actor decision-making and variables is clearer since the variables represent organisations of actors and their values and policies directly, whereas constants tend to be inanimate structures. The study emphasises both the historico-cultural influences, including past actor decisions, on present day structures, and current policies, values and decisions, which are akin to social action influences, on both structures and processes of conflict resolution in the plant today. The structural components of the actors' environment and the actual decisions made by actors in relation to their environment are not viewed as mutually exclusive determinants of the conflict resolution system in the plant but facets of the same process. The relative importance of structural determinants and the actors' decisions themselves can only be assessed after empirical analysis and historical survey of a given conflict situation, whether at national, industry or plant level. The illustration of the process of influence below does not assume environment first influenced actor decision-making but shows the interaction between these two components:

![Diagram](image-url)

\[\ldots \text{Past environmental context} \rightarrow \text{past actor decisions} \rightarrow \text{conflict levels} \rightarrow \text{output} \rightarrow \text{future resolution process} \]

\[\text{both shaped to current actor context decisions} \rightarrow \text{future environmental decisions} \]
The implications of this process for the study of conflicts and conflict resolution were as follows. Constants are the creation of actor decisions in a specific environmental context. Although their outward form and structure may be similar across national systems, the meanings attached to them and their operation in practice is likely to differ. The assumption that constants promote similarities in terms of conflicts arising and substantive rules is thus viewed as problematic. This was indeed the case in the empirical survey, where there were considerable differences in conflicts and substantive rules as well as resolution processes between the German and British plants. The findings appear to refute the argument that structures such as size of firm and technology chiefly determine relationships and output in the IRS, whereas historico-cultural and social action influences only affect this basic relationship in terms of degree not substance. However, further comparisons of firms in two different national systems need to be undertaken to substantiate these tentative findings. A comparative study which considered two different industry branches across two national systems and the two branches within the same national system would indicate relative levels of similarities and differences in conflicts and resolution processes in greater detail than has been possible in the present study.

Modifications to the categories of influence included in the original IRS model include the following. At national level, the involvement of official third parties, including labour courts, in the resolution of workplace conflicts. The study did not consider the effect of social structure on conflict relations at plant level but included an assessment of cultural value systems as they have developed during the course of history and as they affect the IRS today in terms of a 'system ideology' such as voluntarism or legalism and centralisation. At industry level, the significance of industry branch, whether electro-technical, steel, mass assembly of vehicles, on conflict issues and resolution processes was confirmed. The specific economic context of each branch was a major factor, as was its
legal position as it relates to Montan Codetermination legis­lation. A company level has been incorporated into the model as factors such as type of ownership, the relation of the plant to the company, the development of the company, company management and their policies have been shown to have an important influence on plant-level conflict situations and relationships.

At plant level, the empirical survey revealed the significance of management organisation, style and policies, especially as regards wages and jobs, the importance of trade union, and specifically, shopsteward, organisation for workforce perception of conflict and the policies of their representatives. 'Personalities' were found to have an influence on both conflict levels and processes of resolution at various levels of the company on both the management and workforce sides. It was generally an important factor where extremes of cooperation or conflict existed, and was particularly associated with changes in plant actors, which brought individuals with their own particular perceptions of workplace relationships to the fore and tended to produce unstable relations until new compromise solutions were agreed. An example of this was found in firm C, where instability arose due to the replacement of the works council, who had shared management's patriarchal view of industrial relations, with a new set of actors intent on pursuing a policy of active representation of workforce interests based on the new WCA 1972. Personality factors are thought to be significant in firms deviating from the 'norm' in terms of conflicts arising and conflict resolution.

The instability of relationships at plant level was found to have a significant influence on conflict levels and was associated with a high level of external reference of issues to third parties due to the absence of consensus in the workplace as to how conflicts were to be settled. This instability was found to be indirectly related to environmental changes, such as new legislation on workplace relations, which need to be worked out by the actors at plant level. It is often
directly associated with changes in key plant-level or company-level actors, which leads to a hiatus in previous patterns of resolution and introduces new perceptions, values, ideas into the workplace situation. Generally, the German system seems to promote a higher level of continuity and hence stability in workplace relations by means of provisions for building up cooperative relationships (i.e. regular meetings of management and workforce representatives), protection of representatives from immediate sectional or individual workforce pressures and longer terms in office of representatives. Some instability has, however, been introduced into the representative-workforce relationship by the problem of alienation of the workforce.

The question as to whether there can be stable relations based on class conflict as well as cooperation and consensus was answered to some extent in the empirical studies of individual firms. These showed it was possible to have stable relations based on a perception of differing interests where both sides agreed on resolution by negotiation. Where there was no agreement on the modes of resolution, such as in firm C, relations were unstable, as shown by the level of unresolved conflicts, the involvement of third parties, the problems of calculating each other's actions and the level of distrust. Thus stable relations require consensus on resolution processes though not on actual substantive issues.

3) The Relative Significance of Industrial Relations System Influences in the Study of Conflict and Conflict Resolution at Plant Level

The relative significance of influences according to level will vary with the issue under consideration. The study of conflict and conflict resolution at plant level across two national systems led to the emphasis on extra-plant influences to explain the differences in the two systems. The study of conflict in two plants of the same industry branch in one national system is expected to emphasise plant-level influences in particular, although the processes still need to be seen in the wider context to explain similarities arising.
Significant influences included the role of the state, national values about conflict and its resolution, ideas about the priority of the community and the individual, the position of industry in society and the plant within the total IRS. These factors led to the emergence of a 'system ideology', which influenced both sets of actors in the workplace as well as providing part of the context in which they operated. Other influences included industry branch and various plant-level factors.

The empirical study revealed how both extra-plant and plant-level influences had an impact on conflicts and resolution processes. Whereas extra-plant influences provided a basic framework of conflicts and resolution, plant-level influences provided the specific details. Thus there was no evidence to support the view outlined in chapter one that constants influenced conflicts arising and variables their resolution. Both constants and variables influenced conflicts and resolution processes. The main distinction appeared to be between influences external to the company, and company and plant-level influences; the former promoting similarities within a national system and the latter differences in conflicts and resolution procedures. Between two national systems, the influence was reversed, although the fact that plant-level factors had been influenced by extra-plant factors restricted the extent of similarities across national systems as a result of plant-level influences.

A significant finding which emerged from the study was the importance of the perception of conflict by the actors as well as the objective conflict situation. Where there was a low perception of conflict there was little need for detailed resolution procedures and management tended to deal with all issues arising. Influences on perception included management policy and style (associated in part with size of firm and industry branch) and the policies of workforce representatives (related to level of trade union organisation and number of shopstewards, extent of contacts with trade union officials
outside the workplace and trade union policy for the industry and influence at company level). Thus two distinct patterns of conflict perception emerged:

**electro-technical industry** - industry developed since the emergence of works councils, low trade union involvement and organisation, anti-trade union stance by management → low perception of conflict by the workforce.

**metalworking industry** - industry developed before the emergence of works councils, high trade union involvement and organisation, management has generally come to terms with the existence of the trade union → relatively high perception of conflict by the workforce.

Also associated with these two patterns was a greater objective basis for conflict in the metalworking industry, although recent redundancies in the electro-technical sector have increased the potential conflict base there too. The extent to which these recent developments will lead to a change in conflict perception of the workforce in this industry is problematic.

4) **Processes in the Industrial Relations System Model**

With respect to the study of conflicts and conflict resolution at plant level, the present study has defined processes as the actual practice of conflict resolution as opposed to the details of formal procedures for conflict resolution. Thus the study of processes included the consideration of actors involved in the process, their actions with respect to conflict resolution or non-resolution and an assessment of the function of the processes based on the actors' perception of their role, their policies and action.

In the illustration of the industrial relations system in chapter one, processes were situated between the inputs from the national, industry and plant levels and the outputs from the conflict rank.
resolution processes. Their position indicates the influence of environmental factors on resolution processes at plant level. In the empirical study, constants influenced processes by way of the conflicts they give rise to, for example:

- increased competition → management policies → conflict issues
  - in the economic environment
  - to rationalise production by staff cuts, dequalification etc.
-→ major conflict issues → resolved at management-level
  - affecting whole workforce
  - Problem of cooperative processes of resolution with respect to major conflict issues

Constants further influenced processes by their effect on areas such as the size and solidarity of the workforce and their association with particular styles of management and policies, both of which affect resolution processes. Variables were seen to influence resolution processes by way of legislation on the regulation of plant-level issues and type of relationships between management and workforce representatives, and the removal of certain conflict issues, such as wage rates, from the plant to higher levels in the system.

Thus both constants and variables influenced processes by influencing actual conflicts arising, as well as the actors' perceptions of conflict issues and means of resolving them. Processes of resolution, in their turn, can, via a feedback effect, influence the level of conflicts arising as a result of changing perceptions of conflict and conflict-related activity on the part of management and workforce representatives. This can lead to an upward spiral of conflictual activity or a dampening effect on conflict depending on the actors' experience of resolution processes and, particularly, the attitudes and behaviour of the other party at plant level.
The flow of influence from environmental factors through conflict issues to resolution processes is one aspect of the dynamics of the system: environmental factors give rise to conflicts which require resolution; the type of conflicts and their extent do influence resolution processes. However, the study has also given examples of plants where a low perception of conflicts on the part of the workforce and their representatives, despite the objective conflict situation, led to simplified pattern of resolution based on the management hierarchy.

This finding points to the need to consider not only the objective conflict situation but subjective aspects too in an assessment of the influences on both conflict levels and resolution processes at plant level. Often the two aspects are interrelated, as seen in the example of small electro-technical firms and large metalworking firms in the empirical survey: in the former case, factors such as technological process, work organisation and size of firm promote low conflict levels as does the low level of trade union organisation, management hostility to any workforce representation and a subsequently weak workplace representative body, which influence perception of conflict. The opposite is true for large metalworking plants where the objective conflict situation and high perception of conflict combine to produce high levels of conflict and, in the FRG at least, complex resolution processes to deal with them. In other examples, the relationship between the two aspects of the conflict situation at plant level was less obvious due to the influence of other factors.

5) Output in the Industrial Relations System Model

In Dunlop's model of the industrial relations system, the output of the system was described in terms of rules to regulate the system. Wood argued that the IRS was in fact not an autonomous subsystem of society as a whole but part of the economic subsystem with the role of integrating the labour resource into the economic system, thus its output was described as rules to govern the production system.
A debate has ensued about what is meant by the 'rules' of the system. Dunlop did not view them solely in terms of the rules emerging from formal negotiations between the two parties but included in his definition forms such as custom and practice and informal rules. But are rules the only form of output from the system? The problem of describing output solely in terms of rules lies in the fact that this implies consensus and cooperation between the parties at plant level, when in fact the parties are involved in a conflict situation. The empirical survey has shown the possibility of the parties being unable or unwilling to find a solution to specific conflict situations or of the resolution process for specific issues spanning several years and involving many references to third parties, as in the case of firm C. Thus the output of the system can include non-resolution of issues as shown in some examples from firm G, where both sides agreed to differ, although this usually resulted in a compromise solution at some future date. The works councils interviewed emphasised that it is pointless for them to put forward demands which are unresolvable; that they do not ask for something which will bankrupt the firm in the long- or short-term; and major issues, such as changes in working conditions, can take several years to resolve in order to spread the cost of their introduction. The fact that workforce representatives in the FRG generally adopted similar values to management on the need to keep the plant in business and were willing to work within the system, meant there were few instances of unresolved issues and 'rules' satisfactorily described the output of the resolution process.

There was no evidence of the workforce unilaterally imposing their own rules in the operation of the production system and, apart from small firms, little evidence of unilateral decision-making by management in areas immediately affecting the workforce since the WCA 1972 provides for codetermination of key plant-level issues. 8

Studies of conflict resolution in the British context reveal more evidence of non-resolution of issues on a joint basis and more examples of regulation by means of unilateral rules.
imposed by management and, sometimes, the workforce, due to an absence of common values on the aims of the production process and the means of resolving conflicts arising. Generally, however, as long as a plant continues in operation, rules of some form or another must be generated to regulate the labour resource in the production process. Where no rules are generated by either side, the plant will cease to operate and the question of a plant-level industrial relations system is no longer applicable.

The study has shown the importance of distinguishing between official rules for regulating the production system and effective rules. The latter are the significant rules. The distinction was particularly important during the 1960s and early 1970s in the British context as the two differed markedly. The problem was not so apparent in the FRG due to the absence of unilateral workforce regulation of the labour resource.

6) Conflict and Conflict Resolution in the Industrial Relations System Model

Both conflict and conflict resolution are integral parts of the IRS model and indeed provide the rationale for the system, whose goal has been defined as the regulation of the labour resource in the economic subsystem of society. If no conflicts existed between the labour and capital resources and other interest groupings within the system, there would be little need for a regulative and integrating process to reconcile the different interests and direct them towards the goals of the system. There are also, however, common interests as well as conflicts between the different groups, of which two of the principal ones are the representatives of the capital owners and the owners themselves and the labour force. These common interests include the continued operation of the firm based on its successful operation in a competitive, economic environment.
Conflict resolution has been described as the processes by which the labour resource is integrated into the economic subsystem as differing interests are channelled into compromise solutions which promote the continued operation of the production system. This process takes place within Communist and Socialist economic systems too although the labour resource in such countries has the State as its main protagonist.

I) The Role of Power in the IRS Model

Dunlop's original IRS model viewed power as external to the IRS. He defined the power context of the IRS as the wider societal relationships based on the relative status and influence of the three key actors in the IRS: the state, trade unions and employers' associations. He saw the power context as 'given' and expected it to vary between societies as it was influenced by their respective political systems.

Chapter three provided some explanation for the current power context in the FRG and U.K. In Britain, due to a policy of non-intervention by the state in industrial relations pursued until recently, market and technology influences had shaped the relative power positions of trade unions and employer associations and the plant-level actors. With a few exceptions, employers had been the dominant force in industrial relations until the 1960s, when economic circumstances favouring the power of shopsteward organisation emerged. Rather than come to terms with this new situation, management tended to continue their unilateral regulation of the plant, whilst informal shopfloor regulation grew apace. In the FRG, the dominant role of the state in shaping all areas of society, including the industrial relations system, and the powerful, centralised organisations of labour and employers led to legal definitions of their power relationships, which lessened the impact of market and technology influences on relative power positions.

The study also considered the power situation in individual plants, where there were wide variations due to a number of
different influences, including industry branch and technological process and size of firm, which affected levels of trade union organisation and the activities of workforce representatives as well as management organisation, style and policies. In some plants, management regulated all aspects of work unilaterally; in others, the works council was pressing for recognition of its role in the process of regulation; elsewhere the works council was accepted as joint regulator of plant-level issues. The legal basis of industrial relations in West Germany, however, again reduced the impact of the economic situation and technological process on the power position of labour.

In a study of plant-level issues, therefore, the power context at national, industry and individual plant levels needs to be taken into consideration. Power is not solely located outside the IRS but is a basic element of the IRS. The basic IRS model in chapter one illustrated power as one of the significant inputs into the process of conflict resolution. The empirical survey, however, also showed that power relationships could influence conflict levels by their effect on the perception of conflicts and how best to react to them. The modifications to the original illustration thus include power relationships in the catalogue of behavioural factors which are influenced by the plant environment and in their turn influence conflict levels and resolution processes. (See diagram at the end of this chapter).

Power relations are seen as the result of both objective and subjective influences, which determine the relative power of both parties and whether they make use of their power to pursue their own interests or acquiesce in a perceived 'common interest value system'.

II) The Role of Ideology in the Industrial Relations System Model

Dunlop introduced the concept of a system ideology into his model of the IRS to describe common values about the aims and operation of the system held by all the actors. In chapter three,
examples of a system ideology in both the British and West German systems have been given. In the former, it was described as a voluntarist tradition, where the state left the regulation of the system to the trade unions and employers' associations. In the latter case, the system ideology encompassed the important role of the state in shaping the IRS, even at plant level. System ideology, however, is not something which can be seen as a 'given' factor but needs to be investigated in the actual operation of the IRS. There are now indications of some change in the voluntarist tradition of the British system as both the state and employers question its validity in the face of growing shopfloor power. Recent state intervention in specific areas of the IRS in Britain has led some trade unionists to reconsider the benefits of legal entitlements to protect trade union activity rather than their reliance on immunities from prosecution, as the latter are being steadily undermined.

The problem of 'conservative bias' in the concept of a system ideology only arises if this ideology is presumed to be stable and generally accepted by all actors. Empirical study shows this is not the case. The status of a system ideology is problematic and needs to be investigated in specific instances. A general study of the national system of industrial relations may sometimes lead to the mistaken view that there is unquestionably a system ideology. The detailed study of actual relations at plant level calls this view into question. In reality, each group of actors tends to develop its own value system, which is more or less congruent with the value system of other groups. Where there is a high level of congruency, this contributes to stable, cooperative relationships, particularly in the area of conflict resolution. Where there is a low level of congruency, instability in relationships arises.

The empirical study of the West German IRS points to the significant role of the state in the development of a common value system amongst employees and employers, trade unions and employers' associations via legislation on relationships in the IRS. However, the values propagated by legislation need
to have their basis in the socio-cultural context of society in order for them to be acceptable to both parties. In the West German system, important common values include concepts such as the common good, common interests, cooperative modes of conflict resolution and the need to work within the limits laid down by the state, viewed as the representative of the common good. The role of the state in industrial relations has contributed to the development of a system ideology within which the conflict of interests between different groups of actors in the system can be expressed. The empirical study of individual firms showed, however, that the system ideology is not universally accepted. Examples were given of firms where one side or the other did not accept the principles inherent in the legislation of cooperation on the basis of codetermination. In such circumstances the conflict situation between the parties at plant level was enhanced, and unstable, unpredictable relationships and resolution processes ensued. Unlike Britain, however, the conflict between different value systems was not limitless but subject to regulation by third parties, particularly the labour courts, in line with the legislative framework for industrial relations.

In Britain, the existence of a system ideology is less likely due to the low level of state involvement in the definition of the IRS and the consequent absence of a general authoritative framework of values for the regulation of the basic conflict situation to which the system actors can appeal. It appears unlikely that the trade unions and employers' associations or the plant-level actors are able to develop their own common ideology when left to their own devices. Voluntarism can be seen less as a common value system, which presupposes active consent and purpose, than the result of a lack of agreement on common principles for the operation of the IRS, which survived as long as management was in a dominant position but began to crumble when labour strengthened its position in the 1960s.

'System ideology' is thus a factor which requires empirical investigation in a given IRS, particularly at plant level and the level of trade union - employer association relations, to ascertain its validity in practice.
The location of 'system ideology' in the original illustration of the IRS in chapter one was set at national level in the socio-cultural value system and in the relationship between state, trade unions and employers' associations in the IRS. At plant level, the goals and values of the workplace actors were included among the inputs into the processes of conflict resolution. Modifications to this after empirical investigation include the differentiation of those actors' goals and values which are congruent, and thus form part of a system ideology, and those which are incongruent. An active role of the state in the formation of the IRS tends to promote a system ideology and large areas of congruency in the goals and values of the actors which offset their differences in interest. This congruency, of course, influences the subjective power position of the actors and tends to restrict the use of power to the limits laid down by the system ideology.

An investigation of both the congruency and incongruency of the goals and values of the actors thus enables researchers to draw some conclusions about the existence and influence of an IRS ideology.

III) The Role of Change in the Industrial Relations System Model

Dunlop's study of the IRS was criticised for its inadequate assessment of the implications of change, both from the system's external environment and from within the system itself, on the system's operation. This neglect was seen as the result of his emphasis on the stability of the IRS based on a common system ideology. In the present study, the existence of a system ideology is seen as problematic and system stability cannot be assumed. This is particularly true in any study of conflict resolution in the IRS. The empirical studies of German firms have shown how change is a significant factor at plant level in the IRS and can be the result of external or internal forces. Examples have been given of how changes in the economic and technological environment of the plant affect conflict issues arising as well as processes of resolution. In the 1970s,
pressures to rationalise production led to redundancies, short-time working and the introduction of new technological processes, with ensuing problems associated with the adjustment of the workforce to the new technology. These issues need to be resolved at works or company level and often require the assistance of third parties due to their controversial nature. Furthermore, changes in government legislation, particularly the 1972 WCA, provoked many conflicts at plant and company levels, which were usually resolved by reference to labour courts. Internal forces promoting changes in conflict issues and resolution processes include changes in plant-level actors as a result of works council elections, management promotions or retirement. Trade union involvement in the plant by way of shopsteward training and programmes to increase unionisation can also lead to changes in both the conflict situation at plant level and the operation of resolution procedures as the result of the changing perceptions of plant-level actors.

Thus it is clear that factors in both the external and internal environment of the plant can change and that these changes affect both conflicts arising and the ways in which conflicts are resolved. It appears that constants in the plant's environment are more open to change than variables. The latter are associated with the actual values and attitudes of the actors themselves and hence with resolution processes per se.

In the discussion about what factors lead to significant changes in the way conflicts are resolved at plant level, British commentators have emphasised the need for major crises at the level of individual firms and a general shift in the social relations of power to support the trust relationships necessary for the cooperative resolution of conflicts. The difficulties of promoting changes in resolution processes are related to the need for a change in the values and perceptions of the actors concerned. Much more research in the area of values, perceptions and bases of legitimate actions is required before general rules can be formulated on what factors will generate genuine cooperative relationships at plant level. Empirical research
undertaken thus far shows that major crises do not necessarily lead to changes in attitudes regarding conflict resolution in the long-term. The example of the German system indicates that a major shift in the social relations of power in favour of labour is not necessarily a prerequisite for trust relationships. Whatever methods are employed to alter perceptions, however, they must be seen as legitimate in the eyes of the actors concerned. The significant role of the state in the promotion of cooperative plant-level relations in the FRG, for example, is supported by general social values about the role of the state in society. This would not be the case in the U.K., where the main examples of cooperative resolution processes occur where management has pursued a policy of cooperation with the workforce and its trade union representatives for its own reasons.  

The present study indicates that mere changes in environmental factors will not necessarily lead to changes in relationships in industrial relations unless one or more of the actors involved desire an improvement of relations based on joint regulation of issues. The study of the reasons for such shifts in policy will necessitate an investigation of why and how attitudes and perceptions change. Similarly, in the German situation considerable changes in environmental factors have not necessarily lead to the destruction of cooperative relationships built up at plant level. Where consensus has been reached on the procedural aspects of conflict resolution, substantive conflicts arising from changes in environmental conditions can be resolved by cooperation and joint negotiation. This does not, however, rule out the possibility of changes in procedural relations as the result of changes in attitudes and perceptions of the actors in the German system. This issue of change requires considerable empirical research before the possibility of formulating any general rules on the factors involved can arise. The work of psychologists and behaviouralists is particularly significant in this area.
7) **Typology of Conflicts and Conflict Resolution Processes in the IRS Model**

I) **Conflicts**

In the present study, the term 'conflicts' was chosen in preference to 'grievances' as the latter implied a particular perception of conflicts based on the existence of collective agreements or legislation which established legal entitlements. The use of the generic term 'conflicts' meant differing perceptions of conflicts could be investigated by empirical research. The questions addressed to the plant-level actors covered details of the type of conflict arising (subject matter), its form (individual/collective) and the extent of conflict.

From the empirical survey and literature survey two patterns of conflict emerged:

**FRG:** collective procedural rights initiated by the works council in reaction to management decisions.

**U.K.** collective procedural and substantive interests initiated by groups of workers and their trade union representatives in pursuit of their perceived interests and in reaction to management decisions.

The key characteristics of conflicts arising were: their form (procedural/substantive; individual/collective; right/interest), their initiator(s), and the motive behind their initiation (pursuit of own interests, defensive reaction to decisions by other actors). These elements provide a more comprehensive assessment of the type of conflict relationship existing at plant level than the mere study of the subject matter of conflicts arising.

II) **Resolution Procedures**

Resolution procedures have been defined as a means of channelling conflicts arising in the IRS so that they can be resolved
peaceably and compromise solutions can be reached. The reason for their existence is based on the need to limit the extent of overt conflict manifestation to ensure the continued operation of not only the IRS but the wider social system too.

The empirical study has emphasised the actual processes of resolution at plant level, although details of the formal provisions for resolution were also investigated.

The results of the survey have indicated two patterns of conflict resolution which may provide a useful basis for future research into conflict and conflict resolution procedures:

**FRG:** Basic legislative framework for procedures but no formal plant-level procedures. Conflict resolution is generally internal to the plant, with major issues resolved at works level, other issues being resolved at section level. Constitutional function of procedures, i.e. the definition of plant-level relationships. Low level of works agreements.

**U.K.:** No legislative framework but increasingly formal plant-level procedures. Internal resolution of conflicts preferred, traditionally at section level, though indications of a shift to more centralised resolution at plant level. Bargaining function of procedures, i.e. to secure own interests in the workplace. Emphasis on informal regulation of conflicts, low level of works agreements.

The key characteristics of resolution procedures were thus: their form (in terms of formal/informal, external (third party)/internal, level (individual, workgroup, section, department, works etc.)); the actors involved and the type of involvement (i.e. unilateral decision-making, joint decision-making, consultation, information etc.); and the function of the procedures (legal, administrative, bargaining, constitutional).
The illustration of the patterns of conflicts arising and resolution procedures in the British and German systems show the close association between conflicts and procedures:

<table>
<thead>
<tr>
<th>Conflicts</th>
<th>Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>U.K.</strong></td>
<td></td>
</tr>
<tr>
<td>Form: procedural/substantive collective interests</td>
<td>increasingly formal</td>
</tr>
<tr>
<td>Initiators: workgroups, representatives (trade union)</td>
<td>internal low level with some recent centralisation</td>
</tr>
<tr>
<td>Motive: own interests, reaction to management decisions</td>
<td>bargaining</td>
</tr>
<tr>
<td><strong>FRG</strong></td>
<td></td>
</tr>
<tr>
<td>Form: procedural collective rights</td>
<td>legislative basis but informal in plant. Internal. Mix of centralised and low level resolution</td>
</tr>
<tr>
<td>Initiators: works council</td>
<td>actors: works council - management</td>
</tr>
<tr>
<td>Motive: reaction to management decisions concerning the position of works council in the plant</td>
<td>constitutional use</td>
</tr>
</tbody>
</table>

The illustrations show some similarities between procedures in the British and German systems, including the emphasis on internal resolution and, with the changes in shopsteward organisation in Britain during the 1970s/early 1980s, the combination of low level resolution of minor issues and resolution of major issues at plant level.²⁰ The study has, however, shown the importance of looking beyond the outward form of procedures to their actual function in the perception of the actors using them, and the association between their function and the specific contexts of plant-level relations. Despite some similarities in procedural forms between the two systems, the very different contexts of conflict resolution mean procedures
fulfill different functions. In the German system, conflict resolution at plant level takes place within a legal framework of workplace relations and the informal processes of resolution provide flexibility in the application of the legal provisions to a specific workplace context. In Britain, legal provisions on workplace relations are limited and the problems associated with the absence of a framework for workplace relations led to the formalisation of workplace procedures in the 1970s and ensuing difficulties caused by bureaucratic inflexibility at workplace level. Whereas conflicts in the German system tend to relate to the application of legal entitlements and many of the original conflict issues concerning the WCA 1972 have now been settled, in the British system there is still conflict about the actual definition of workplace relations. These latter conflicts, representing disagreements about the fundamental organisation and nature of the IRS (procedural issues), are generally more difficult to resolve peaceably than disputes which occur within an agreed framework for relations (substantive issues).

8) Areas of Further Theoretical and Empirical Research on the IRS Model

I) The Components of the IRS Model

i) Levels

The study has emphasised the need to incorporate macro-environmental as well as organisational levels into the study of plant-level processes. A number of different levels were included, chiefly national, industry, company and plant levels of influence. Further study is required of the significance of different levels depending on the area of industrial relations under investigation. For example, the significance of national and industry levels in a general study of one national IRS; the focus on the plant level to emphasise the differences in the operation of industrial relations within one national system. In a comparative study,
national and some industry-level influences (trade union and employer association organisation, policies and relations) will promote differences; influences at industry and plant levels associated with markets and technologies as well as, in some cases, organisational aspects such as size and management hierarchies, will show similarities across national systems.

ii) Influences

Further study is needed of the effects of what have been described as 'constants' and 'variables' on the structure and processes of industrial relations activity. The strict division between the influence of 'constants' on forms and structures and of 'variables' on processes and perceptions was not borne out by the empirical survey. 'Constants' were shown to have an effect on processes and perceptions, for example, by providing the objective power base of the actors, and variables were found to influence forms and structures as well as conflicts arising both directly, (for example by the provisions of the WCA 1972) and indirectly, by changes in attitudes and policies of the actors. The study showed that the effect of variables, such as legislation, trade union and employer policies, can substantially alter the 'general' rules formulated about the effect of constants, such as technological process, on levels of conflict and plant-level relations. Further testing is required of the hypothesis that 'constants' provide the objective environment for conflicts and resolution process, whereas variables provide a subjective environment via their influence on the attitudes, and thus the policies, of the actors.

The inclusion of West Germany into the study of conflict and conflict resolution in industrial relations systems has shown the crucial role which the state can play in shaping industrial relations systems. The effectiveness of state policy in the FRG is related to general social values supporting the role of the state as a neutral arbiter in social conflicts and the effect legislation has had on the change in actor perceptions towards a common system ideology at plant level in particular.
Poole has indicated that an active state role in industrial relations is associated with legalistic and regulatory patterns of industrial relations, and consultative relationships where corporatism exists. Further study of the effect of different roles of the state in the economy and society generally on industrial relations would provide greater understanding of the operation of different systems and contribute to the debate on which factors lead to significant changes in the operation of industrial relations.

iii) Subjective Influences

The study has sought to incorporate a variety of types of influence on conflicts and resolution processes, including structural, cultural and action influences. Further investigation is required of the circumstances in which these different types of influence have a significant effect. Socio-psychological influences, in particular, have been neglected in the study of industrial relations phenomena in favour of structural influences, which are easier to measure and quantify. Factors like actor perception and attitudes have, however, been shown to have an important influence on both conflict levels and actual processes of resolution. The study of areas such as a high conflict perception of actors and the influences on this will need to consider both structural factors (for example, number of shop stewards, technological features, number and form of contacts with the trade union, modalities of trade union influence at company level) and socio-psychological aspects, such as attitudes towards opponents and own role based on a study of the historical development of these attitudes through concrete experiences and the significance of key personalities in specific circumstances. Structural factors provide an environment in which the actors operate as well as defining certain of their characteristics such as number and skill levels etc. Perceptual factors are crucial for the ways in which the actors perceive and act upon these environmental influences.
iv) Processes

In the investigation of conflict resolution, emphasis has been laid on the processes of resolution rather than on formal procedures and structures. The latter do have some effect on actual resolution but do not describe actual practice at plant level, which is also dependent on the influence of other factors including structural and perceptual elements. Investigation of actual processes in the IRS will include behavioural studies of the type of encounters between the actors and the motivations behind them. Further study is required of influences on the behaviour patterns of the actors, including resort to third parties, resort to industrial action or negotiation based on cooperative processes, the use of committees and role of significant individual actors in the resolution process. The effects of specific behaviour patterns on future relationships and resolution processes (feedback effect) as well as on actual perceptions of the actors is an area for further investigation.

The study showed the trend towards the concentration of resolution in the hands of key workforce representatives and works management in both the U.K. and the FRG. Further research is required of the reasons for this and the extent of workforce support for such patterns, especially in the U.K. The relationship between the argumentation used to support the actors' positions on conflict issues and their actual behaviour patterns also needs closer investigation.

v) Output

As indicated earlier, further consideration needs to be given to the meaning of 'rules', seen as an output of the IRS. The empirical study and literature survey showed how joint rules form only one type of regulatory measure, unilateral rules of both management and the workforce are also significant. Further study is required of the effect of different types of rules on the operation of the IRS and the actors' relationships at plant level. Unilateral rulings, for example, are, in
certain circumstances, indicative of a conflict relationship between the actors and promote such a relationship; elsewhere, they express a consensus of the actors on how issues are to be regulated. The meanings behind the rules for the actors concerned requires empirical study.

The study has also shown how non-regulation can form one of the outputs from the IRS. The extent of non-resolution of issues needs to be further investigated, particularly in the U.K., where it is expected to be higher than in the FRG. The effect of non-resolution on the IRS and the wider economic system also requires further empirical study, particularly its effect on the systems' stability and continued operation and on the intervention of the state and other parties to ensure regulation occurs in ways which support the operation of other systems in society.

II) The Nature of the IRS Model - Stability and Change

Further investigation is required into the evolution of a 'system ideology' in the IRS and its association with the wider value system in society as a whole. The study of the German system has indicated the significant role of the state in the development of a system, as opposed to interest group, ideology, since it is viewed as the guardian of general social values and system stability. In West Germany, the state tends to be seen as a neutral overseer of relationships in society and is permitted to intervene to ensure they develop in accordance with general social values. This has promoted a system ideology in the IRS based on cooperation and joint responsibilities for the operation of the system. In the Japanese situation, other actors, such as the giant companies, have promoted a system ideology in the IRS.

The study of the West German and British systems has indicated the importance of a system ideology for stability in the IRS. A socially-based system ideology in the IRS promotes greater stability than one based on a business partnership between
capital and labour and the need to achieve one's own interests by a measure of cooperation with the opposing side. 27 Doubts have been raised as to whether 'voluntarism' was in fact ever a 'system ideology' supported by all the IRS actors or just the outcome of a lack of agreement about how the system should operate and the absence of one dominant actor able to impose its own views on the others. Changing economic circumstances which promoted a stronger role for labour led to the decline of voluntarism as a 'system ideology', although labour still supports its principles. Further study is required of the assumption that conflicts originating in a lack of agreement on the principles of the IRS (i.e. no system ideology) are more serious than those about substantive issues within an agreed framework. The study has shown how 'system ideologies' are only one component in the ideological framework of the IRS, for different groups develop their own ideological outlooks, which may or may not be congruent with each other. Stability is associated with a greater rather than a lesser measure of congruency of actor ideologies. The factors involved in the development of specific ideologies will require further investigation of structural, cultural and action influences in their historical context.

Change in the IRS can arise from changes in the external environment and in the system itself. More study will be required of the relationship between the two types of change - on whether the latter type is always the result of changes in the environment or whether it can be self-generating and in what ways. The fact of continued stability in the pattern and style of relationships in the face of external environmental changes has already been pointed out. This has been tentatively explained in terms of the importance of attitudes and perceptions in both relationships and the way the environment is viewed, analysed and acted upon by the actors. Attitudes and perceptions are less open to change than environmental factors. Further investigation of the circumstances under which changes in attitudes and perceptions do take place would promote the understanding of the relationship between context, processes and output in the IRS, particularly with respect to conflict resolution.
9) Illustration of the Modified IRS Model and Résumé of its Uses in Industrial Relations Research

The model of the IRS, incorporating the modifications discussed in this chapter, is illustrated overleaf. An outline of the key modifications is given below:-

1) The model reflects both a temporal and spatial study of the IRS since it incorporates the historical factors behind the evolution of the present system.\(^28\)

2) The model represents an attempt to reflect both the similarities and differences between national systems by distinguishing those elements producing similarities ('constants') and those producing differences ('variables').\(^29\)

3) The model includes the decisions of actors in the system as an important influence on the form and operation of the system and does not view the decisions as solely determined by environmental factors. Actor perception of the environment and actor interests and values have a crucial impact on decisions made. The significance of actor decisions on the system is viewed both in its historical and current perspective.

4) The model incorporates both ideologies and cultural value systems. A system ideology is defined as the sum total of congruencies in the ideologies of the different actors as to how the system is to operate, and it is related to the common value system at national societal level. The existence of diverging ideologies is, however, also recognised at all levels of the system.

5) Since the model has been developed to consider conflict resolution, it includes not only the existence of different ideologies based on perceived and actual conflicts of interests in the system, but also a consideration of differing power positions not only at national level but also at plant level. Power positions reflect both objective and subjective power resources, which are related to the perceptions and values of the actors concerned.
The Modified Industrial Relations System Model

**International Level**
i.e. influences from other national systems in terms of their:
- **Economic systems** (c)
- **Political systems** (v)
- **Socio-cultural systems** (v)
- **Legal systems** (v)
- etc.

Constitutes the world environment of the specific national system

**National Level**

- **Economic system** (c)
- **Political system** (v)
  - power relations between state, capital and labour
  - role of state in society and IRS
  - role of judiciary and other official third parties
  - role of national trade union and employer federations
  - social structures of society and interest groups
- **Socio-cultural value system** (v)
  - convergence of values = system ideology
  - diverging values

**Industry Level**

- **Industry branch characteristics**:
  - technology
  - market (product and labour)
  - firm size
- **Trade union organisation** (v)
  - goals, values and policies
- **Employer organisation** (v)
  - goals, values and policies
- **Trade union - employer relations** (v)
  - power relations
  - areas of agreement and common values (system ideology)
  - areas of conflict in interests, values

**Company Level**

- **Ownership relations** (v/c)
  - foreign/national
  - family/multinational/sharholders/state
- **Company organisation** (v/c)
  - i.e. structure of decision-making, division of responsibilities
- **Company goals, policies** (v)
  - values, company rules
- **Role of workforce/trade union representatives**
  - at company board level, company agreements
- **Regional influences** (v)
  - relating to location of company
6) The model is based on a view of society as a unit comprising diverging and converging interests and values. The stability or instability of a specific social system requires empirical investigation and should not be assumed. Pressures for change and instability arise both from within the system, with its varying interest groups, and from without in the wider international context. This view holds true for the IRS, which is seen as a subsystem of the economic system.

7) The model has emphasised the importance of both structural and cultural environmental factors as well as actors' goals and values in shaping the processes of conflict resolution. An attempt has been made to investigate the causal links between context, processes and output in the IRS. The significance of actor perceptions and interests as an intermediary factor between context and processes has been highlighted.

8) In accordance with the view of society and the IRS as comprising diverging and converging interests and values, the possibility of non-resolution of conflict issues in the output from the system has been included in the model. Depending on the seriousness of the matter at issue for the system and the extent of non-resolution, the absence of rules to regulate conflicts can lead to instability and eventual collapse of an IRS. Examples of this include, at plant or firm level, the bankruptcy and demise of a company or one of its subsidiaries.

Various uses of the model of the IRS have been indicated in chapter seven. A résumé of possible uses is given below:

1) The IRS model permits the investigation of the influence of different levels, including international, national, industry, company and plant levels, on industrial relations phenomena. It facilitates investigation of two national systems of industrial relations, the operation of one national system, differences between the operation of
different industry branches and between companies and plants within an industry branch or a single company. The significance of different levels will vary with the subject matter under investigation and indications have been given of their varying significance.

2) The IRS model can be used in the study of the current operation of industrial relations and in the historical evolution of specific patterns of industrial relation behaviour by means of an investigation of the environmental context and actor decisions which originally shaped the current system and the evolution of the system through to its present day operation and structures. The inclusion of socio-cultural influences and the role of the state and judiciary permit an assessment of pre-industrial society influences and their effect on current systems of industrial relations. The present day system is viewed as the result of actor decisions in specific contexts in the pre-industrial as well as industrial era.

3) The model provides a comprehensive illustration of the varying influences which need to be considered in the study of industrial relations issues. The inclusion of structural, cultural and social action influences precludes any biased, and thus incorrect, assessment of the key influences on specific issues and processes. The model ensures that aspects of industrial relations can be viewed in their wider societal context and thus permits an investigation not only of the form and structures of the IRS but also the processes and meanings behind the structures and processes.

4) In the present study, a differentiation has been made between 'constants' (environmental factors thought to promote similarities in all IRSs) and 'variables' (thought to promote differences). The empirical application of the model has shown that the distinction made by Dunlop between the technical, market and power contexts of industrial relations is much more complex in actual practice, since the power context ('variables') significantly influences the operation of the technical and market contexts and
4) thus reduces the extent of similarities between systems. Further research is required into the subtleties of the interaction between the two types of influence; the interaction is included in the model by the incorporation of a feedback effect.

5) The modifications made to the model as a result of the empirical findings reflect the importance of social action and behavioural influences in the investigation of the processes of industrial relations, and facilitate the investigation of actors' goals, values and perceptions, viewed as key influences on both the processes and structures of industrial relations. The status of social action influences such as these is complex - neither that of an intermediary between context and process nor fully independent. It is questionable whether independent influences as such exist at all, since factors such as size, technology, and market context are all subject to the influence of actors' policies and decisions within their perceived environment. Thus structural and social action influences are seen as interdependent and the modalities of this interdependence needs to be investigated in specific instances.

6) The model can be used in an investigation of the causal links between context, process and output in industrial relations. As indicated earlier, the actors provide the crucial link between context, which is essentially inanimate, and processes, reflecting the activity and relationships between living actors as they regulate issues arising. The influence of contextual features is not determining but subject to the way the actors perceive and act upon the environmental influences in accordance with their particular values, goals and interests.

7) The model has been shown to be of use in studying one element of the processes in the industrial relations system - conflict resolution - in its wider context. Empirical application of the model has led to modifications in the model so that it better reflects the reality of industrial
relations in two national systems. The model has been used not only to describe how the systems operate in practice but in an explanation of why they operate in the way they do. A number of hypotheses on the relative significance of different elements of the system have been proposed. These result from findings accruing from the application of the model to an empirical research situation - a crossnational study of conflicts and conflict resolution at plant level.

The adjustments made to Dunlop's original concept of an industrial relations system ensure that the present model more accurately reflects the reality of industrial relations, which are marked by both conflict and cooperation, instability and stability, in varying measures. Further application of the model to specific empirical issues will promote its sophistication and reflection of the reality of industrial relations phenomena. It would benefit, in particular, from further investigation of behavioural and psychological aspects of industrial relations activity in relation to environmental factors.

The modified industrial relations system concept, as outlined in the present study, will be a useful tool in crossnational studies of industrial relations phenomena, in particular, due to its comprehensive scope and ability to generate hypotheses and accommodate empirical findings as indicated in this study.
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Kuhn, op.cit. p 270.
Marsh, op.cit. (Part 2) p 88-90.
Singleton, op.cit. p 75.
Thomson, op.cit. p 84. (The main fear is that any change will affect power relations to the detriment of management).

Marsh, op.cit. (Part 2) p 88.


Footnotes

1 Royal Commission on Trade Unions and Employers' Associations Report, Paragraph 751. (1968).


Flanders A. 'Industrial Relations - What is Wrong with the System?' 1965. p 26.


7 Kahn-Freund, op.cit. p 25.

8 Ministry of Labour evidence to the RCTUEA 1968, p 215.


11 Wedderburn, op.cit. p 282 (The aim of the government is the restoration of order in industrial relations by reduction of the power of national trade union executives and local officials and the espousal of individual rights.)


Harkin G. 'Government Control of Industrial Relations', in Purcell J. (1981) p 77-79.


Clegg, op.cit.


Kahn-Freund O. 'Industrial Relations and the Law', in Barrett B. op.cit. p 387.

loc.cit.

Wedderburn, op.cit. p 277.

loc.cit. also Marsh A.I. 'Workplace Industrial Relations in Engineering', 1971. p 55.

Wedderburn, op.cit. p 290.

ibid. p 275.

The following works argue the continued support of employers for the voluntarist principle:-
Weekes B. et al. 'Industrial Relations and the Limits of the Law', 1975.

Flanders A. 'Industrial Relations - What is Wrong with the System?' p 23-25.
Flanders A. 'The Tradition of Voluntarism', p 375.

Wedderburn, op.cit. p 290.


HMSO 'Trade Union Immunities', op.cit.
Kahn-Freund O. 'Uses and Abuses of Comparative Law', p 27.

Lewis, op.cit. - in 1813/1814 the government repealed the Statute of Artificers which had given the state and Justices of the Peace a role in the determination of wages, working conditions, apprenticeships etc.


loc,cit.


ibid. p 663.


Marshall A.I. et al. 'Workplace Relations in the Engineering Industry in the UK and the FRG', p 1 also Lovell, op.cit. p 33.

Ingham G.K. 'Strikes and Industrial Conflict' 1974. also Commission on Industrial Relations Study no 1. 'Employers' Organisations and Industrial Relations', 1970.


Lerner S.W. et al. (ed) 'Workshop Wage Determination', 1969. p 45.

Committee on Relations Between Employers and Employees Final Report 1918.

CIR Study no 1. op.cit.
Brown, op.cit. p 17. - Single employer agreements are the main bargaining level. Although multi-employer agreements are still an important source of regulation for 27% of manual workers.

Daniel W.W. 'Wage Determination in Industry', 1976. - The two prevalent bargaining levels were plant level (72% of establishments, especially engineering and metalworking) and company bargaining (34% of establishments).

Deaton D.R./Beaumont 'The Determinants of Bargaining Structure', BJIR July 1980. p 202-216. - Single employer agreements (7.5% of establishments) with plant as key level (67%) and company level in 33%.

Marsh A.I. 'Employee Relations Policy and Decision-Making', 1982. Points to trend to decentralisation especially in multi-enterprise companies with plant-level as key bargaining level in 85.2% of companies.

Brown, op.cit. - employers' associations are still important industrial relations institutions (75% of establishments are in membership), although their functions have altered from regulatory to advisory services.

CIR Study no 1, op.cit. p 20-21. - national agreements still determine overtime and shift premia and non-wage conditions. Deviations in nationally agreed working conditions are the usual reason for expelling members from the associations.

Lerner, op.cit.

Marsh, op.cit. p 161.


Flanders, 'Industrial Relations - What is Wrong with the System?' op.cit.


Munns, op.cit.


CIR Study no 1, op.cit.

Sisson, ibid. p 127.


56 Hill S./Thurley K. 'Sociology and Industrial Relations', BJIR Vol XII, 74, p 147-70. (Covers its effect on size and composition of working population, job market, trade union development and structure of industry.)

Also Cole G.D.H. 'Introduction to Trade Unionism', 1955. p 55 (Looks at its promotion of decentralised collective bargaining in Britain).

57 Ingham, op.cit. p 26.


59 Granick D. 'Managerial Comparisons of Four Developed Countries', 1972. p 357.

60 Marsh A.I. op.cit. (Part 2) p 5. Ingham, op.cit. p 70.


Dunlop J.T. 'Industrial Relations Systems', 1957. p 16.


Marsh, op.cit. p 3.

64 Crouch, op.cit. p 48.

Ingham, op.cit. p 26.

Poole, op.cit. p 130.

65 Dore, op.cit. p 408.


68 Granick, op.cit. p 358.

70 Flanders A. 'Industrial Relations - What is Wrong with the System?' 1965. p 30.


73 Hobsbawn E.J. 'Inside Every Worker there is a Syndicalist Trying to Get Out', New Society 1979. p 9-10.

74 Flanders A. 'Industrial Relations - What is Wrong with the System?' p 26.


77 Lawrence P. 'Managers and Management in West Germany', 1980. p 127.

78 Granick, op.cit. p 370.


80 ibid.

Blankenburg, E. et al., 'Phänomene der Verrechtlichung und ihre Folgen', 1977.


Hoffmann, R., 'Rechtsfortschritt durch gewerkschaftliche Gegenmacht', 1968.


Erd, op. cit.

Hoffmann, op. cit.


Dahrendorf, R., 'Gesellschaft und Demokratie', 1975, p. 68.


Bergmann, op. cit., p. 15.

Jacobi, O., 'Ursache, Funktion und Ergebnis der Einkommenspolitik', in Meissner, W., 1972, p. 54 - 78.


Bergmann (1975), op. cit., p. 15.
Herdinger, R., 'Codetermination and Control', in Purcell, 1979, p. 56 - 76.
Jacobs, op. cit., p. 94 - 97.
93 Streeck, W., 'Gewerkschaftsorganisation und industrielle Beziehungen', in Matthes, J., 1979, p. 209.
94 Jacobi, op. cit.
95 Streeck, W., 'Gewerkschaftliche Organisationsprobleme', 1981.
97 Bahl, op. cit., p. 399.
Hoffmann, op. cit., p. 93.
Zachert, op. cit. p. 77.
98 Erd, op. cit. p. 19.
100 Mommsen, op. cit. p. 86.
Muszynski, B., 'Wirtschaftliche Mitbestimmung', 1975, p. 76
also Dahrendorf, R., 'Sozialstruktur des Betriebes', 1959, p. 66.
101 Mommsen, op. cit.
Muszynski, op. cit.
103 Kahn-Freund, O., 'Intergroup Conflicts and their Settlement' in Flanders, A., 1969, p. 70.
105  ibid. p. 331.
109  ibid. p. 31.
110  loc. cit.
       Unterseher, op. cit. p. 196.
       Unterseher, op. cit.
       Zachert, U., op. cit. p. 75 - 76.
114  Damman, K., 'Tarifvertrag und Arbeitskampf', 1977, p. 64.
       Guigni, op. cit. p. 168.
115  DHubler, W., 'Das soziale Ideal des BAG', 1975, p. 35.
       Unterseher, op. cit., p. 200.
       Zachert, op. cit. p. 79 - 83.
118  Dahrendorf, op. cit. p. 66.
       Ramm, op. cit. p. 263.
120  DHubler, W., 'Das Grundrecht auf Mitbestimmung', 1975, p. 128.
122  Erd, op. cit. p. '30 - 42.
Aaron, B. 'The Settlement of Disputes over Rights', 1974.

Givry, op. cit. p. 136.

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Guillebaud, op. cit.

Damman, op. cit. p. 41.


Zachert, op. cit. p. 74.


Bahl, op. cit. p. 400.

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Damman, op. cit. p. 46.

Bahl, op. cit. p. 399.

Hartmann, H., 'Authority and Organisation in German Management', 1970, p. 212.


Teuteberg, op. cit., p. 350.


Bahl, op. cit. p. 402.

ibid.


In addition there is a small Christian trade union, a white collar workers' union and civil servants' union.


Schacht, K., 'Das Tarifverhandlungssystem der BRD', in Meissner, W., 1972, p. 79 - 118.


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Müller-Jentsch, W., 'Neue Konfliktpotentiale und institutionelle Stabilität', in Matthes, J., p. 185.

Streeck, W., 'Das Dilemma der Organisation', in Meissner, W., 1972, p. 130 - 167.


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c f. Grebing, op. cit.

c f. Grebing and Muszynski, op. cit.
160 Dahrendorf, op. cit. p. 44.
161 Potthoff, op. cit.
162 Dahrendorf, op. cit. p. 44 - 46.
164 Dahrendorf, op. cit. p. 67 - 68.
165 ibid.
166 c f. Chapter 4, 2Ii and 2Iii.
Hartmann, op. cit. p. 84.
Muszynski, op. cit. p. 27.
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Hartmann, op. cit. p. 270.
Muszynski, op. cit. p. 27.
Teuteberg, op. cit. p. 111.
171 Dahrendorf, op. cit. p. 48.
172 Muszynski, op. cit. p. 27. Also Dahrendorf, op. cit. p. 55 - 70.
173 Dahrendorf, op. cit. p. 48.
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174 Dahrendorf, op. cit. p. 63.
   Hartmann, op. cit. p. 84.
   Ramm, op. cit.
   Teuteberg, op. cit. p. 301.

   DGB 'Wirtschaftspolitische Grundsätze', 1949.

177 Maurice/Sellier, op. cit.
   Lawrence, P., 'Managers and Management in West Germany', 1980, p. 3.

178 Maurice/Sellier, op. cit. p. 326.
   Marsden, op. cit.
   Tylecote, op. cit.

179 Dahrendorf, op. cit. p. 63.

180 Dahrendorf, R., 'Sozialstruktur des Betriebes', 1959, p. 66.

181 Hartmann, op. cit. p. 212.

182 Mommsen, op. cit. p. 86.

183 Hartmann, op. cit. p. 214 citing the Executive Officer of the National German Industrialists' Association in 1933.

184 Mommsen, op. cit. p. 86.

185 Dore, op. cit. p. 415.

186 ibid. p. 419.


Footnotes

Chapter Four


   Marsh, op. cit. p. 56.


15. White, op. cit. p. 38.


Hobsbawn, E.J., 'Inside Every Worker there is a Syndicalist trying to Get Out', New Society, No. 4, 1979, p. 9 - 10.


Marquand, H.A. et al., 'Organised Labour in 4 Continents', 1939, p. 185.


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McCarthy / Parker, op. cit. p. 56.

Boraston, I. et al., 'Workplace and Union', 1975.
29 Clegg, op. cit. p. 38.

30 McCarthy / Parker, op. cit. p. 38, 56 - 58.
also Brown, W., 'Piecework Bargaining', 1973, p. 137.

31 RCTUEA Report, op. cit. parag. 1009.

32 Marsh, op. cit. p. 64.


34 ibid. p. 262.

35 ibid. p. 238 - 293.

36 ibid. p. 310
ALSO Taylor, op. cit. p. 210. (This has also taken place in the GMWU and EETPU).

37 Taylor, op. cit. p. 215


42 Dickens, L. et al., 'Research note to P. Lewis on why legislation has failed to provide employment protection', BJIR, July 1982, p. 257 - 258.


44 ibid. p. 21.


47 ibid. p. 32.

48 Ministry of Labour Evidence in RCTUEA Report, op. cit. p. 94.
Goodman, op. cit.


Daniel / Millward, op. cit. p. 167.

Daniel / Millward, op. cit. p. 167 (33% of establishments)
also Brown, op. cit. p. 49.

Dickens, op. cit. p. 306.
Concannon, op. cit. p. 22.
Daniel / Millward, op. cit. p. 167.

McCarthy / Parker, op. cit. p. 41 - 42 & 62.

CIR Report No. 1, 'Employers' Organisations', 1970, p.35 & 166

Flanders, A., 'Industrial Relations - What is Wrong with the System?', 1965, p. 30.
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Granick, D., 'Managerial Comparisons of 4 Developed Countries', 1972, p. 358.
Marsh, A.I., 'Employee Relations from Donovan to Today', PM No. 6, 1981, p. 36.


Hawes, W.R. / Smith, 'Employee Involvement outside Manufacturing', DEG, June 1981, p. 268 (with company and plant as the key bargaining levels).

62
Marsh, op. cit. p. 36.

CIR Report No. 85, op. cit. p. 28.
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Lerner, S.W., 'Workshop Wage Determination', 1969, p. 38.

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Lerner, op. cit.

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Friedmann, H. / Meredeen, 'The Dynamics of Industrial Conflict', 1980 (on changes at Ford's).

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ibid.
Daniel / Millward, op. cit. p. 108. (Especially size).

Marsh, op. cit. p. 105.


CIR Report No. 34, op. cit. p. 34.

Marsh, A.I., 'Employee Relations from Donovan to Today', PM No. 6, 1981, p. 47.

Brown, op. cit. p. 111 (43% of companies had job evaluation for manual workers).
Sisson / Brown / op. cit. p. 142.

Brown, op. cit. p. 115.
Daniel / Millward, op. cit. p. 205.


Brown / Terry, op. cit. p. 129.

CIR Report No. 69, 'Small Firms and the Code of Industrial Relations Practice', 1974, p. 11.


Eyraud, op. cit. p. 359.

McCarthy / Parker, op. cit. p. 39 - 40.
RCTUEA Report, op. cit. parag. 1075, 1077 and 1086.

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Daniel / Millward, op. cit. p. 46.

Brown, op. cit. p. 61.

Seglow, P. / Streeck et al., 'Rail Unions in Britain and West Germany', 1982.


Turner, op. cit. p. 142.


McCarthy, op. cit. p. 22.

Daniel / Millward, op. cit. p. 42. Storey, op. cit. p. 120.


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Marshall, op. cit. p. 90.

Brown, op. cit. p. 53.


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ibid. p. 41.

ibid. p. 10.

ibid. p. 32.
c f. Marsh, A.I.


ibid. p. 37.
CIR Report No. 17, op. cit. p. 32.
Marsh, op. cit. p. 94.
Schuller, op. cit. p. 333 (2 hours 40 minutes per week were taken up with trade union duties).

Daniel / Millward, op. cit. p. 43 (from 1978).

ibid. p. 42 - 44. See also:-
Batstone, E., 'What have Personnel Managers done for Industrial Relations?', PM No. 6, 1980, p. 36 - 39.
Brown, op. cit. p. 119.
CIR Report No. 17, op. cit. p. 53.
Storey, op. cit. p. 120.


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McCarthy / Parker, op. cit. p. 54.

McCarthy, op. cit. p. 29.
Brown, op. cit. p. 71.
Mansfield, R. et al., 'The British Manager in Profile', 1981, p. 25. (Collective bargaining is concentrated in the hands of personnel (36%), production (29%) and general management (28%).)


Storey, op. cit. p. 138 & p. 120 - 121.

Storey, op. cit. p. 120.
122 Schuller, op. cit. p. 336.
Terry, op. cit. p. 51. (Examples of electricity and public sector).


125 Goodman, op. cit. p. 79.

Goodman, op. cit. p. 79 - 80.

127 McCarthy / Parker, op. cit. p. 29 - 31.
Also Brown, op. cit. p. 125 - 149.

128 Brown, op. cit. p. 82 - 136.

129 Poole, M.J.F., 'A Power Analysis of Workplace Industrial Relations', IRJ No. 3, 1976, p. 31 - 42.

130 ibid. (For example, rivalry between production and maintenance workers, sophisticated management policies.)
Goodman, op. cit. p. 79 - 80. (Trade union restrictions on workplace bargaining).

Schuller, op. cit. p. 336.

132 Marchington, op. cit.

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Clack, op. cit.
Turner, op. cit. p. 220.

Putz, op. cit. p. 5.

Wilson, op. cit. p. 323.


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Terry in Bain, op. cit. p. 87 and in IRJ 1983, op. cit. p. 53.
Schuller, op. cit. p. 336.


144 'The Final Report of the Committee on Relations between Employers and Employed', 1918.

145 Clegg, op. cit. p. 152.

McCarthy, op. cit. p. 33.

147 Armstrong, op. cit. p. 37
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Daniel / Millward, op. cit. p. 130.
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148 Brown, op. cit.

149 Brown, op. cit. p. 77.
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150 Armstrong, op. cit. p. 43 - 44.

151 c f. Blyton, op. cit. p. 64.
Clegg, C.W., 'Management Attitudes to Industrial Democracy', IRJ, 1978, p. 4 - 17.
Cressey, op. cit.


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Clegg, C.W., op. cit. p. 17.
Cressey, op. cit.
Dowling, op. cit. p. 38.
Knight, op. cit. p. 84.
Poole, op. cit. p. 10.

Blyton, op. cit. p. 59.


Daniel / Millward, op. cit. p. 140.

RCTUEA Report, op. cit. p. 97.


Clegg, op. cit., p. 268 (In 1976, 94% of all strikes in the EEF area were unconstitutional, unofficial and plant-level).


Brown (1981), op. cit. p. 82.
DEG November 1976 (1971 - 1973 5% of plants accounted for 67% of working days lost and 24% of all strikes).
Marsh, op. cit. p. 113 (5% of engineering establishments accounted for 65% of all strikes. 3 out of the 432 firms surveyed accounted for 41% of all strikes).
McCarthy / Parker, op. cit. p. 45 & p. 70. (Only 3% of plants had frequent strikes and rule-breaking as the norm).


Durcan, op. cit. p. 193
DEG March 1983, op. cit.


Clegg, op. cit. p. 266.
Silver, op. cit. p. 96.


Walsh, op. cit. p. 131.

DEG March 1983, p. 44.

Walsh, op. cit. p. 94.

ibid. p. 134.

ibid. p. 84 & 95.

Clegg, op. cit. p. 266.
Silver, op. cit. p. 96.

Edwards (1981), op. cit. (accounted for only 4% of variance in strike figures).
Daniel / Millward, op. cit. p. 214.
Silver, op. cit. p. 99.
Clegg, op. cit. p. 266.
Hyman, op. cit.

Brown, op. cit. p. 89 - 90.

Edwards (1980), op. cit. p. 156. (Size accounts for only 15 - 20% of variance in strike figures).

ibid. p. 152.

Daniel / Millward, op. cit. p. 214.

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Enderwick, P. / Buckley, 'Strike Activity and Foreign Ownership', BJIR Nov. 1982, p. 320. (Said to lead to a higher level of activity).
Gennard, J. / Steuer, 'The Industrial Relations of Foreign-Owned Subsidiaries in the U.K.', BJIR July 1971, p. 143 - 159. (Said to lead to lower levels of strike activity).

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Edwards, op. cit.
Purcell, J., 'Trust, Trauma and the Role of Government Agencies in the Reform of Workplace Industrial Relations', 1978.


Goodman, J. et al., 'Focus on Footwear - Formula for Conflict but a Pattern for Peace', PM No. 6, 1977, p. 23-26.

Durcan, op. cit. (Wages issues constituted 49% of stoppages, 65% of workers involved in strikes, 79% of working days lost 1946 - 1973).
McCarthy / Parker, op. cit. p. 45 (50% of all strikes).

Marsh, A.I., 'Workplace Industrial Relations in Engineering', 1971, p. 103.


DEG October 1983, p. 42. Walsh, op. cit. p. 135. (Conflict issues were 'overwhelmingly pay and overwhelmingly wage rates and earnings levels'.)


Storey, op. cit. p. 134.

c f. Eyraud, op. cit.

McCarthy, op. cit. p. 25.

ibid. p. 27.


Clack, op. cit. p. 44.

ibid. p. 99 and p. 63. (The 'breach of procedure' strike).


209  c f. Clifton / Tatton-Brown, op. cit.
CIR Report No. 69, 'Small Firms and the Code of

210  Daniel / Millward, op. cit. p. 159.
Marsh, A.I., 'Employee Relations from Donovan to Today',
PM No. 6, 1981, p. 47.
Sisson / Brown, op. cit. p. 149.

211  Brown, W., 'The Changing Contours of British Industrial

212  ibid. p. 268.

213  Daniel / Millward, op. cit. p. 297.
Joyce, P. / Woods, A., 'Management Attitudes on

214  Brown, op. cit. p. 120.
Marsh, A.I., 'Employee Relations Policy and Decision-

215  Brown, op. cit. p. 44.
Daniel / Millward, op. cit. p. 297.

216  Brown, op. cit. p. 44.
Parker, S.R. / Wilder, 'Changes in Workplace Industrial

217  Marsh, A.I., 'Workplace Industrial Relations in Engineering',
1971, p. 102 & 106.

218  ibid. p. 103.


220  ibid. p. 106.

221  ibid. p. 62.

222  Marsh, A.I., 'Employee Relations from Donovan to Today',

223  loc. cit.

224  Sisson / Brown, op. cit. p. 149.


226  ibid. p. 137.

227  Batstone, E., 'What have Personnel Managers done for
Industrial Relations?', PM No. 6, 1980, p. 36 - 39.

228  Turner, H.A. et al., 'Management Characteristics and
also: Joyce / Woods, op. cit. p. 30 - 32.


Purcell, J., 'The Lesson of the CIR's Attempt to Reform Workplace Industrial Relations', IRJ No. 2, 1979, p. 11.

Purcell, op. cit. p. 16 (Traumas include: prolonged or frequent strike action, threat of the sole customer to end his orders, complaint of customers to government about strike levels, a major investment programme going abroad, the threat of closure).
c f. also: Friedmann / Meredeen, op. cit. (Part 4).
Ogden, op. cit.

Gouldner, A.W. (B), 'Patterns of Industrial Bureaucracy', 1954.

Gouldner (A), op. cit. p. 121.
loc. cit.

Gouldner (B), op. cit. p. 237.

ibid. p. 236.

Marsh, op. cit. p. 36 & 47.

Thomson / Murray, op. cit. p. 131.


Schregle, J., 'Codetermination in the FRG', ILR No. 117, 1978, p. 88. ('The German inclination to resolve differences by integrating opposing forces into an institutional organism').
Muszynski, B., 'Wirtschaftliche Mitbestimmung', 1975, p. 27.

The Berliner Protokoll, 1905.


Works councils can be elected in all firms with 5 employees or more for a 3 year period of office before reelectons. The size of the works council is related to the size of the firm (WCA, Parag. 9), as is the existence of an executive committee (WCA, Parag. 27) and other specialist committees. The WCA 1972 also deals with provisions for training of works council members and time off (Parag. 37 & 38), special protection against dismissals (Parag. 102 and 103).

c f. To attend works council meetings (Parag. 31), works and departmental meetings (Parag. 46), involvement in works council elections (Parag. 14 (7), and 16), access to the workplace (Parag. 2 (2)), involvement in the training of works councillors (Parag. 37,6), application to a labour court if the works council does not fulfill its statutory obligations (Parag. 23). The Act gives preeminence to regulation by collective agreements (Parag. 87(1)) and defines areas of works council rights which can be extended by collective agreement. c f. Schaub, G., 'Der Betriebsrat', 1973, p. 51.

Kotthoff, H., 'Betriebsräte und betriebliche Herrschaft', 1981, p. 256. (He emphasises the importance of the will to participate in the regulation of workplace issues on the part of management and the works council for participation to be effective. Since over 66% of managements surveyed had no desire to regulate issues jointly with the works council, those works councils relying on management usually exhibit a form of deficient participation).


Issues covered include:- working hours, time, place and form of wage payment, holiday arrangements, piecework rates and bonus schemes, works rules, technical devices to monitor employee performance, safety, social welfare schemes, works accommodation, suggestion schemes (Parag. 87), the administration of training schemes in the workplace (Parag. 98), the contents of staff questionnaires (Parag. 94) and selection criteria in the hiring of staff (Parag. 95) and dismissals (Parag. 102).
c f. WCA, Parag. 99 (Issues covered include: appointments, transfers, any reorganisation of the workplace which directly affects the workforce.

Parag. 90.

Parag. 80.

Parag. 105.

Parag. 74 (2).

Parag. 2(1) 'Acts of industrial warfare between the employer and the works council shall be unlawful... The employer and the works council shall refrain from activities that interfere with operations or imperil the tranquility of the establishment'.

Parag. 23.

Parag. 74(1) 'They shall discuss the matters at issue with an earnest desire to reach agreement and make suggestions for settling their differences'. Provisions are made for them to meet together at least once a month and all agreements are to be written down and signed for then to have legal effect (77).

For example, in cases of a works council veto of a dismissal (Parag. 102) or individual personnel issue (Parag. 99(4)), and on any points of law. Individual legal entitlements, such as issues relating to the contract of employment and dismissals, are dealt with by the 'Urteilsverfahren' of the court. Conflicts involving the works councils' rights are dealt with by the 'Beschlußverfahren'.

Parag. 76. The Board's responsibilities lie in the area of conflicts of interests. Compulsory arbitration occurs in the case of areas covered by codetermination rights. Conciliation in the form of a recommendation occurs in all other areas.

Parag. 84 and 85.

Blankenburg, E. et al., 'Phänomen der Verrechtlichung und Ihre Folgen', 1977, p. 26 (circa 4% of cases referred to labour courts in Berlin were dealt with under the Beschlußverfahren). Gelsenkirchen labour court figures 1980 (2% of all cases were collective questions involving works councils rights). Kittner, M., 'Arbeits- und Sozialordnung', 1977. (Figures for 1976 show 1.4% of all cases were collective).

Kittner, op. cit. p. 168. (With collective issues 30% are referred by employers, probably due to the legal requirement to refer issues vetoed by the works council to the labour court for a decision).
Der Betriebsrat Nr. 6, 1981, p. 262. (In 1978 there were 1.2 million dismissal cases of which 8% (p. 266) were referred to labour courts).

Kittner, op. cit. p. 168.
Blankenburg, op. cit. p. 6 & p. 12. (46% of lawsuits in W. Berlin were in firms with under 100 employees, 40% in those with 100 to 1000, 14% in those with 1000 or more).

Der Betriebsrat Nr. 6, 1981, p. 263. (In a study of 612 companies and 880 dismissal cases, 60% of the cases were in firms with under 50 employees, 20% of the cases in firms with under 5 employees, which are not covered by the Protection against Dismissals Act).

Schönholz, S., 'Grenzen der Regelung individueller Arbeitsbeziehungen durch Recht', 1979, p. 23. (Found 5 times as many cases from firms with under 100 employees than those with 1000 employees or more).

Feser, K. et al., 'Arbeitsgerichtsprotokolle', 1978, also Blankenburg, op. cit. on inverse relationship between social power and reference of conflicts to labour courts.


Blankenburg, op. cit. p. 6.

Schönholz, op. cit. p. 6. (The best circumstances for realisation of the WCA are: firms with 500 employees or more, trade union organisation of 60 - 100%, an economic committee and representation on the supervisory board (p. 12). References to the courts occur where there is no agreement on the criteria necessary for resolution (p. 82).

Der Betriebsrat Nr. 6, 1981, p. 264 (66% of the total workforce work in firms with a works council. Only 41% of dismissals occur in these firms).

ibid. p. 265. (In 66% of cases the works council agreed with the dismissal, in 20% no response, only in 8% of cases did the works council oppose it and the employer then withdrew 30% of these cases. Opposition of the works council to a dismissal doubles the number of employee references to the labour courts).


Föhr, op. cit. p. 324.
Kittner, op. cit. p. 172.

Blankenburg, op. cit. p. 12. (Apart from the institutionalisation of workplace relations, the size of the firm, type of workforce and average duration of employment are used to explain the low litigation rates in the public sector, metalworking and electrical industries in comparison to construction and hotel and catering, p. 14. Dismissal cases are the most common legal conflicts in the former, in less legalised sectors payment due is the most common issue).
Föhr, op. cit. p. 323.

Der Betriebsrat Nr. 6, 1981, p. 262 - 263.

Schönholz, op. cit. p. 23. (Points to a rise of 85% in references to the labour court between 1969 and 1974, especially in the area of dismissals).
Blankenburg, op. cit. (Refers to a rise in all court cases since 1970 due to the deteriorating economic situation).

Schaub, op. cit. p. 124 - 130.


c f. Körnick, op. cit. p. 21 (on Parag. 31 of the Labour Court Act which leaves the question of whether to involve the labour court in the resolution of workplace issues to the parties).

Ramm, op. cit. p. 22 (reflected in the representation by lawyers not in person, the dominant role of the labour court judge and decline in the role of the wingmen representing the trade union and employers' association, the formalisation of the proceedings and the view of labour law as a cluster of legal problems not as a social issue).


Dübler, op. cit. p. 60.
Erd, op. cit. p. 30 - 42.
Wagner, op. cit. p. 144.
Blankenburg, op. cit. p. 54 (on the 'broad ineffectiveness of labour law regulations in individual firms, especially the smaller ones').
Marsh, op. cit.
Parag. 87,1.
Parag. 77,3.
Guillebaud, op. cit. p. 66 - 67. (The works council is described by him as an industrial union in microcosm).
ibid. p. 51.
ibid. p. 216.
loc. cit.
ibid. p. 217.
Erd, op. cit. p. 113 - 115.
Streeck, op. cit. p. 727.
Vilmar, F., 'Mitbestimmung am Arbeitsplatz', 1971.
Zachert, U., 'Der Tarifvertrag', 1979, p. 164 - 211.
c f. Bergmann, op. cit. p. 414.


Kotthoff, H., 'Zum Verhältnis von Betriebsrat und Gewerkschaft', in Bergmann, J. (1979), p. 300. (Works councillors constitute 70% of the members of the collective bargaining commissions as well as 70% of the delegates at trade union conferences).

Parag. 76(3). 'In taking its decisions the conciliation committee shall have due regard to the interests of the establishment and of the employees concerned'.

Marsh, op. cit. (He points out that the procedures of the conciliation board, unlike in Britain, depend on the issue being referred. In Britain, the procedures are interchangeable and followed at will).

Knuth, M. / Schank, 'Betriebliche Normsetzung als Mitbestimmungswirkung', in Diefenbacher, H. (1981). (In a study of 540 firms with 500 employees or more 60 had had a conciliation board since 1972 (up until 1979). There were 77 cases in all of which 56% dealt with areas extended by the WCA 1972).

Kotthoff, H., 'Zur Anwendung des BetrVG in den Betrieben', in Blankenburg, E. / Lenk, K., 1980, p. 347. (Only 4% of works councils in his study had referred issues to a conciliation board in the 3 - 4 years prior to the study).


Zachert, U., 'Der Ablauf einer Tarifverhandlung', GMH 1979, p. 172 - 178. (Points to the low level of conciliation with reference to collective bargaining at regional and national levels. In 1976 only 100 of the 7000 collective agreements had arisen from conciliation).

Der Betriebsrat Nr. 9/10, 1980, p. 454. (Cites an IGM survey showing 50% of cases were about redundancies, 25% about wages issues, 10% on social issues, especially works rules, 9% on working hours and holidays).

Marsh, op. cit. (Redundancies and wages issues were the 2 key areas).


Ebsworth, D., 'Industrial Relations in the West German and British Chemical Industries', 1980, p. 369.

Knuth / Schank, op. cit. p. 181.

ibid. p. 130.
Zachert, op. cit. p. 51.
Streeck, op. cit. p. 122.


Knuth / Schank, op. cit. p. 181.


Lawrence, op. cit. p. 39.


Hartmann, op. cit. p. 294.

ibid. p. 71 - 75 and p. 270.

ibid. p. 294

Harbison, F.H. et al., 'Steel Management in 2 Continents', Management Science, Nr. 2, 1955, p. 31 - 39. (Found the supervisory span of control in the FRG to be 40 compared with 15 in the USA). Maurice, op. cit. in Lammers / Hickson (1979)(shows top wages in France are 3 - 4 times higher than the average wage differential whilst in the FRG they are only 1.5 - 2.2 times higher. There are also fewer hierarchical levels due to the smaller number of supervisory staff in the FRG).
Harbison, op. cit. (The size of the specialist, technical, clerical and management components was much smaller in the FRG than in the USA).
Maurice, op. cit. (1980). (The German units had the largest works components and the smallest supervisory components in a comparison with France and Germany).

Lawrence, op. cit. p. 156.

Also, Lawrence, op. cit. p. 82.


loc. cit.
Lawrence, op. cit. p. 80. (On the dominance of engineers in top management in FRG).
Sorge / Warner, op. cit.

Lawrence, op. cit. p. 93 ('the organisation of production, selling goods and running firms are activities which are taken seriously and are well-rewarded'. He contrasts this with the emphasis on marketing, finance and business manoeuvres in the U.K. and France).

Lawrence, op. cit. p. 127.

Lawrence, op. cit. p. 156.

Maurice, op. cit. (1980), p. 76. (On the dominance of technical qualifications for foremen. The promotion of management as a whole is based on professional criteria. This contrasts with the emphasis on loyalty to the firm in France and Britain - in Britain there is a higher incidence of people with no formal qualifications, only works-related experience).

Fores, op. cit. p. 158.


Fores, op. cit. p. 89.
Maurice, op. cit. (1980).
Warner / Sorge, 'The Context of Industrial Relations in Great Britain and West Germany', IRJ Vol. 11, 1980, p. 47. (Shows the absence of a rigid separation between maintenance and production workers as regards training. Focus is on the factory as a whole not the department in the FRG as training is based on job rotation. German firms have a plethora of semi-skilled, factory based apprenticeship schemes of 2 years duration. German workers often serve more than one apprenticeship, and this, together with job rotation, creates a flexible workforce. In the U.K., apprenticeships are rarer and last longer. There are no recognised rules for training the unskilled. Most train for 2 months only).

Maurice, op. cit. (1980), p. 70 - 72, ('individual grievances (in the FRG) could usually be settled at a lower level than in other countries'), (p. 72).
Fores, op. cit. p. 158.
Lawrence, op. cit. p. 117. (On the fact that German managers do not appear to have many 'problems'. Those mentioned were technical or product-related or due to a shortage of skilled workers).

Fores, op. cit. p. 158.
Lawrence, op. cit. p. 116. (On the greater acceptance of authority and the lack of emphasis on harmony due to the fact that German firms already exhibit it).

Lawrence, op. cit. p. 181 - 188.

Bergmann, J. et al., 'Kommunikation im Industriebetrieb', 1965, p. 56.
Dahrendorf, R., 'Sozialstruktur des Betriebes', 1959, p. 32.


Child / Kieser, op. cit. p. 266.

Sorge, A. et al., 'Microelectronics and Manpower in Manufacturing', 1981.

Kotthoff, H., 'Betriebsräte und betriebliche Herrschaft', 1981, p. 267. (Describes the process whereby works councillors distance themselves from their previous jobs and promotion prospects and come to view the works council as a career, investing much in the role, developing skills and become an elite which prevents effective participation by the workforce).

Also:- Fürstenberg, F., 'Worker Participation in German Industry', in Thakur, C.P. (1973), p. 322.
Kotthoff, op. cit. p. 268. (On the monopoly of influence of works council chairmen).
Wilpert, op. cit. p. 58.


Ebsworth, op. cit. p. 30.

ibid. p. 28.

Blume, O., 'Normen und Wirklichkeit einer Betriebsverfassung', 1964, p. 80. (For an example of a firm with 18 different committees set up by the works council).

Fürstenberg, op. cit. p. 428.
Wilpert, op. cit. p. 49.


Ebsworth, op. cit. p. 11.

Blume, O., 'Normen und Wirklichkeit einer Betriebsverfassung', 1964, p. 28.
Neuloh, O., 'Der neue Betriebsstil', 1960.
Wilpert, op. cit. p. 49 - 66.
Blume, op. cit. p. 28.

KiBler, op. cit.

Kotthoff, op. cit. p. 240.

KiBler, op. cit. p. 199.

Blume, op. cit. p. 36.
Ebsworth, op. cit. p. 20.

Blume, op. cit. p. 23.
Leiss, M., 'Rationelle Betriebsratarbeit', 1979, p. 22.

Blume, op. cit. p. 36.

Schardt, op. cit. p. 164. (Although 50% said they should do all in their power to avoid a strike).

ibid. p. 162. (Although 66% said they did not).

Blume, op. cit. p. 30.
Dybowski, op. cit. p. 69.
Ebsworth, op. cit. p. 19.
Wilpert, op. cit. p. 55.


Schardt, op. cit. p. 162 (43% included the works council in this category).

Fürstenberg, op. cit. p. 420.


loc. cit.


Schumann (1979), op. cit.

Geissler, B. et al., 'Krise und betriebliche Arbeitsbeziehungen', in Matthes, J., 1979, p. 333.

The so-called 'basisnahe Strategien'.

Hoffmann, R., 'Mitbestimmung am Arbeitsplatz', in Huss, H. et al., 1972, p. 83.
Kotthoff, op. cit. p. 261.
Mückenerber, op. cit. p. 147.
Schardt, op. cit. p. 171.


Ebsworth, op. cit. p. 48.

ibid. p. 38. (83% took problems to management representatives, 10% to the works council).

ibid. p. 38 - 39. (Shopstewards also defined their role in these terms).

ibid. p. 49. (These stewards are elected by the whole workforce and operate as an organisational link between the works council and management on the one hand and the workforce on the other).
Neuloh, op. cit. p. 173.

Koch, K., 'Trade Union Workshop Representatives in the FRG', 1978, p. 79. (Found a 'well-ordered union workshop representative system' where members 'were actively involved in grievance settlements, questions of wage problems, safety issues').

Weiss, M., 'Gewerkschaftliche Vertrauensleute', 1978. (86% had time off for elections, 66% for shopsteward meetings every 4 - 6 weeks, 58% had 1 hour a week or more for trade union duties, 98% time off for taking up a grievance with the works council).

Problems include: - lack of time, technical problems arising from work organisation, management reprisals etc.

Erd, op. cit. p. 87.


Streeck, W., 'Industrial Relations in West Germany', 1984, p. 29.

Miller, op. cit. p. 339.
Schmidt, op. cit. p. 130.
Streeck, op. cit. p. 31 - 37.

Marsh, op. cit. p. 54 - 56. (In 1975, 86% of works councillors were also shopstewards).
Streeck, op. cit. p. 30.

Fiebig, E., 'Organisation und Mitglied', 1972, p. 130. (42% referred issues to the works council, 26% resolved issues themselves, 24% referred issues to either shopstewards, foremen or colleagues).
Nickel, W., 'Zum Verhältnis von Arbeiterschaft und Gewerkschaft', 1972, p. 244 (42% referred issues to the works council, 22% to foremen, 15% to shopstewards).

Schmidt, op. cit. p. 130.

Miller, op. cit. p. 347 - 348.
Weiss, op. cit. p. 29 - 34 (On company-level agreements in the chemical industry).

Miller, op. cit. p. 336.

Vilmar, F., 'Mitbestimmung am Arbeitsplatz', 1971, p. 119.


Brock, A. et al., 'Die Interessenvertretung der Arbeitnehmer im Betrieb', 1976, p. 69. (99% of shopstewards in small firms are works councillors).
Nickel, op. cit. p. 254 (60% of firms with 100 employees or less have no works council representation in the craft metalworking sector).

Wallraven, op. cit.
Streeck, op. cit. p. 9 (High density in steel and car manufacture, low in electrical engineering).


Marsh, op. cit. p. 85 ('tacit recognition of the presence of the Vertrauensmann in metalworking industry in Germany in no way implies the independence enjoyed by shopstewards in the U.K.').

Dzielak, W. et al., 'Konstitutionsbedingungen industrieller Konflikte', 1976/1977, p. 34.


WCA Parag. 74(2).

WCA Parags. 74(1) and 2(1) stipulate that they must meet together at least once a month and seriously seek to resolve their differences.

Pohle, E., 'Das BetrVG in der betrieblichen Praxis', 1979, p. 17. (Points out that the employer must be willing to hold talks at the works council's request and not postpone them without good reason. The works council must refrain from activities which lead to excessive and avoidable costs for the employer).

Schaub, op. cit. p. 48 - 50. (On the need for mutual openness and honesty and the resolution of differences by joint negotiation, references to the labour court or to a Conciliation Board).

Blume, op. cit. p. 141.

Brock, op. cit. p. 45.

Johannson, op. cit. p. 56.


Details of a labour court case, Gelsenkirchen 1980. (The works councillor was dismissed for informing the workforce of the threatened dismissal of a shop-steward in a manner likely to incite industrial action).

Johannson, op. cit. p. 39. (The works councillors can participate in official trade union action but not in their capacity as works councillors).

Zachert, op. cit. p. 70.

Employees face the threat of dismissal and compensation claims for losses suffered as a result of the action. The Employment Protection legislation does not apply in cases of dismissal due to industrial action, although the special protection of works councillors - that they can only be dismissed on grounds meriting instant dismissal and this requires the agreement of the works council or labour court - still applies.

Kotthoff, op. cit. p. 62 and p. 81.
421 Brock, op. cit. p. 50.

Brock, op. cit. p. 50.
SOFI Report 1930, 'Humanisierungsprobleme und
Belegschaftsvertretung in Klein- und Mittelbetrieben',
p. 18 - 20.

423 Bergmann / Zapf, op. cit. p. 58. (Works councils as
the 3rd element in the formal organisation with line
and staff management).
Der Betriebsrat Nr. 12, 1981, p. 575. (Management
use of the works council as a crisis manager in the
recession).
Brock, op. cit. p. 50. (The works council as a social
welfare department).
Fürstenberg, op. cit. p. 422. (Problem of alienation
of the workforce).

424 Ebsworth, op. cit. p. 28.

425 Fürstenberg, op. cit. p. 423.

426 Der Betriebsrat Nr. 12, 1981, p. 576. (On the need
to involve shopstewards and employees in their work to
avoid becoming crisis managers).
Kotthoff, op. cit. p. 261. (An example of such a
works council).

427 Blume, op. cit. p. 142. (On the extensive provisions
in the WCA for contacts between the works council and
management as opposed to contacts works council -
workforce).

428 Kotthoff, op. cit. p. 270.
Miller (1982), op. cit. p. 44 ('social partnership').

429 Brigl-Matthiass, K., 'Das Betriebsrätetheproblem', 1926,
p. 242 - 243. This is reflected in early studies of
the operation of the WCA 1952:-
c f. Blume, op. cit. p. 141. (35% of works councils
surveyed claimed they had not been accepted by manage-
ment. Both sides sought to keep their distance to
maintain bargaining positions, p. 145 - 148. 73% of
works councils described their relations with management
as 'mutual tolerance with each side going its own way',
only 17% cooperated on the basis of 'mutual dependency'.
Generally, works councils were more suspicious of
management in the metalworking industries than in
chemicals and construction).

430 Guillebaud, op. cit. p. 96.


432 Guillebaud, op. cit. p. 220.


Rose, op. cit. p. 335.


Der Betriebsrat Nr. 12, 1981, p. 571.

Dybowski, op. cit. p. 80 and p. 115.

Kotthoff (1980), op. cit. p. 334. (Two-thirds of works councils accepted the norms of the WCA whilst 50% of management were sceptical. 94% of managers, however, said their works councils did not cause trouble, 72% said they were not oriented towards the trade unions, 81% claimed to have good relations with their works council).


Bergmann, op. cit. p. 426.

Dybowski, op. cit. p. 63. (Negotiation is viewed as the sole means of effective representation).

Kotthoff (1981), op. cit. p. 256. (66% of management are said not to desire such relations).

Guillebaud, op. cit. (On management concessions during the economic upturn 1920 - 1923 and intimidation of the works councils in the recession 1923 - 1926).

Guillebaud, op. cit. p. 227.


Oertzen, P., 'Betriebsräte in der Novemberrevolution', 1976, p. 275. (Shows how the most effective works councils were those in large cities in large firms with mechanised mass production, especially iron, steel and metalworking).

ibid. p. 245 - 246. (In this firm the works council rarely met with management and rejected all legal restrictions on their activity).


Dzielak, W., 'Gewerkschaftliche Betriebspolitik und Streikfähigkeit', GMH 1979, p. 680 - 691.


Kern, op. cit. p. 25 - 43. (Demands focused on extra breaks, reduction of line speed linear wage increases).

Müller-Jentsch, op. cit. p. 44 - 54.


Streeck, op. cit. p. 25.

Marsh, op. cit. (Estimates wage drift as between 3 - 16%).


Teschner, E., 'Lohnpolitik im Betrieb', 1977. (Up to 30% workplace drift including the monetary value of social benefits).

Jung, W. et al., 'Die alleingelassenen Belegschaften-Betriebsvereinbarungen und gewerkschaftliche Tarifpolitik', 1977, p. 81. (Details of the 1973 study by the Institut für Sozialforschung into 'Aspekte betrieblicher Lohnpolitik').
Plume, op. cit. p. 102 - 103. (Shows the dissatisfaction of works councils about centralised wage determination, especially in the large firms).

Schmidt, op. cit.
(Workplace bargaining in the 1960s occurred via initial discussions with the works council before the employer offered workplace wage increases to the workforce via the individual contracts of employment. This avoided the WCA prohibition on wage bargaining).

Teschner, op. cit. p. 140.

ibid. p. 100.
Blume, op. cit. p. 102 - 103.
Marsh, op. cit. (Points, however, to the fact that job evaluation criteria are increasingly being regulated by collective agreements).

Erd, op. cit. p. 67.
Marsh, op. cit. (On the lack of intense workforce activity over wages in the FRG due to the extent of employer control).

Teschner, E., 'Neue Entlohnungsmethoden', KJB 1974, p. 204.


Maitland, op. cit. p. 359. (He describes British workplace pay structures as being the result of 1000s of trials of strength. This creates a structure which is anomalous, inequitable and unstable with the consequence that workers seek to protect their own earnings in the general 'free for all').

Schmiede, R., 'Entwicklungstendenzen und Widersprüche der Leistungsentlohnung', KJB 1974, p. 215 - 231. (For example he cites Siemens who employ 4000 work study engineers).

Brock, A. et al., 'Der Konflikt um Lohn und Leistung', 1976. (Covers the problems created by rationalisation as physical exertion is reduced and manual workers are subsequently demoted to lower wage groups).

Teschner, E., 'Lohnpolitik im Betrieb', 1977, p. 140. (62% of workers saw wages as the most important area of works council activities, and 51% would like to see greater works council involvement in wages issues, 49% in job evaluation, 32% in general wage increases and 28% in piece rates).
loc. cit. (Shows workers recognised the limited influence of the works council on wages. 36% said they had no influence, 37% a small influence, 14% a large influence on wages in the workplace).

Marsh, op. cit. p. 156.

WCA Parag. 87,1,1.

Karstedt, S., 'Betriebsjustiz', in Wehling, H.G. (1978), p. 131. (This was more likely in large firms).


Kaiser, G. et al., 'Betriebsjustiz', 1976, p. 206 - 207. (Found the same preference for internal resolution).

Karstedt, op. cit.

EIRR, 'Joint Disciplinary Committees in the Car Industry', Nr. 84, 1981, p. 17. (Shows the flexible resolution of disciplinary issues at Volkswagen and Audi. Initial warnings are given without reference to the committees. A formal procedure is only introduced with serious offences, where defence and witnesses appear before the committee. There are no fixed sanctions, each case is dealt with individually. Warnings are removed from the records after 2 years, reprimands and fines after 4).

Karstedt, op. cit. p. 133 - 134.

Blume, op. cit. p. 123. (34% of works councillors were dissatisfied with their rights in this area).

The Redundancy Payments Act 1965 accords a statutory right to compensation in the case of redundancies. The Employment Protection Act 1975 places an obligation upon employers to consult with the trade unions on redundancies - the reasons, numbers involved, selection procedures - and to notify the Secretary of State for Employment if numbers exceed 100 within 90 days or 10 within 30 days. All complaints are dealt with by the Industrial Tribunals.

WCA Parag. 111 and 112.

Erd, op. cit. p. 80.


Jacobs, op. cit. p. 131.

Marsh, op. cit.

Mendius, H.G. et al., 'Personalabbau und Interessenvertretung durch den Betriebsrat', Leviathan Nr. 4, 1976, p. 465 - 484.


p. 280.

Gerl, K. et al., 'Mitbestimmung und Interessenberücksichtigung bei der Lang AG', 1977, p. 28. (The works council was not informed until the new machinery was installed).

Gülden, op. cit. (1978). (The works council was dependent on rumours about the closure of a rolling mill).

Roth, S., 'Rationalisierungsmaßnahmen der 80er Jahre', GMH Nr. 3, 1982, p. 129 - 143. (Shows how new technology is introduced by a series of small steps and the works council remains ignorant of its total impact on the workforce).

Gerl, op. cit. p. 46.

ibid. p. 52.


WCA Parag. 99, 1 and 2.

c f. Pohle, op. cit. p. 60. (He describes 'transfers' as an assignment to other work area, which is expected to last 1 month or more or involving substantial changes in the conditions under which the work is performed. Short term movements and those not involving substantial changes can be decided by the employer alone).

WCA Paragraphs 90, 111 and 112.

In the Wage Framework Agreement No. 2, 1973, which covered breaks, speed of line, reduced working hours for older workers, provisions for earlier retirement with a works pension at 60.

The 'Humanisierung der Arbeit' debate. c f. following works.


Kern, H. et al., 'Der soziale Prozeß bei technischen Umstellungen', 1972.

Altmann, volume 2, op. cit. p. 559.

ibid. p. 625.

ibid. p. 631.

ibid. p. 632 and 638.

ibid. p. 695. (50% of workers questioned did not know what the works council spent its time on especially in the large firms).

ibid. p. 667.

ibid. p. 523.

Krahn, op. cit.

Dabrowski, H. et al., 'Probleme der Umsetzung tarifvertraglicher Regelungen zur Humanisierung der Arbeit', WSI-Mitteilungen Nr. 2, 1978, p. 92. (The LRTV 2 required 30 works agreements to be made concrete at workplace level. Only 1 provision was generally applied in the plants - extra breaks for assembly-line workers).

As expressed in the so-called 'Tabukatalog' of the BDA, which includes no negotiation on the reduction of the working week, rights for shop stewards in the workplace, works agreements on personnel information systems.

Dabrowski, op. cit. p. 92. (The legal norms are only effective where employers desire change for economic and personnel reasons).

WCA Parag. 74(2).

An issue involving legal entitlements can be referred to the labour court by individual employees, although the employee must continue to obey the employers' instructions until a decision is reached.

Details include the persons responsible at each stage of the procedure, any time limits, whether grievances need to be referred in writing etc. cf. Föhr, op. cit. p. 138.

Knuth / Schank, op. cit. (Of 6,240 works agreements from 468 firms only 17 dealt with details of a grievance procedure according to WCA Parag. 86). Zachert, U., 'Der Tarifvertrag', 1979, p. 56.


Ebsworth, op. cit. p. 360.

Ebsworth, op. cit. p. 362.

Dybowski, op. cit. p. 83.

ibid. p. 39.

Miller, D., 'Trade Union Workplace Representation in the FRG', BJIR Nov. 1978. (Cites the findings of the ICM Survey of shopstewards 1974 that 84% of stewards were involved in some regulation of grievances and 42% dealt with minor wage disputes).

Miller, D., 'Grievance Processing in a German Steel Plant', 1976. (Shopstewards were involved in the initial stages of the informal procedure).

Koch, op. cit. (1974). (Shopstewards were involved in the first stage of resolution of minor issues).

Miller, D., 'Trade Union Workplace Representation in the FRG', BJIR Nov. 1978. (Cites the findings of the ICM Survey of shopstewards 1974 that 84% of stewards were involved in some regulation of grievances and 42% dealt with minor wage disputes).

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Koch, op. cit. (1974). (Shopstewards were involved in the first stage of resolution of minor issues).

Adorno, op. cit. p. 51 - 52.

Dybowski, op. cit. p. 73.

Fürstenberg, F., 'Worker Participation in German Industry', in Thakur, C.P. (1973). Technical issues are referred to the foreman (76%) and personnel issues (54%). Only 5% of employees go to the works council (electronics company).

Beiloh, op. cit. (63% referred issues to management, 23% to the works council, 5% to shopstewards).

Sturmthal, A., 'Workers' Councils', 1964, p. 79 - 81.

Bergmann / Zapf, op. cit. p. 60.


Ebsworth, op. cit. p. 30.

ibid. p. 31.

Blume, op. cit. p. 142 - 143.

Fürstenberg, op. cit. p. 317.

Schmitt, op. cit. p. 649. (The committee system in iron and steel is said not to operate by majority votes. If there is no unanimous agreement, the issue is referred back to the works council for discussion, then on to the works manager and labour director if there is still no agreement, although the need to involve the latter two characters in resolution is exceptional, p. 652).

Dzielak, W. et al., 'Konstitutionsbedingungen industrieller Konflikte', 1976/1977. (Resolution in Plant A centred on the works council chairman and a small group of 'informed members' of the works council, which led to conflicts with the shopsteward body. In Plant B, resolution centred on the chairman and his deputy).

Kluge, W. et al., 'Betriebsräte in der industriellen Provinz', 1981, p. 123. (One of many such examples in the book where the works council chairman operates as a second general director of the company. Even in firms where there was evidence of an oppositional strategy involving shopstewards and the workforce, the chairman still carried the burden of negotiations with management and management encouraged individual negotiations).

Korff, op. cit. p. 268. (On the monopoly of influence of the works council chairman, who is often the only representative of the workforce).
Killer, D., 'Grievance Processing in a German Steel Plant', 1976. (c.f. low strike quota, the small number of references to third parties).

Ibid. He gives examples of the different channels:—works council chairman, full-time works councillors, committees, senior stewards, shop stewards, which are all under the control of the works council).

Ibid. p. 28.

WCA Parag. 77, sections 2 - 4. (To be legally binding they must be in writing, signed, displayed and must not deal with issues normally regulated by collective agreements).

Ebsworth, op. cit. p. 354. (Found 9 works agreements, 6 at company, 3 at workplace level at Agrochemie AG).

Knuth / Schank, op. cit. (Discovered 15 per firm on average over a 7 year period. 55 of the 500 firms surveyed had no agreements (77% of these were small firms). Size was the biggest influence on the number of agreements:—those with less than 300 employees had an average of 8, those with over 300 an average of 16 agreements).

Koch, K., 'Conciliation and Arbitration in the FRG', 1984. (60% had an average of 5 agreements p.a., 12% had 5 - 10 p.a., 2.7% had 11 - 15, and 1.4% had 16 - 20 agreements p.a.).

Ebsworth, op. cit. p. 359. (5 dealt with wages, particularly bonuses, 1 with an extra holiday for shift-workers and 1 with travelling expenses for the works council).

Jung, op. cit. (Main areas were:—wages, working hours, social measures).

Maase, X., 'Weiterbildung - Aktionsfeld für den Betriebsrat', 1975, p. 62. (A survey of 100 metalworking firms and construction firms showed key areas to be:—wages, personnel and safety measures, social welfare issues).


Adomeit, K., 'Die Regelungsabrede', 1960, p. 70.

Fitting, op. cit. p. 774. (For use in the area of genuine individual measures such as holiday dates for an individual employee. It represents the application of the WCA to individual situations).
Adomeit, op. cit. (On WCA 34(1), that the works council is obliged to keep minutes of its meetings to avoid any misunderstandings about oral agreements).
Kössler, op. cit. p. 330. (On the need for everything to be in writing, including all conversations with management via the telephone).

Fitting, op. cit. p. 774.

Adomeit, op. cit. p. 74.
Blomeyer, op. cit. p. 103. (Discusses the meaning of 'trustworthy cooperation' and the implication that this will not lead to an insistence on express declarations of all workplace agreements).

Dombois, R., 'Informelle Norm und Interessenvertretung', Leviathan Nr. 3, 1980, p. 375 - 405. (On the 'Pensum' - an agreement between the foreman and his workgroup that once their work is finished, they can go home without loss of wages).
Föhr, op. cit. p. 35.
Seiter, H., 'Die Betriebsübungen', 1967. (Gives examples in the area of special allowances, holidays, hiring and firing, e.g. avoidance of dismissal of long-serving employees, employment of persons with a criminal record on the recommendation of a social worker).

Föhr, op. cit. p. 35. (For example, a bonus payment has to be given on 3 consecutive occasions for the same reason).
Seiter, op. cit. p. 81.

Föhr, op. cit. p. 35. (Custom and practice is not recognised by the courts where there was a proviso that the measure did not apply in future cases or where there was a case of mistaken interpretation by management).

Dombois, op. cit. (Shows how opportunities for the development of custom and practice were non-existent in the car plant as formalisation of effort norms are very high in car manufacture in comparison to the docks).
Föhr, op. cit. p. 17 - 18. (On the aim of the works council to make concrete all workplace rulings to prevent employers imposing their own views).

Leiss, M., 'Betriebsräte - Konfliktpuffer oder Gegen- 
(Points to a loss of power from the works council and 
the workforce to company-level councils with the 
introduction of new technology).

Streeck, op. cit. p. 151.

Sorge, A. et al., 'Microelectronics and Manpower in 
 Manufacturing', 1981.

c f. Thomson, A.W.S. / Murray, V.V., 'Grievance 

IDE International Research Group, 'Participation, Formal 
 Rules, Influence and Involvement', in Industrial 
Streeck, op. cit. p. 154.
Wilpert, B. / Rayley, J., 'Anspruch und Wirklichkeit 
der Mitbestimmung', 1983, p. 103.

Marsh, A.I., 'Disputes Procedures in British Industry', 
Purcell, op. cit. p. 11.

Bergmann, J. et al., 'Gewerkschaften in der BRD', 

c f. Chapter 4, 1, II.
Streeck, op. cit. p. 156.

Streeck, op. cit. p. 148.

c f. Purcell, op. cit. p. 4 - 22.

c f. IDE Report, op. cit.
Wilpert (1983), op. cit. p. 81.

Wilpert (1983), op. cit. p. 103.
Footnotes

1. Limited data available. Information obtained in an interview of 1 1/2 hours with one of the heads of the firm.

2. In practice the number of employees varies. In the wages section, the manager has only 1 employee below him.

3. WCA 1972 Section 2, paragraph 1.

4. Only management's view about grievances was obtained.

5. 'Stundenlohn'.

6. The directors consult departmental heads on all works agreements because they are responsible for their implementation.

7. Information is based on 3 interviews with the technical director and works manager, a pilot study of the questionnaires and an actual questionnaire survey of 8 foremen, 21 employees and 7 works councillors.

8. Deutsche Angestelltengewerkschaft, trade union of white-collar employees.

9. In the mechanical engineering subsidiary, the technology is provoking many conflict issues.

10. The technical manager has worked his way up from the shopfloor in firm B.

11. The works managers have all been apprentices with firm B and worked their way up to their present positions.

12. WCA 1972 section 106, paragraph 1. At company level there is a company works council of 13 members drawn from the 3 plants to deal with issues affecting the whole company such as works rules.

13. All rounded percentages.

14. In 1981, the works council chairman of 21 years stood down and is now deputy chairman. The election also produced a large number of other new members.

15. Skilled workers = 43% (3 councillors), downgraded skilled worker = 14% (1), technical staff = 28% (2), unskilled = 14% (1).

16. Works council - only 1 member said there was a need to increase trade union organisation, only 1 a closer cooperation between the works council and trade union. The level of trade union organisation was not seen as an obstacle to their work. Their view of the shopsteward's role as dealing with trade union organisational work helps to explain why they view shopstewards as unnecessary in the firm.
Although problems exist in the mechanical engineering plant due to the introduction of NC-machines.

Conflict areas included section 87, paragraphs 4, 10 and 11, where management's view is that the works council should see that employees get the correct wage at the correct time but everything else should be left to management, and section 87, parag. 6 which is said to permit the works council to block important investments and risk jobs.

For example, the works council has agreed to forego 2 of the 4 works meetings per annum allowed by law (section 43, parag. 1) and management grants concessions in return.

86% (6 councillors) said an extension of the WCA 1972 was necessary to improve representation in the workplace.

100% said further works council training as necessary. Shopstewards are seen as unnecessary cf. note 16.

100% said an increase in workforce support for the works council was necessary for improved representation. The problem was seen as particularly acute among white-collar employees who do not put up any candidates for the works council elections.

57% said management attitudes were an obstacle to their work.

50% of foremen said bonus issues arise, 50% new wage group issues and 88% problems with wage levels.

57% said the wages system was an obstacle in their work.

63% (5 foremen).

88% (7 foremen).

25% (2) said they occurred sometimes. The rarity of dismissals was explained partly by problems of recruiting skilled engineers.

Mentioned by 75% (6) of foremen.

38% (3) said it occurred often, 62% (5) sometimes.

As revealed in the foremen's interpretation of 'talks to halt production' (women gossiping instead of working), and 'action to restrict production' ('a drop in the quality of the work of employees due to a reduced sense of their responsibilities').

71% of employees said they were free to choose who they referred issues to so their choice of foreman cannot necessarily be related to stipulations in the works rules.
The chairman described his contacts with management as occurring 'very often', his deputy as 'often'. The replies of other works councillors ranged from 'sometimes' to 'very seldom'.

88% (7) of the foremen and 100% of works councillors, who put it in the first position as the most important procedure regulating their work.

50% of foremen mentioned wage agreements and 75% agreements on general conditions. 100% of works councillors mentioned wage agreements (in 2nd position among important procedures) and 100% the agreements on general conditions (in 3rd position).

By 88% (7) of foremen and 43% (3) works councillors.

By 63% of foremen (5) and 43% (3) works councillors.

There had been conflict with the trade union over the introduction of a check-off system. 20 members left and the chairman still pays his by cash, preferring to leave the union than use the check-off system.

cf. WCA 1972 section 87, parag. 1. The director of the company has a legal background and sits on the regional board of the employers' association, which may explain the adherence of management to the minimum requirements of the WCA 1972 and collective agreements.

Although many are craftsmen from other professions such as shoe-making, car mechanics. The higher wages and greater job security in firm C have attracted them to work in a mass assembly plant. Training lasts 2 - 3 weeks.

The reorganisation is based on a concentration of production in specific plants - the development of 'international centres of production' - based on an orientation towards cheaper wage countries. This has led to plant closures and redundancies of 23,100 employees throughout the company.

46% (5) had constituencies of 26 - 50 employees, 36% (4) of 0 - 25 employees. Only 18% (2) had constituencies of 100+ employees.

82% (9) had between 1 - 3 chargehands. The policy of management is to reduce the number of chargehands with the reduction in the workforce and the introduction of new technologies which operate by increased reliance on individual motivation and machine-determined work pace.
Most production foremen are trained by the firm. Only 1 foreman was an industry foreman with professional qualifications. There were no craft foremen, i.e. professionally trained foreman with the qualifications to train others as foremen.

Criticism of the former works council includes the fact that it was hardly in evidence - no-one referred any issues to it. Similarly, no-one knew the shopstewards or what they were supposed to do, although they did go through shopsteward training courses.

The challenge took the form of an appeal to a labour court to declare the election null and void due to irregularities in the drawing up of the list of candidates. The works council called a new election before the labour court decided the issue. A second appeal was made on the grounds that the election booths were closed 1 hour early. This was a technical error as no-one else came to vote during that hour.

Members of Christian trade union and political grouping organised a protest signature against the works council’s policy on overtime. The workforce was to be free to choose whether to work overtime or not.

3 by law (WCA 1972, section 38, parag. 1) and 1 by a works agreement as he is near retirement. The deputy chairman is not released from his job and forms a contact with the workforce.

47% are unskilled, 27% technical staff, 20% skilled. 1 did not reply to the question.

Chairman was a professional mechanical engineer, his deputy is a translator.

60% are 46 - 55 (9); 13% are 36 - 45 (2); 13% are 56 - 65 (2); and 1 is in the age range 26 - 35.

The executive committee (5 members); wages and salaries (5); personnel (5); safety and work organisation (5); suggestion (a joint committee with 3councillors); welfare (joint - 2 members); canteen (joint - 2 members).

In 1981, the works council ended the following committees and now deal with the problems as they arise:- foreign workers, white-collar workers, training.

Some members who spoke at works meetings have been penalised by some foremen and departmental managers. Problems arise as employees get older and want a quieter job as this is left to the foremen's discretion. 50% of shopstewards said management attitudes were a problem in their work (30% of these referred to foremen, 20% to departmental managers).

25% of stewards mentioned work organisation as a problem 35% the shift system, 45% the lack of time, 15% the work pressure.
25% of stewards mentioned rivalries as a problem, 20% the level of trade union organisation, 70% the lack of support from the workforce. The workforce view of relations showed 60% described them as neutral, 40% as good. Their view of workforce support for the workforce representatives was 39% medium range, 33% low, 17% very low. On support for the trade union, the figures were 39% medium, 26% low, 11% very low.

An example given was of craftworkers wanting as much overtime as possible and undermining the policy of the works council to preserve jobs and increase hirings.

30% in the 26 - 35 age range, 30% in the 46 - 55 range, 25% in 36 - 45 range.

40% were semi-skilled, 30% skilled, 20% unskilled.

21% had 0 - 10 employees in their constituency, 5% had 11 - 20, 21% had 21 - 30, 16% had 31 - 40, 16% had 41 - 50, 5% had 51 - 60, 11% had 61 - 70, 5% had 70+ employees.

64% distinguished between the shopstewards as trade union and the works council as legal workforce representatives, 64% described shopstewards as mediators between the works council and the employees, 50% made the distinction between shopstewards as representatives of trade union matters and the works council as representative of workforce interests.

87% saw their role as a mediator between the works council and the workforce, 64% as looking after employees on the shopfloor, 60% as trade union organisational duties.

The chairman claims the new personnel manager only appears to be interested in workforce needs and interests. In fact, he thinks only in terms of figures and the works council has to prove things to him in figures before he will accept their argument. 50% of works councillors and 30% of shopstewards said improvements in management cooperation with the works council is necessary.

cf. section (iii).

For example, if no information is provided about planned cutbacks in personnel, the works council will not see the need to restrict overtime work.

79% of works councillors said more training was necessary, 60% of shopstewards said their training needed to be extended, 24% of employees said there should be more works council training and 21% more shopsteward training for representation of workforce interests to be improved.
For example, transfer to a quiet sitting-down job as an employee gets older. Employees fear indirect consequences if they turn down a request for extra shifts. Egoism is also a problem - employees only see the extra money for themselves not the long term effects on employment for the whole workforce.

For example, the work of the company-level works council is often not understood because it does not produce immediate advantages for the individual. The white-collar workers are more appreciative of its work.

60% of shopstewards called for greater workforce support of the works council and shopstewards, 30% for an increase in the level of trade union organisation. 79% of works councillors saw a need for greater workforce support for the works council, and 57% for a higher level of trade union organisation. 52% of employees said more support for the works council was necessary, and 18% an increase in trade union organisation.

Codetermination rights in the case of individual staff movements such ashirings, grading, regrading, transfers.

For example, if an employer hires an employee without the consent of the works council, it is the works council who must appeal to the labour court with a well-argued case to prevent it. 100% of the works council, 50% of shopstewards and 49% of employees said extensions to the WCA 1972 were necessary. 50% of works councillors and 35% of shopstewards called for an extension of legislation on company-level codetermination.

Their own employer has 10 legal advisers in the employers' association in the town where the firm is situated. The German Trade Union Federation is said to employ 2 legal experts for all the trade unions.

60% of foremen and 30% of shopstewards said piece rate issues arose; 55% of foremen and 47% of shopstewards said bonus issues were raised.

27% of foremen and 42% of shopstewards in the case of wage groups; 36% of foremen and 47% of stewards on wage levels.

The works council faces problems in the way cuts are introduced - management shocks the workforce by the possibility of cuts in long service payments then informs them these payments will continue albeit with a 9% cutback, which was the original intention of management anyway. The workforce is relieved, the company appears in a generous light. The cuts in service payment are, however, a distracting element to divert attention from more serious cuts elsewhere. The problem for the works council is how to react to such incidents - if they create a fuss, they only fall in with management strategy.
Mentioned by 27% foremen and 39% shopstewards.

18% of foremen and 6% of stewards said they occurred often, 72% of foremen and 44% stewards said they occurred sometimes.

In such cases, the works council has no say in the terms offered and to whom.

9% of foremen and 6% of stewards said dismissals occurred often, 18% of foremen and 22% of stewards said sometimes.

9% of foremen and 6% of stewards said this occurred often. 46% of foremen and 50% of stewards said sometimes.

Management estimates that 18% of the cutback can be achieved by no new hirings.

cf. section 87, parag. 6, WCA 1972. Problems concern the new computerised system.

9% of foremen and 44% of stewards (especially craft-workers) said overtime occurred often. 18% of foremen and 40% of stewards said problems arose about overtime working and 46% of foremen, 47% of stewards said problems arose with shifts, particularly in the area of 3 shift working.

Extra shifts are agreed to if they are needed due to errors in production planning but only under specific conditions - no short-time working, no dismissals, voluntary, extra 2.5 DM per hour.

27% of foremen and 17% of stewards said employees worked in groups in their sections, 64% of foremen and 56% of stewards had a mixture of group and individual jobs. Individual jobs are found particularly in the maintenance sector.

9% of foremen and 59% of stewards said large technical changes occurred often. 55% of foremen and 42% of stewards said that they caused problems. 9% of foremen and 53% of stewards said small technical changes occurred often. 82% of foremen and 58% of stewards said that this caused problems.

Also includes the heat levels in departments.

The finished product weighs 24 kg and has to be carried although this is being reduced by mechanisation of production.

86% of councillors and 95% of stewards referred to these.

Mentioned by 93% of councillors and 55% of stewards.
Mentioned by 86% of councillors and 65% of stewards.

93% of works councillors and 83% of stewards referred to these.

i.e. working hours, referred to by 64% of councillors and 33% of stewards.

37\frac{1}{2} hours were actually worked and 2\frac{1}{2} hours were paid breaks. Previously, breaktimes had not been paid so employees had to be at work longer than 40 hours to make up their wages.

'an die dafür vorgesehenen Stellen'.

82% said the foreman, 36% the works council, 9% the shopstewards and 64% said they were free to choose who they referred issues to.

68% said relations with the foremen were good or very good. 72% said relations with the chargehands were good or very good.

72% said relations with the works council were good or very good. 82% were satisfied or very satisfied with the works council's work.

44% said between 41 - 60% of issues, 22% said between 81 - 90%, 33% said between 91 - 100% of issues.

Of those viewing their responsibilities as individual councillors, most (36%) had a constituency of less than 50 employees.

18% were satisfied, 53% neutral and 29% dissatisfied.

47% were satisfied, 53% said they seldom received any information.

For example, the works council found out about the survey of white-collar jobs when employees and shopstewards reported seeing men using stopwatches to time jobs in their departments.

Details show management protests at the works council collecting signatures about poor ventilation. The employees should, in their view, follow the correct procedures of discussing the issue individually with their foreman and then referring it to the works council executive committee for resolution with management. Further employee grievances included noise levels, help in lifting heavy parts, shortage of parking spaces.

Areas dealt with included works holidays, staff questionnaires, changes in the contracts of chargehands, requests for jobs for relatives, dismissals due to absenteeism (13), works council warnings about unrest among employees due to the high level of dismissals, management asked for proof of this!
The only management contribution was a request for extra shifts.

The works council is small enough for all to meet together when necessary and there is no need for any committees with an independent decision-making capacity.

AT-Angestellten.

'Fragen grundlegender Art'.

They include:- wages for hourly paid employees, bonus payment system, pay in cases of short-term absences without a doctor's certificate, working hours in the 3 shift departments, principles of overtime at weekends, details of overtime in technical services, evaluation of the performance of white-collar workers, works holidays, works suggestion scheme, employee support system.

For example, the bonus payment system. If an employee desires a change in the bonus he is paid he must provide a written statement of the reasons for the change to the collective agreements office where a joint committee looks at the issue. If there is no agreement it is referred to the works council and management and then on to a binding arbitration board. On the evaluation of white-collar workers' performance, any complaints are sent to the personnel department in writing and they are assessed by them together with the works council.

'Bekanntmachung, Mitteilung, Aushang'.

'interne Mitteilung' cf. works council's written protest about management's interpretation of a works agreement.

'Regelung' e.g. on a suggestion scheme at company level.

There are between 30 - 40 different starting times.

Works rules (64%), works agreements (46%), departmental agreements (27%), WCA (27%), agreement on wages (27%), agreement on conditions (18%), other management guidelines (18%).

There is extensive regulation of issues by collective agreements, covering working conditions, wage guarantees, the 13th monthly income, protection against the effects of rationalisation, wage levels, evaluation of performance, analytical evaluation, allowances if an employee is working away from home, special allowances, protection of shop stewards and youth representatives, conciliation procedure.

Complaints procedure in the collective agreement on the evaluation of the performance of white-collar employees 1975.
They said they were not sure on what points the works council objected to the evaluation, that there had not yet been a proper complaint.

6 wingmen for the first conciliation board, 4 for the second.

The chairman was a director of a metalworking firm and a regional labour court judge. He claimed 120,000 Marks expenses for 1 afternoon. The officials from the employers' association and trade union each claimed 75% of his fee.

The firm was offending against legislation on working hours by working 12 hour shifts on a regular basis to complete work which should have been done during normal working hours. 337 employees were affected, 38 weeks of 12 hour shifts were worked.

Parag. 19 of the collective agreement on working conditions 1975.

'Hilfsmonteure'.

55% of the white-collar and 76% of the blue-collar sectors.

i.e. section dealing with steel girder construction.

Shopstewards have existed in the firm since 1976.

The shopstewards described their role as trade union representatives, dealing with trade union duties. They put trade union duties in 1st position, support of the works council second.

The works council distinguished between the stewards' role as trade union representatives and mediators between the works council and workforce, and their own role as legally qualified interest representatives of the workforce.

The chairmen felt that if stewards tried to take a problem to management, they would be told to 'get lost' because it is the works council's role to deal with it. Management might listen to the leader of the shopsteward body though.

This was a common management threat. The works council and stewards were unsure of how serious the threats were.

All the shopstewards emphasised the need to extend the WCA, train the works council, improve shop steward rights and training. 4 works councillors wanted improvements in the WCA and works council training, 3 an extension of shopsteward rights. 70% of employees referred to an extension of the WCA, 48% to works council training, 41% shopsteward rights and training.
Mentioned by all the shopstewards; 3 works councillors mentioned trade union organisation and 3 the workforce’s support for the works council. 52% of employees pointed to trade union organisation, 44% to improved workforce support for the works council and shopstewards.

Management has given out forms for the workforce to fill in the details of their jobs. The workforce did not fill them in and management seems to have forgotten about it for the time being.

i.e. when an employee is unsuited for a particular job.

2 shopstewards referred to the problem of physical exertion in the works.

All shopstewards said it was a problem and 2 said it was an obstacle to their role as did 2 works councillors.

This only occurred after several employees fell ill and an industrial doctor was called in by the works council.

The chairman argued that management would have an apoplectic fit if they saw workers standing around idle.

Problems existed between the works council and the business manager, and between the workforce and foreman.

Overtime requested for employees working on construction sites.

63% of employees referred to the works council on pay issues, 42% on work organisation, 72% on overtime, 63% on working conditions, 73% on facilities, 53% on personal issues, 70% on problems with other employees, 87% on problems with management, 96% on safety. 35% on technical issues (with the foreman and chargehand at 30% each).

52% saw the works council very often, 18% often, 15% sometimes.

52% saw him very often, 20% often, 7% sometimes.

The works council held a surgery for a trial period but no-one came as it is easy to come into contact with the works council in the workplace.

Apart from dismissals and disciplinary cases which could be referred to a labour court.

If management is in the firm, issues can be dealt with on the spot usually. Problems arise as management is often away visiting clients, meeting bank managers, builders etc.

They claimed to play a part in the resolution of overtime, personal, holiday, working conditions, wage levels and wage group issues.
Agreed in 1974. The bonus used to be subject to management's discretion.

'Protokollnotizen' distributed to management, the employee concerned and the works council.

The WCA 1972 was in first position, wage agreements second, and agreements on general working conditions third.

They were called in to inspect a crane. The works council wanted its use to be stopped as the brakes were broken.

The reason given has been the economic circumstances of the firm.

5 NC-machines are operating at present and more are planned. They are introduced without informing the works council and employees who cannot cope with the new machines are dismissed.

Statements such as: 'This is the sort of thing we have to put up with from the works council here'.

The works council meets together as a group to deal with these issues.

The works council was not able to support a questionnaire survey of the workforce and management was not available for an interview.

Although there are a large number of foreign workers on the construction sites.

Only 50% of those employed on the construction sites are members.

10% of white-collar workers belong to DAG, the white-collar workers' trade union.

Overseas construction work now represents 50% of total turnover.

Committees include: executive committee (9 members), economic (4), wages and piece rates (16), white-collar workers (13), accommodation (7), holiday, training and youth (7), safety (10), health insurance (5), social (4), suggestion (2), construction (10).

A worker director under the 1976 Codetermination Act, where the supervisory board does not have parity in workforce and shareholder representatives. The worker director is seen by others and describes himself as management's man.
2 were held in 1981. Working hours lost by them are calculated in minutes.

If the works council and shopstewards have no prior knowledge of the action they reject it.

Sections 84 and 85.

New employees are given information by shopstewards or their colleagues on who to refer to. It is usual practice to go to the foreman first to see what he thinks about a problem.

White-collar workers, however, tend to keep to the management hierarchy.

Foremen referred to the loss of decision-making competence and their concentration on technical questions. The foremen surveyed were all craft foremen with 25 years service or more with the firm. Their average age was 45 and they spend 75% of their time on the shopfloor.

Including problems with overtime pay.

They referred to a sense of comradeship with shopstewards. They often sit together during breaks and discuss problems concerning employees informally.

They all send fortnightly reports to the works council on the issues they have resolved.

i.e. issues which involve large sums of money and those with an effect on other firms in the company.

Agreements at company level cover foreign plants too therefore agreements have to be very general.

They cover wages systems, extra allowances, service payments, working hours, rules on transfer of employees between 2 plants, safety regulations, difficult working conditions, redundancy agreements (1977 and 1980), VDU jobs, works passes etc.

There is no works agreement on the continuation of wages during sickness and holidays for construction site workers. When conflicts arise they are referred by the employees concerned to the labour court with IGM help.

The works council chairman estimates 90% of decisions favoured the works council.

An example was given of management's refusal to provide written information to the economic committee. Pressure was put on the worker director by the company board to concede to protect the company's public image.
The decision of the board reduced the number of redundancies from 700 to 190. The works council decided on who should go and chose those employees who would cost the company the most in compensation and who wanted to leave anyway.

The worker director admitted ruefully that the works council chairman always knew what was going on. ('Er ist immer am Ball!).

The means used included the use of specific conflict issues to increase the workforce's awareness of management strategies and the need for trade union representation.

The Christian Metalworkers Union organises 2% of the workforce, DAG organises 1.5%. There is also another group of workers who were excluded from membership of the IGM after conflict over the works council election list in 1972. (Members of the former works council).

Production workers in firm G earn more than skilled electricians with 10 years service in small firms in the region.

The number of works councillors per department depends partly on the size of the department - there are 3 in the foundry, 13 in the assembly-line sectors, 1 for maintenance workers.

6 are responsible for white-collar workers, 2 for foreign workers, 3 for female workers.

Others are the suggestion committee, personnel for white-collar workers, salary, education, canteen/kitchen, and collective agreements committees.

DAG has 2 representatives, CMV has 3.

Among maintenance workers the constituency may be only 5; among assembly-line workers it can be 40.

They estimate 3/4 of a day per week is spent on trade union duties.

On procedures regulating the role of shopstewards, 85% said IGM rules, 36% plant-level agreements between the works council and management.

The replies are from those shopstewards who put the particular duty in 1st or 2nd position. They had more than 1 option available in their responses.
The works council is able to show foremen and management that resolution of issues progresses quickly and smoothly when they cooperate with the shop stewards. Indirect threats are still made - for example, a comment that a shop steward is spending rather a lot of time on trade union work. The works council says it is up to the shop stewards to stand their ground and ignore the threats.

Except in the gearbox assembly department. Section meetings of shop stewards, works councillors and management are held on a quarterly basis there.

For example, if the workforce shows some opposition to a decision during a works meeting, the shop steward executive sometimes will not defend the joint decision but calls for more discussion of the issues. This is seen by the works council as shirking their collective responsibilities.

As in the case of a departmental manager the shop stewards wanted to see sacked. In view of the social consequences for the man, the works council agreed he should be moved to another job where he would have no dealings with the workforce.

Problems with the dispersion of members and skilled workers putting their own interests first.

To do their primary job of recruiting and maintaining the membership, the shop stewards argue they need to be seen to take workers' complaints seriously.

Especially in the maintenance department and gearbox assembly. The dispersion of workers in the first and the number of workers in the second mean works councillors must concentrate on special problem areas.

The works council has agreed a large salary increase for themselves.

The usual pattern is described as the works council fearing the stewards will operate independently, the shop stewards opposing the works council because its representation is so weak. In some firms, political factionalism in the workforce representative bodies destroys all prospect of cooperation.

They formed 2/3 of the works council in 1972 and the final 1/3 was replaced in 1975. The former works council chairman and some members were excluded from the IGM because they opposed the shop stewards' list for the works council election and drew up their own list. They objected to the works council being bound by the trade union.
202 The works council accuses the management of breaking trust more often than they accuse the works council. They can refuse to continue working unless an issue is resolved and no manager wants to be conspicuous in this way.

203 The company was formerly state-owned. Now it is a private company with the state and regional authorities owning 35% of the shares.

204 61% of the stewards (1st position) and 86% of the works councillors (1st position).

205 Problems had arisen in the past when there was a threat to close several plants in the company. This was the result of poor management planning on investments and products. Closures were only averted after the intervention of the IGM and national and regional government representatives and the decision to equalise the burden via redundancies spread across all plants. Works council and shop stewards wanted to prevent this from recurring.

206 49% of stewards and 57% of works councillors.

207 As in the case of short-time working which management wanted to keep secret for another month.

208 The works council views the peace obligation as applicable only in the case of negotiation of collective agreements to ensure management does not have to negotiate under pressure.

209 This is interpreted as the necessity of not making exaggerated demands which would threaten the firm's future. The representatives consider all demands before they put them before management as to whether they can be met by them. In the case of big demands they seek their gradual introduction.

210 57% of works councillors, 58% of shop stewards (shop-steward training only).

211 43% of works councillors.

212 66% of shop stewards said wage group issues occurred, 70% wage level issues.

213 3 - 4 levels on the conveyor belt. Most are in group E.

214 Most employees are in group E, packers in D, technical equippers in H and I, depending on whether they work on the conveyor belt or mechanised presses.

215 32,000 redundancies out of a workforce of 126,000.
Those who left the firm tended to be blue-collar, assembly-line workers in the lowest wage groups, especially foreign and female workers and those over 59 and below 30. The core workforce was left intact.

If a transfer is to another wage system the employee gets 3% extra. He is guaranteed his former wage for 3 years then it is reduced, depending on his years of service. If the transfer is within a wage system, he gets 1.8% extra for 3 months.

Transfer to a new wage system - 95% of foremen said this occurs sometimes, 18% of stewards said it occurred often and 68% sometimes. Transfer within a wage system - 52% of foremen and 39% of stewards said often, 48% of foremen and 46% of stewards sometimes.

71% of foremen and 61% of stewards said they occurred sometimes.

86% of foremen and 64% of stewards said this occurred sometimes.

100% of works councillors said shifts were an obstacle.

67% of foremen and 82% of stewards mentioned this.

48% of foremen and 76% of stewards mentioned this. (It includes steam from the tempering section and heat in summer).

42% of stewards mentioned this, especially the oil used to keep materials from cracking.

By 29% of foremen and 71% of works councillors.

Noise is at its maximum allowed level in gearbox assembly.

Employees have suffered from ear problems in the past.

The workforce feared that slow workers would hold up production and they would have to work over to attain the stipulated piece rates.

Especially the new belts which management wants to work at full capacity. The firm is attempting to fix time-rates for machine repairs. Problems are also due to the policy of no new hirings.

Lack of materials, personnel, breakdowns, transfers from one area to another as production declines in one section.

The department has moved from 2 shifts to 1 shift to cut 4 jobs. The workforce now has to fetch its own material.

76% of foremen and 61% of stewards said problems sometimes occur.
14% of foremen said size was a problem (they had constituencies of 100+) and 29% of works councillors.

42% of stewards and 14% of foremen mentioned this. Problems include the need to contact members before and after shifts in the maintenance section, problems of getting all members together. 29% of works councillors cited it as a problem in contacting workers.

24% of stewards and 24% of foremen.

Mentioned by 100% of works council and 58% of stewards.

Mentioned by 86% of works council and 85% of stewards.

36% of works council and 82% of stewards.

57% of works councillors.

86% of works councillors.

36% of stewards.

100% of works council, 90% of stewards.

71% of works council, 47% of stewards. (43% of works council also mentioned delays in resolution and 29% problems with management policies).

43% of works council and 30% stewards.

29% of works council.

In 1973 the first workplace strike occurred involving 300 skilled workers in the toolmaking section and lasting 2 days.

In 1982, the workforce feared job losses would result from price rises and held a workplace meeting for 2 hours. It had no obvious effect on management who raised prices anyway.

42% of stewards mentioned problems of workforce support of shopstewards, 21% of them saw it as an obstacle in their work. 24% said the expectations of the workforce were problematic.

For example, they could refuse to do work which offended against safety regulations but they are reluctant. Shopstewards claimed the workforce was willing to put up with too much.

Workforce responses disclaim this - 25% saw it as high, 50% as medium, 13% low and 8% said there was none at all. Shopsteward replies also disclaim this - 42% said workforce support for workplace action was high and 48% medium. 50% said support for trade union action was high and 38% medium.
Or if a grievance goes above works councillor - departmental manager level.

32% cited the shopsteward as pay issues, 49% on piece-rates, 34% on overtime, 53% on working conditions, 47% on social facilities, 44% on personal problems, 55% on problems with other employees, 62% on problems with management.

In the assembly sections when the full piece-rate is worked there are 45 employees per belt together with a shopsteward. There is a stand-in worker (Springer) for every 15 - 20 employees. 62% said they saw their shopsteward very often, 30% often.

In the repair workshop and machine section.

32% said they saw him often, 30% sometimes, 21% seldom and 17% very seldom or never.

Issues like wages, overtime and shifts, safety.

Issues like machinery, tools, working conditions.

This is in contrast to the fitters who work in groups of 5 - 6 and have a high level of solidarity. The lack of solidarity among electricians influenced their relations with the shopstewards - no-one was willing to stand in shopsteward elections. They faced problems if they took time off as stewards - work piled up, they had to use their own free time to fulfill their duties, they were bypassed in promotion and were not supported by their members.

The procedure was described as:-

employee → shopsteward → chargehand → foreman & works council

This reflects the works council policy of encouraging shopstewards to resolve small issues with the foremen.

i.e. a group piece-rate based on the car model being assembled. It is not wage-related, an employee or group of employees do not lose wages if they do not attain it.

46% spent under ½ hour per day. 48% spent between ½ hour and 1 hour.

According to 91% of stewards. Communication was usually by telephone.

27% said their contacts occurred very often, 39% often and 24% sometimes.

They met the works council 4 times p.a. during works meetings and 3 times p.a. during full shopsteward meetings. The shopsteward executive was also seen 8 times p.a. during full shopsteward meetings. There were no contacts with works council committees.
They tended to ignore shopstewards and were seen as the counterparts of the works council.

Foremen referred to constant contacts with shopstewards. Special meetings were held once a week with shopstewards on their section to talk over issues. 45% of foremen had 1 - 3 stewards, 40% had 4 - 6. 90% of foremen were members of ICM.

Or communicate by telephone - 71% said they referred issues by telephone as well as in person.

Issues are usually referred during the works councillors' walkabout.

Each 'hall' has circa 4 departmental managers and 7 works councillors. Issues seldom go beyond works councillor - departmental manager level.

100% said they referred issues on to works council committees.

57% said they referred issues on to the chairman.

Individual employee problems take up to 1 week to resolve, working conditions from 1 hour to 1 year depending on their seriousness.

Employees complained of poor information and representation when on late shifts because no works councillors are available.

Problems of centralised management organisation and consequent delays in management decision-making.

They take measures if management attempts to block the stewards' action either directly or indirectly. Although the situation sometimes arises due to the laziness of shopstewards.

They are told to sort out their problems with their own works councillors.

Meetings include the shopsteward executive committee, local trade union officials and youth representatives. During these meetings, shopstewards deal with all issues arising from the workforce.

Cf. Collective agreements on wage differentials and on transfers, wage guarantees etc. Grievances relating to wages not resolved at workplace level are referred to a central committee at company level comprising management and workforce representatives who negotiated the original agreements.

Agreements cover short-time working, hiring, dismissals. Before an employee appeals to a labour court on an issue relating to his entitlements under these agreements, the issue is referred to a central arbitration committee at company level for resolution.
The personnel manager and works council chairman in firm G are both representatives on company-level negotiating bodies.

There are an estimated 20 cases of dismissal p.a. Works council and management have an informal agreement that there will be no dismissals without the agreement of the works council.

On sections 91 and 111 of the WCA 1972 and on the issue of executive employees (leitende Angestellten). Both cases were decided in management's favour.

On the shopstewards' right to hold section meetings, which was only partly conceded by the labour court.

In conflicts involving works council objections to the appointment of a manager (the decision was that he serve a probationary period) and on a bid by employees in quality control to move into a higher wage group (the claim was rejected).

The negotiating committee includes all works council chairmen and all chairmen of the wages and salary committees.

Agreed in 1980 - the workplace wage system is based on this.

This deals with problems arising from the collective agreement on wages and includes all works council chairmen and the regional representative of the IGM. It meets monthly.

Together with the national and regional government representatives and private shareholder representatives.

One firm had 53 works councillors, all with job release.

In 1 firm the shopsteward executive met fortnightly. The departmental level shopstewards met with works councillors fortnightly during working hours for 75 minutes each meeting.

Mendius, H.G. et al., 'Personalabbau und Interessenvertretung durch den Betriebsrat', Leviathan, 1976, p. 465-484
The unions represented are usually IGM, DAG and CMV. Sometimes there are 2 lists of IGM candidates for works council elections - one official, one unofficial. In 1 firm there were 11 opposing lists in the works council election of 1972.

In 1 firm the works council was replaced in the 1975 elections after 15 years in office. There were 2 IGM lists in the election.

In 1 firm the works council was split - 23 seats went to the former works council members and 12 to the new list. In others, the oppositional group is outside the works council in the shopsteward body or ordinary shopstewards against the works council and their own executive body.

cf. works council in Daimler-Benz Untertürkheim after workforce unrest in 1976.

cf. Stuppardt, op. cit.

i.e. Reduction in the number of wage groups to improve solidarity and reduce unfair wage differentials. Insistence that there can be no works council work without the support of the shopstewards and close cooperation between the 2 bodies. Involvement of shopstewards in resolving minor issues, greater scope for department-level works councillors and the works council as a whole and reduction in the scope of the committees. View of themselves as representatives of the workforce not social partners of management.

For example, there are no agreements that management will not dismiss an employee without the consent of the works council. The works council's policy is to reject all dismissals and seek a solution via transfers. References have been made to labour courts and conciliation boards on codetermination issues such as non-reference of over-time to the works council for their agreement.

1500 of these or 30% of all production workers are Turkish.

i.e. coking plant and the blast furnaces.

Recent introduction of the 'steelworker grade' with 1 year training followed by 2 years of practical experience of the full range of jobs. Workers in this grade receive rapid promotion to the lower-middle management ranks.

30% of all employees who are covered by collective agreements are unionised. The firm employs a large number of executive staff not covered by agreements. They have set up their own association and are seeking trade union status which has so far been rejected by the labour court.
In 1949 there were 400,000 steel jobs in the town. By 1982 this had been reduced to 250,000 and the numbers is still declining.

The company is one of the largest producers of steel pipes in the world. It now owns all the processes necessary for the complete production of steel pipes.

Previously, firm II was part of the controlling company, now it has been transferred to another company within the concern. This means that the controlling company is now purely administrative and this has called into question the applicability of Montan codetermination as the Montan model only applies where there is 50% steel production or above. If the Montan model of codetermination is lost for the controlling company, employees will have little influence on the central decision-making level in the concern.

One belongs to the association of higher executive employees.

These include:- wages and salary, working hours, social, personnel, safety, accommodation, suggestion, training, handicapped, white-collar workers, personnel-hirings and manning. All the chairmen of the committees sit on the executive committee of the works council.

These are divided into 35 production and 6 white-collar areas.

They meet during the early shift and are paid if they would be at work then. The agenda includes a report by the works council, reports on the labour market situation, organisational and work issues.

For example, where one department was being closed 4 meetings were held in one month.

In 1973 the leader of the shopsteward body stepped down. In 1980, the works council chairman retired early. The conflict was a political power struggle between the two men.

Their views are sought on the agenda for a works meeting, the content of works agreements. The exchange of views takes place through the 5 works councillors on the shopsteward executive, works council reports at shopsteward meetings and departmental meetings.

The shop stewards mobilise the workforce and explain the pros and cons of action.

In the white-collar sector there are 1600 employees represented by 5 works councillors with 50 stewards to help them maintain contact.
Seminars for shopstewards and ICM members are held in the works outside working hours. Weekend schools are also held for shopstewards and there is an informal agreement that shopstewards are allowed an extra day's holiday to attend the school.

For example, no time off to fulfill their duties.

Attitudes are most favourable among those foremen belonging to the IGM as they have a better appreciation of the shopsteward's role.

He is an ex-military man, president of the employers' association. He is due to be replaced by the technical manager in firm H and this is thought to hold better prospects for cooperation because he is a pragmatist who knows the industry inside out, although he is said to be no friend of the union.

They are usually rebuked in private by management and relations improve for a short while then they attempt to ignore the law again. Management training on human relations is given but it is not thought to change the attitudes of those over 50.

For example, the works council cannot reject short-time working out of hand but has to discuss it in the light of the needs of the firm.

He has been trained by the trade union in their Social Academy. The present 3rd generation of worker directors is seen as more effective than the previous two. Often they have been works councillors themselves and are no longer just theorists with no practical experience in the steel industry.

The present manager came up through the ranks from being a turner to member of a works council to works council chairman to personnel manager.

Craft workers are in group 14, 1st smelter and 2nd maintenance worker in group 12.

The employees continue to receive their old wage for 1 year as from the time the last employee is transferred. Management allows the employees to receive training to obtain extra qualifications during this time so that they can move into a job paying the same wage when the wage guarantee ends.

OPEC policies have reduced drilling operations.

A conti-shift system whereby at any one time 2/9 of the workforce are on the early shift, 2/9 on the afternoon one, 2/9 on the night shift, 2/9 are free and 1/9 is on holiday.
The employees have no fixed breaks, only enough time to eat a sandwich at their machines. They are paid for the time they would have spent on breaks.

For example, there is no flexibility in starting and finishing times. The employee has to stay at his job until the man from the next shift relieves him.

The state has tied subsidies and grants to improvements in the level of dust, water pollution, noise, the recycling of waste products and safety levels.

For example, mechanisation of the steering in the rolling mills and the blast furnaces. The reduction in the physical pressures of work since the late 1960s does, however, create problems among the foreign workers who are not equipped to operate the new sophisticated machinery.

For example, a complaint by an employee that the foreman always picks on him to cover for workers who are sick. The foremen tend to choose those who offer the least resistance to unpleasant or covering work.

In 1972 the workers in the rolling mill occupied the administrative block. Other workers joined the strike in sympathy with their claim. In 1973 the transport workers called a workplace strike.

The strike led to 22 dismissals, which centred on those involved in the 1972 workplace action.

For example, the refusal to negotiate on certain issues, a tighter control of works passes, obstacles to shop-steward elections.

i.e. the rolling mill, transport sector, main workshop. Solidarity is weaker in the blast furnaces due to the higher proportion of foreign workers there.

They are all industrial foremen who have received skilled training and have at least 5 years work experience.

For example, the issue as to who should obtain the position of 1st skilled worker in a department is decided de facto in the department but the decision is formally ratified by a committee.

The works councillors are only in the production sector at certain times such as during the cleaning shift or the change in shifts. There are particular problems in the maintenance sector due to the dispersion of the workforce across 3 production departments. Contacts are made via telephone.
This committee meets with management once a week and deals with dismissals, overtime and wages issues. The other committees meet with the relevant heads of department.

He is recommended for the post by full-time trade union officials and works councillors.

The personnel manager has been nominated as the next worker director to take up office in 1983. He has now left the works to work in the administration of the company until then because of a trade union rule that internal candidates should not be nominated. The present personnel manager who has taken his place was formerly the works council chairman in a branch of the pipeworks.

For example, agreements on extra job releases for works councillors, shopsteward facilities. They could all be retracted by management if they so wished.

They include annual agreements on holiday regulations, special payments and allowances, matters relating to the collective agreement on general working conditions.

Firm H no longer has a worker director and has to refer questions to the worker director in the pipe works. He, in turn, has to refer questions to the worker director in the main administration of the company. Problems also arise with the policy of establishing uniform regulations in the pipe works and firm H.

43 employees are members of the representatives assembly, 2 are in the local trade union administration. Others sit on trade union committees including the collective bargaining committee.

That is a conciliation board as set down in the collective agreement on general working conditions to deal with issues relating to that agreement. The board comprises 1 works councillor, 1 trade union representative, 1 legal expert from the employers' association, 1 management representative and a neutral chairman who is a labour court judge. The board can be called by 1 side only.

Extra training is now being given due to the increasing complexity of the technology. The chargehands and column leaders are particularly affected by the new developments. Problems arise due to the low level of skills among the workforce - during the 1960s skill levels were high due to the recruitment of self-employed craftworkers. The workforce in the concern as a whole comprises 21% white-collar workers, 79% blue-collar workers (of which 9% are unskilled, 55% semi-skilled and 36% skilled workers).
the executive committee, youth and training, social facilities, canteen, wages, safety, legal.

accommodation, pensions and financial support committees.

Instead of 2 works meetings.

41% of works councillors said improvements in shop steward work were necessary and 59% called for more training for works councillors and shop stewards.

Although 21% said problems arose due to the fact that worker expectations are too high.

The chairman receives information on planning, investments and is involved in the monthly production meetings. In return he bears joint responsibility for decisions taken.

'Verbrüderung'.

He emphasises the fact that the director has the confidence of the workforce representatives and therefore is less likely to have a conflictual approach. He also ensures that the views of the workforce are discussed on the profit-dominated company board.

70% of the workforce, 53% of works councillors and 64% of stewards. The works council chairman emphasised section 90 of the UCA on personnel planning and said there needed to be a much clearer formulation of works council rights in this area.

53% of works councillors, 36% of stewards.

They emphasised the need to avoid legalism and interpret the laws flexibly in practice to secure the smooth running of the firm.

'fachlich, sachlich und nüchtern'.

Mentioned by 65% of works councillors, 50% of shop stewards and 55% of employees.

Mentioned by 47% of works councillors and 32% of stewards.

79% of stewards said these occurred sometimes, 67% of foremen.

14% of stewards said this occurred often, 69% said sometimes as did 83% of foremen.

According to 36% of stewards and 50% of foremen.

11% of stewards said often, 57% sometimes as did 83% of foremen.
On wages, 33% said the issues were individual ones, 50% said they were individual and group issues. On working conditions, 17% were individual and 33% of foremen said individual and group conflicts arose. On problems between employees, 33% said the conflicts were individual in nature, 50% said both individual and group conflicts occurred.

60% said they referred technical issues to the chargehand.

55% referred personal problems to shopstewards.

40% referred them to shopstewards, 35% to the foreman.

Since the production employees work away from the administrative block these are their most obvious contacts found either in the production itself or the works council office.

20% said they used the telephone as well as direct oral references.

Although 35% said written resolution also occurred.

30% said very often, 50% often.

25% said very often, 55% often.

30% said very often, 35% often for the chargehands. 15% said very often, 30% often for the foremen.

18% had constituencies of 11 - 20; 46% constituencies of 21 - 30.

43% mentioned chargehands as a first reference point too and 29% the foremen.

31% said contacts were very often, 54% often.

38% said very often, 27% often.

39% spent under \( \frac{1}{2} \) hour a day.

50% had constituencies of 26 - 50; 33% constituencies of 51 - 75.

33% received them by telephone too.

50% said they also received references whilst in their office as well.

Chargehands - 17% of foremen saw them very often, 50% often. Departmental managers - 17% saw them very often, 33% often. Shopstewards - 50% saw them often. Works council - 50% saw them often.
47% said they resolved under 20% of issues, 24% resolved between 21 - 40% of issues. The chairman and his deputy resolved between 61 - 80% of issues arising.

Although they stressed they did not have departmental responsibilities and dealt with issues usually via the works council office - the central reference point for employees.

The executive and safety committees are the most important committees. The former deals with matters of discipline and personnel together with the personnel department.

Issues such as pensions, service awards, personnel issues under the WCA 1972 and questions covered by collective agreements.

One example of this was the reference of the 1976 Co-determination law to the Constitutional Court by the Employers' Federation.

An estimated 15 - 20 cases per annum, with foreign workers overrepresented in the references to the Labour Court.

cf. Section 21 in chapter 4.

In firms A, B, C, D, F, I,

Emphasised by both the works councillors and foremen.

Dismissals usually only occur at the end of a long process to rehabilitate the employee.

It was pointed out that most German workers recognise the futility of doing so. Foreign workers often do appeal against a decision of the works council and management.

In firm E, the heating issue. In firm A, works holidays.

Firms G and H said there was seldom need to refer issues to a labour court as there were so many other means of exerting pressure on management.

Some firms, such as firm I, were able to draw up a compulsory redundancy agreement without reference to a conciliation board. This may be due to an undemanding workforce or the fact that redundancies were concentrated on the foreign employees.

Much depends on the opportunities for internal resolution - these were extensive in firms G and H, and there was no need to refer issues to outsiders.
This may have been due to the high level of centralisation of decision making with the lack of resources at local level to reach internal agreements and the need to show the company board that management was not giving in to works council demands. It could also be due to the clash of personalities among leading negotiators on the management and works council sides.

In firm G, trade union officials are represented on the supervisory board and they negotiate the company agreements with management. In H, trade union officials also sit on the supervisory board, where workforce representatives have equal representation with shareholder representatives. Trade union officials also attend works council, shopsteward and works meetings.

cf. Firms C, E, G, H.

This is reserved for the personnel committees in the largest firms such as firm G.

cf. firm B, the works council chairman had over 25 years service before he stepped down and became deputy chairman.

cf. firms G and H.

In such firms employees are reluctant to stand for election as works councillors, cf. firms B and E.

cf. firm C, where there was some opposition to works council restrictions on overtime working.


cf. section 2, II, ii, B.

cf. firms C and F.

cf. firm H and firms in the motor car production industry,

The economic situation was also a crucial influence on the exercise of political pressure for cooperation at company level in firm G.

Official warning strikes were also dependent on the shopstewards.

This does not apply to white-collar workers who refer issues via the management hierarchy in their departments.

Firm F had 60 works agreements.
Footnotes

1 Firm A.

2 'Informationsfragen'.

3 In the largest firms there had also been strikes against joint wage agreements in the early seventies, especially in 1972 and 1973.

4 In relation to size of firm, dismissals were more common in smaller firms. In large firms, dismissals were only used in serious disciplinary cases with the consent of the works council.

5 Firm C faced problems of workforce solidarity as a result of rationalisation and specific management policies, especially those towards the trade union and works council.

6 Other conflicts included overtime and shifts in firm C, payment of time lost due to heating breakdown in firm E, management behaviour in F and H, conflict over management agreement not to introduce new price rises being broken in G.

7 For example, cuts in the level of company allowances, the overruling of local management decisions, product price rises, transfer of works council personnel function to company works councils.

8 This, in turn, was dependent on levels of trade union organisation in specific firms and shopsteward organisation.

9 Prohibition of overt conflict measures (WCA 74,2), provision for workplace meetings (WCA 43,3).

10 Via, for example, the proportion of white-collar, foreign and female labour which is associated with low trade union density and individual responses to management decision-making. Other significant influences on trade union organisation include skill levels, general education levels, previous work experience of the current workforce.

11 cf. chapter one, p. 61-62.

12 cf. p. 82 - 85.

13 Some plant-level actors are critical of the attempts by the regional and national organisations to promote conflictual attitudes at plant level, which, in their view, belong to the higher levels of the system.

14 There was a tendency for some managers to view as interests what works councils saw as their rights and this provoked conflicts between the two parties.
Due to the absence of empirical studies of British firms in the thesis, the information on British firms is taken from the literature survey, cf. chapter four.

For example, fluctuation of earnings, large and unjustified wage differentials, complex wage payment systems, inequities and anomalies in the wages system.

For example, strikes sometimes occur in protest at strikes in other areas of a plant or company, which are hindering production and the work of other employees, cf. Clack, G., 'Industrial Relations in a British Car Factory', 1967.

Transfers create more problems in the British context as mobility of labour on the shopfloor is reduced as a result of multi-trade unionism based on occupational distinctions and preservation of each occupation's sphere of activity.


ibid.


cf. ch. 1, p. 33 - 41.


cf. Clack, op. cit.


Sorge, A. et al., 'Micro-Electronics and Manpower in Manufacturing', 1981. (In British firms, the new technology is introduced in such a way as to maintain the division between the line and specialised departments and the new technology is in the hands of 'experts'. In the FRG, the line is involved in the introduction and operation of new technology).


Firm F - the reason for the large number of agreements was the practice of putting in writing all informal agreements made by telephone or orally during joint meetings.

In G due to its semi-nationalised status, in H due to the influence of the Codetermination Law for Coal, Steel and Iron industries of 1951.
The foremen, generally, did not deal with discipline, wages, shifts and transfers except at firm G, where their actual function was more that of a departmental manager since their sections were so large.

This was related to size of firm and technological processes - in mass assembly the foreman was often not available for grievance reference.

In the metalworking sector, there is a long trade union tradition and shopstewards existed before works councils were introduced unlike the newer industries such as chemicals and the electro-technical industry.

This example shows the impact of differing ideologies and values on conflict resolution at plant level.

In contrast to argument used by Thomson, A.W.J. et al., 'Grievance Procedures', 1976, p. 101, for British firms.


Hence negative statements such as: 'auf ihre Rechte pochen', 'mit den Gesetzbuch unter dem Arm herumlaufen'.

In Britain, problems arise at foreman level; in the FRG, at departmental management level.


Management seeks to restrain shopstewards' extension of their role as it fears the situation will 'get out of hand'.

cf. ch. 4, section I, IV, ii.

ibid.


Purcell, op. cit.

Including, too, trade union representation at company level.

p. 61-62.

cf. problems mentioned in connection with size (development by mergers and takeovers or differentiation of production within the same company) and with technology (the technical hardware and process may be the same but its application varies with context of the plant).

cf. The Montan Act or the semi-nationalised status of firm G, which leads to involvement of trade union officials, national and local government representatives on the supervisory board of companies.
There is some support for this view in the study by Sorge, A. et al. (1983) on the application of microelectronics in engineering firms in the FRG and U.K., and in the study by Bergmann, J. (1977) on the effects of the economic recession on the cooperation between trade unions and employers in the FRG and their adherence to state guidelines.

For example, the differences in work organisation, working conditions, management and workforce organisation and conflicts and conflict resolution processes in the pressworks, maintenance department and assembly lines in firm G.

Recent crossnational studies underline the importance of viewing industrial relations structures and processes in their wider national context cf. Blyton, P., 'Cross-national Current in Joint Consultation' in Mansfield, R. / Poole (1981), p. 66 on the need for a 'broad explanatory framework which encompasses individual, organisational and extra-organisational levels of analyses'.

cf. Mansfield, R., 'The International Study of Organisational Structure', in Mansfield / Poole (1981), p. 19 - 20. Poole, M., 'Divergence and Convergence in Management Structure', in Mansfield / Poole (1981), where examples are given of how different value systems have influenced management policies in the FRG (product-orientation) and the USA (market-orientation).

Legislative changes can lead to alterations in actors' attitudes and policies, although the fixed nature of attitudes often means changes in relationships only arise with the emergence of new actors in the workplace.

cf. also:- Blyton, P., 'Crossnational currents in Joint Consultation', in Mansfield, R. / Poole (1981), p. 66 on the need to consider actual practice and attitudes as well as institutions.

cf. also:- Poole, M., 'Industrial Democracy in Comparative Perspective', in Mansfield, R. / Poole (1981), p. 33. On the significance of structural and non-structural forces in the determination of the formal patterns and actual influence and involvement in firms.

'Codetermination' was, however, restricted to the works council adding its signature to management documents in some firms, especially small ones.

'Power' is viewed in the study in terms of the respective ability of the actors to impose their own definitions and interests in specific conflict situations.
Legal prohibitions on plant-level conflict measures and wage bargaining tend to put a brake on the exploitation of their power position by the workforce.

cf. Trade union and employer association cooperation with the state in the 'Konzertierte Aktion'.

Exceptions include the Boot and Shoe industry cf. Goodman, J. in Personnel Management (1977), and some firms where a threat to the continued existence of the firm has promoted both sides to seek areas of cooperation cf. Purcell, J. in IRJ (1979). also Storey, J., 'The Challenge to Management Control', 1980, p. 31 on the footwear industry.

Purcell, op. cit.


cf. so-called 'enlightened management' techniques displayed in the chemical industry and in Japanese companies.

Thus, the economic recession alone will not lead to long-term changes in relations nor will unilateral management styles as in the case of British Leyland.

Equally, where there is no agreement on the procedural aspects of relationships, favourable environmental conditions will not produce cooperative relations, cf. U.K. firms in the 1960s.

Terry, M., 'Shopstewards through Expansion and Recession' IRJ 1983, on the importance of senior stewards and Joint Shopsteward Committees.

cf. Marsh, A.I., 'Disputes Procedures in British Industry', Part 1, 1967, where the British system is said to be based on the procedural regulation of substantive issues, although there were no formally agreed procedures in operation.

The footwear industry in Britain is noted for the moderate constitutional behaviour of both sides, cf. Storey, op. cit. p. 31 - 32, and thus bears closer resemblance to the German system than other industries in Britain.

cf. Storey, op. cit. p. 33 on the similar situation in the British footwear industry, where 'industry-wide agreements facilitate the subsequent filling-in of rules but nothing like the undermining of central constitutional authority in other industries'.

Poole, op. cit. p. 31.

Roles, include:- laissez-faire, dirigism, guardian of social stability.
Attitudes develop in the course of experience in industrial relations processes and feedback to conflicts arising as they influence the perception of conflict in the workplace.

The need to look at objective and subjective factors is also true of any investigation into the power position of the actors.

For example, the influence of individuals with definite views and policies rather than the collective sense of 'personality' as used by Blain, A.N.J. in 'Pilots and Management', 1972.

For example, in Purcell's study, op. cit. cooperation arose from a crisis situation which almost led to the firm going bankrupt. Cooperation in this case is based on economic interests not societal values and is expected to provide a lower level of legitimacy and hence stability in the relationship.

cf. Poole, M., 'Industrial Democracy in Comparative Perspective', in Mansfield, R. / Poole (1981), p. 34 - 35 on the importance of both aspects in industrial relations research.

cf. Poole, M., 'Divergency and Convergence in Management', in Mansfield, R. / Poole (1981), p. 53, on the need to avoid a one-sided commitment to universalistic or culturalistic perspectives as divergences and convergences exist in industrial relation system comparisons.

As recognised in the recent work by the Industrial Democracy in Europe research group and Mansfield and Poole, op. cit. (1981).

Past decisions place some constraints on present day actor decisions.

Appendix 1. Summary of Key Areas of Questioning in the Interview Schedules and Questionnaire Survey

The development of areas of questioning and the multiple choice questions in the survey was influenced not only by the comments of the respondents themselves but also by Thomson and Murray's work, especially their adoption of a scale for grievance frequency rate, their distinction between formal procedures, standard practices and actual practice and their examples of questions to elicit the role of participants in the grievance resolution process, for example, the percentage of grievances they deal with, the time spent on resolution, the type of grievances dealt with and the first and later contacts of grievants and those dealing with the grievances.

The case study questions covered the influence of the technology, market context, economic context, trade union and employers' association and other third parties, organisational structure and structure of the worker representative systems on the conflicts arising and the processes of resolution, questions also covered the different roles of management and worker representatives in the resolution process, patterns of interaction, estimations of the state of their relations and an assessment of the impact of legislation on plant-level conflict resolution. The respondents were given a simplified checklist of ten key areas in advance and the interviewer had more detailed guidelines of areas to be covered in discussion.

The questionnaires were substantially modified after the pilot study showed problems of comprehension, lack of knowledge of certain groups of respondents about areas such as the role of shopstewards, the extent of conflicts in the department and conflict levels in the plant as a whole. The questionnaire addressed to the employees was reduced from 30 to 19 questions, covering who they refer specific grievances to, the reasons for the choice of referee, their knowledge and adherence to
specified grievance procedures, how they communicate their grievances, how the resolution of their grievances is communicated to them and by whom, their satisfaction with the system of representation, improvements to the system, their estimation of relations in the workplace, their main contacts at work and questions about their age, training, job title, service, and trade union membership. Questions to the foreman covered the type of wage system in operation, the frequency of a catalogue of grievances and the form of grievances arising - individual or group -, where he spent most of his time, time spent on resolution, key procedures, the percentage of questions resolved by him and which ones, how grievances are referred, forms of resolution, his main contacts at work, the next stage in the resolution process after the foreman, his satisfaction with his competences, with management support, the extent of conflict measures, his estimation of relations in the workplace and statistical details including constituency size (27 questions in all). The shop stewards answered 24 questions covering similar areas about grievance frequency then questions relating to their role in the resolution process and their estimation of relations. Finally, the works councillors answered 27 questions dealing with their role in the resolution process.

Adjustments to the questionnaires after the pilot survey reduced the level of comparability between the questions addressed to different respondents in order to increase the specificity of the questions and their relevance to the particular respondent's situation.
1. Organisationsstruktur der Arbeitnehmervertretung im Betrieb

A) Der Betriebsrat
   Die Anzahl von Betriebsratsmitgliedern, Betriebsausschüsse.
   Die Aufgaben der Betriebsratsmitglieder und der Ausschüsse.
   Besteht ein Gesamt- und ein Konzernbetriebsrat? Gibt es
   Arbeitnehmervertreter im Aufsichtsrat?

B) Die Vertrauensleute
   Die Anzahl von Vertrauensleuten und ihre Organisationsstruktur.
   Gibt es Vereinbarungen über die Aufgaben der Vertrauensleute?
   Welche sind ihre Aufgaben im Betrieb?

C) Die Kommunikationsnetze zwischen Betriebsrat und den Vertrauensleuten
   Haben sie gemeinsame Sitzungen? Welche sind die Informations-
   kanäle zwischen Betriebsrat und Vertrauensleute? Wie funktioniert
   die Zusammenarbeit zwischen den beiden? Wie sieht die Rollen-
   und Aufgabenaufteilung zwischen den beiden Arbeitnehmervertretungen
   aus?

2. Die geschichtliche Entwicklung der gewerkschaftlichen Organisation
   des Betriebs und der Arbeitnehmervertretung
   Wann, wie und warum kam eine Arbeitnehmervertretung in diesem
   Betrieb zustande? Was sind die Hauptereignisse in der Entwick-
   lung der Vertretung und ihrer Beziehungen zum Management und zu
   der Belegschaft? Wie sehen die zukünftigen Entwicklungen aus?

3. Die Politik der Arbeitnehmervertretung im Betrieb
   Insbesondere im Hinblick auf das Lohnsystem - Lohngruppen,
   Lohnermessung, Betriebsvereinbarungen über Löhne, Probleme mit
   dem jetzigen Lohnsystem -, und auf die Personalpolitik des
   Managements - Disziplinarmaßnahmen, Versetzungen, Kürzarbeit,
   Kündigungen und Entlassungen, die Beschwerdeordnung.

4. Belegschaftsstatistik
   Belegschaftsgröße, ihre Zusammensetzung nach Produktions-
   arbeitern, Angestellten, Facharbeitern, angelernten und
   unangelernten Arbeitnehmern, Nationalitäten. Der Organisations-
   grad der Belegschaft.

5. Beziehungen der Arbeitnehmervertretung zur Gewerkschaft
   Ausmaß und Formen der Kontakte zur Gewerkschaft durch den
   Betriebsrat und den Vertrauenskörper. Die Rolle der Gewerk-
   schaft bei Anrufen des Arbeitsgerichts und von Einigungsstellen.
   Ihre Rolle bei der Beilegung von Arbeitnehmerproblemen und
   der Vertretung der Interessen der Belegschaft auf betrieb-
   licher Ebene.

6. Andere "dritte Parteien", die einen Einfluß auf die Beilegung von
   Arbeitnehmerproblemen im Betrieb haben

   A) Das Arbeitsgericht - die Anzahl von Gerichtsfällen pro Jahr.
   Was für Fälle kommen vor und warum werden sie an das Arbeits-
Was sind die Vorteile und Nachteile einer Hinwendung an das Arbeitsgericht aus Sicht des Betriebsrats?

B) Einigungsstellen – die Anzahl von Fällen, die in den letzten 5 Jahren an Einigungsstellen überreicht worden sind. Was für Fälle kommen vor und warum kam es bei diesen Fragen zu Einigungsstellenverfahren? Die Ergebnisse von Einigungsstellenverfahren und die Vorteile und Nachteile eines Anrufs aus Sicht des Betriebsrats?

C) Andere dritte Parteien, die einen wichtigen Einfluß auf die Beilegung Arbeitnehmerprobleme im Betrieb haben? Wie hoch schätzen Sie den Prozentsatz von Arbeitnehmerproblemen ein, die innerbetrieblich ohne die Einschaltung dritter Parteien gelöst werden können?

7. Der Einfluß der Technologie des Betriebs auf die Arbeitnehmerprobleme, die im Betrieb vorkommen

8. Der Einfluß der jetztigen Marktlage des Betriebs auf die Arbeitnehmerprobleme, die im Betrieb vorkommen

9. Arbeitnehmerprobleme im Betrieb

10. Die Beilegung von Arbeitnehmerproblemen im Betrieb

11. Die Beziehungen zum Management

12. Die Einstellung zum Arbeitsrecht auf betrieblicher Ebene
1. Organisationsstruktur der Arbeitnehmervertretung im Betrieb

a) Der Betriebsrat


- Wieviele Betriebsratsausschüsse? Welche Zuständigkeitsbereiche?

Wieviele Mitglieder hat jeder Ausschuß? Was für Fragen werden dort behandelt? Wie kommen die Fragen an die Ausschüsse? (wie vermittelt, von wem, warum an den Ausschuß überreicht?). Wie werden die Fragen gelöst? (Einzeln Gespräche mit Managementvertretern, unter den Mitgliedern des Ausschusses, gemeinsame Sitzungen mit der Managementseite, wie oft treffen sie sich - Ausschüsse und Management)?

Wie oft finden Ausschußsitzungen statt? Welcher Prozentsatz der Probleme, die an die Ausschüsse überreicht werden, werden dort gelöst? Was für Probleme werden nicht durch die Ausschüsse gelöst? Warum? An wen werden diese Probleme weitergereicht?

Welche sind die wichtigsten Ausschüsse und warum? Was für Entscheidungsabgaben haben die Ausschüsse z.B. selbständiges Entscheidungsbeugnis?

Wieviele Zeit verbringen die Betriebsratsmitglieder bei der Arbeit in den Ausschüssen? Wie lange dauern die Lösungsprozesse in den Ausschüssen?

- Wenn keine Ausschüsse hat der Betriebsrat Sprechstunde? Wie verläuft der Lösungsprozeß im Betriebsrat? Wie oft treffen sie sich, wie oft und wie treffen sie sich mit dem Management? Mit wen von der Managementseite?

- Was sind die Aufgaben der einzelnen Betriebsratsmitglieder - bestimmte Zuständigkeitsbereiche?

-b) Die Vertrauensleute


- Welche Aufgaben haben die Vertrauensleute im Betrieb? Was für eine Rolle spielen sie bei der Lösung Arbeitnehmerprobleme auf unteren Ebenen, was sind 'kleine Fragen'?

- Wie sieht ihre Organisationsstruktur aus? - Vertrauenskörper? Wie gewählt, wie groß, welche Aufgaben, wie groß sind die Betreuungsbereiche, wie oft treffen sie sich untereinander/mitt dem Betriebsrat?

- Gibt es irgendwelche Vereinbarungen/Abreden über die Vertrauensleutearbeit im Betrieb? Wie steht das Management/die Vorgesetzten zu den Vertrauensleuten? - mißtrauisch, feindlich, ignorieren sie, akzeptieren sie usw?

- Wie schätzen Sie die Arbeit der Vertrauensleute in diesem Betrieb - was für Probleme gibt es? Wie ist die Arbeit verbesserungswürdig? Wie sieht die zukünftigen Entwicklungen aus? Wie ist die Entwicklung der Arbeit gewesen?

-c) Die Kommunikationsnetze zwischen Betriebsrat und den Vertrauensleuten

- Wie wird die Zusammenarbeit der Vertrauensleute und des Betriebsrats organisatorisch aufgebaut? - gemeinsame Sitzungen, wie oft, Kontakte Vertrauensleute-einzelne Betriebsratsmitglieder in den Abteilungen?

Wie werden Informationen weitergegeben? Wie unterstützen die Ver-

Fragen an den Betriebsrat 2.1.b)
Die geschichtliche Entwicklung der gewerkschaftlichen Organisation des Betriebs und der Arbeitnehmervertretung:


- Schilderung der Beziehungen der Arbeitnehmervertretung zum Management - schwierige Zeiten, warum? Änderungen auf Managementseite, wie beinflußt haben. Änderungen auf Betriebsratsseite, neuer Vorsitzende/Leiter des Vertrauenskörpers? Wann wurde ein Betriebsrat zum ersten Mal gewählt? Wie kam es dazu?

Die Politik der Arbeitnehmervertretung im Betrieb:


Belegschaftsstatistik:

- Größe der Belegschaft?
- Ihre Zusammensetzung - Produktionsarbeiter/Angestellten, männlich/weiblich, Nationalität (welche Abteilungen?), Alter (Stammbelegschaft), Herkunft (Stadt, Dorf, Pendelverkehr, vorherige Arbeitsplätze).
- Fragen zur Beschäftigungssituation in der Gegend.
- Ausbildung - Facharbeiter, angelernte, ungelernte, Auszubildenden.
- Krankheitsfälle, Unfälle.

Beziehungen der Arbeitnehmervertretung zur Gewerkschaft:

- Wie oft kommen außerbetriebliche Gewerkschaftsvertreter in den Betrieb ein? Zu welchem Anlaß? Welche Rolle spielen sie bei Arbeitsgerichtsverfahren, Einigungsstellenverfahren?
- Haben Betriebsratsmitglieder/Vertrauensleute Funktionen in der örtlichen Gewerkschaftsvertretung/im Tarifkommission? Haben Sie je Kontakte zu Vertretern des Arbeitgeberverbandes?
6. Andere "dritte Parteien" die einen Einfluß auf die Beilegung von Arbeitnehmerproblemen im Betrieb haben.


C) Andere dritten Parteien? - Arbeitsamt, sonstige Vermittler?

D) Wie hoch schätzen Sie den Prozentsatz von Arbeitnehmerproblemen, die innerbetrieblich zwischen Betriebsrat und Management gelöst werden können?

7. Der Einfluß der Technologie des Betriebs auf die Arbeitnehmerprobleme, die im Betrieb vorkommen.

- zB die Einflüsse von Merkmalen wie die Produktentwicklung (schnell, langsam, wechselhaft), die Arbeitsprozesse (kleine/große Produktionsgänge, Fließbandarbeit, Schichtarbeit, die Organisation der Arbeit) auf die Arbeitsbedingungen im Betrieb, auf das Lohnsystem und die Probleme, die daraus entstehen, auf Anzahl der Arbeitsplätze, Umgruppierungen und Versetzungen und Entlassungen, Qualifikationsverlust usw.

8. Der Einfluß der jetzigen Marktlage des Betriebs auf die Arbeitnehmerprobleme, die im Betrieb vorkommen.

- zB die Einflüsse von Merkmalen wie der Anteil von Belegschaftskosten als Prozentsatz der Gesamtkosten, Umsatz und Gewinne, Entwicklungen auf den Markt im Inland und im Ausland, auf Umstrukturierungen des Betriebs und Entlassungen, Versetzungen der Arbeitnehmerschaft, auf eine Politik der Rationalisierung des Managements und die Auswirkungen auf die Belegschaft, auf die Einstellung des Managements zur Belegschaft und zu den Forderungen der Arbeitnehmervertretung?

9. Arbeitnehmerprobleme im Betrieb

- Wie oft kommen folgende Arten von Arbeitnehmerproblemen vor - oft, manchmal, nie, warum kommen sie vor, in welchen Abteilungen/Arbeitsgruppen?


- Fragen zur Arbeitsorganisation- Fragen zu Versetzungen, Umgruppierung...
Wie oft kommen große technische Änderungen/kleine technische Änderungen im Betrieb vor? Kommt es zu Arbeitnehmerproblemen wegen dieser Änderungen wie zB. Lohnabstufungen, Dequalifikation, Versetzungen, Entlassungen? 
Wie oft kommt es zu Störungen der Arbeit wegen technischer oder arbeits organisatorischer Fehler? zB. Maschinen gehen kaputt, schlechte Materialversorgung, Mangel an Werkzeuge usw?

- Fragen zur Arbeitszeit - Überstunden, Schichtarbeit, Pausenregelungen.
- Fragen zu den Arbeitsbedingungen - Lärm, Schmutz, Staub, schlechte Luft, schwere körperliche Arbeit, schwere geistige Arbeit, große Unfallgefahren, Arbeitsmonotonie?
- Fragen zum Verlust des Arbeitsplatzes - Entlassungen (aus wirtschaftlichen Gründen von mehreren Arbeitnehmern zur gleichen Zeit), Kurzarbeit?
- Soziale Fragen - Probleme mit der Verteilung der zeitlichen Verlegung des Urlaubs der Arbeitnehmer, Beschwerden wegen der sozialen Einrichtungen zB. Wasch-Dusch-Pausenräume, Kantine?
- Probleme zwischen Arbeitnehmern und ihren Vorgesetzten - Verstöße gegen die Arbeitsordnung, lästige Kontrolle der Vorgesetzten usw.


10. Die Beilegung von Arbeitnehmerproblemen auf betrieblicher Ebene

a) Bestehen Richtlinien, die schriftlich festlegen, wie Arbeitnehmerprobleme im Betrieb zu lösen sind? zB. Arbeitsordnung, empfohlenen Beschwerdeweg, eine Beschwerdeordnung? Wie sind sie zustande gekommen? Werden sie in der Praxis gefolgt? Bestehen Richtlinien oder Vorsätze, die so etwas regeln ohne schriftlich festgelegt zu sein?

b) Welche sind die üblichen Beschwerdewegwege für die Arbeitnehmer im Betrieb? - Arbeitnehmer-Vertrauensmann/Meister/Vorarbeiter/Betriebsratsmitglied/Betriebsleitung/Personalabteilung/andere?

den Arbeitnehmervertretern und den Managementvertretern aus?

d) Welche Formen hat die Lösung von Arbeitnehmerproblemen?
   Betriebsvereinbarungen - Anzahl, Themenbereiche, wie und warum kamen sie
   zustande? Wie werden sie in der Praxis angewandt?
   Regelungsabreden - Themenbereiche, wie und warum kamen sie zustande?
   von wem abgeschlossen? Schriftliche Form? Beziehung zu den Betriebs-
   vereinbarungen? Was geschieht, wenn es zu unterschiedlichen Auffassungen
   über die Interpretation von Regelungsabreden kommt?
   Betriebliche Übungen - Beispiele? Wie und warum kommen sie zustande? Wie
   verbreitet sind sie?
   Andere Regelungsformen - vertragliche Einheitsregelungen, mündliche Ab-
   sprachen, Aktenvermerke.
   Wie wird es entschieden über welche Form der Lösung?

e) wie oft kommt es vor, daß kein Ergebnis erzielt werden kann? Bei welchen
   Fragen? Was geschieht bei solchen Fällen?

f) wie oft kommt es zu folgenden Konfliktmaßnahmen im Betrieb? - absicht-
   liche Leistungsverringerung der Arbeitnehmer als Druckmittel, Dienst
   nur nach Vorschrift, spontane Arbeitsniederlegungen A) bei Tariffragen
   B) bei betrieblichen Fragen, außerordentliche Betriebs- oder Abteilungs-
   Versammlungen, produktionshemmende Gespräche, Betriebs- oder Abteilungs-
   besetzung, alle Arbeitnehmer nehmen gleichzeitig das individuelle
   Beschwerderecht nach dem BetrVG wahr, der Betriebsrat weigert seine
   Zustimmung zu Personalmaßnahmen des Managements. Andere Maßnahmen, die
   vorkommen?
   Aus welchen Gründen kam es zu solchen Maßnahmen? Wie lange dauerten die
   Maßnahmen? Wie wurden die Konflikte letztendlich gelöst?

g) Die Einstellung des Betriebsrats zur Problemlösung im Betrieb-
   - Zufriedenheit mit der Lösung Arbeitnehmerprobleme im Betrieb nach
   Schnelligkeit der Lösung, ob die Lösungen als "gut" für die Arbeit-
   nehmer betrachtet werden können, die Vermeidung offener Konflikte,
   Beitrag zum guten Betriebsklima?
   - Probleme mit der Lösung von Arbeitnehmerproblemen im Betrieb? - z.B.
   Einstellung und Verhaltensweise von bestimmten Personen, die für die
   Lösung zuständig sind, Probleme mit dem Kommunikationsnetz im Betrieb,
   mangelnde Rechte der Arbeitnehmerseite, andere Probleme?
   - Wie sehen Sie die Rolle von Problemlösungsverfahren im Betrieb?:
     - Es ist wichtig, sich an die Regeln zu halten, weil man sonst das
       Vertrauensverhältnis zwischen Betriebsrat-Belegschaft und dem
       Management zerstört.
     - Die Regeln sind nur solange zu halten, indem sie die Interessen der
       Belegschaft fördern. Manchmal besteht die Berechtigung, sie zu miß-
       achten.
     - Die Regeln sind zweitrangig. An erster Stelle steht das Vertrauens-
       verhältnis zwischen Betriebsrat und Management. Regeln alleine
       nützen wenig.
     - Hauptsache ist, daß Probleme schnellstens gelöst werden. Man sollte
       die Wege gehen, die eine schnelle Lösung im Einzelfall herbeiführen
       werden.

die Beziehungen zum Management
   - Einschätzung der jetztigen Beziehungen - formal, auf das Gesetz aufgebaut,
   mißtrauisch, konfliktorisch, sozialpartnerschaftlich (nach dem BetrVG),
   gegenseitige Respektierung auf der Basis gegensätzlicher Interessen,
   Teamwork, eine andere Bezeichnung?
   - Wie könnten die Beziehungen verbessert werden Ihrer Meinung nach?
Die Einstellung zum Betriebsverfassungsgesetz/Arbeitsrecht auf betrieblicher Ebene.

Wie beschreiben Sie den Einfluß des BetrVG auf die Beziehungen im Betrieb? - Richtschnur für die Beziehungen zum Management, das Mindestmaß an Zusammenarbeit/das Höchstmaß, nur von Wichtigkeit, wo die persönlichen Beziehungen sehr schlecht sind, eher positiv/ eher negativ?

Welche sind die Vorteile/die Nachteile von einer gesetzlich geregelten Betriebsverfassung? Reicht das Gesetz für die Vertretung Arbeitnehmerinteressen im Betrieb aus oder sind andere Faktoren von größerer Wichtigkeit wie z.B. der Organisationsgrad der Belegschaft, die Anzahl von gewerkschaftlichen Vertrauensleuten, günstige wirtschaftliche Situation usw. Wie stehen Sie zu den Prinzipien wie das Betriebswohl, die vertrauensvolle Zusammenarbeit, die Betriebsfriedenbewährung, die im Betriebsverfassungsgesetz verankert sind?

Vieles wird durch das BetrVG geregelt in der BRD (im Gegensatz zu Großbritannien). Führt dies zur Belastung/Schwierigkeiten bei Ihrer Arbeit als Vertreter von den Arbeitnehmerinteressen?

Wie stehen Sie zum BetrVG/Mitbestimmungsgesetz als einem sozial- und wirtschaftspolitischen Programm?

Statistische Angaben

- Alter, seit wie lange im Betrieb, seit wie lange Betriebsratsvorsitzender, welche Tätigkeiten üben/übten Sie im Betrieb aus, andere gewerkschaftliche Funktionen/Betriebsratsfunktionen, wo verbringen Sie Ihre Zeit als Betriebsratsmitglied/im Betriebsratsbüro, in der Abteilung, bei Gesprächen mit Managementvertreter -n, bei Ausbildungsmaßnahmen, anderswo?
1. Technologie des Betriebs
Produkttyp; Arbeitsprozesse; große technische Änderungen in den letzten 10 Jahren; vorgesehene Änderungen.

2. Marktlage des Betriebs
Anteil der Belegschaftskosten an den Gesamtkosten; Zufriedenheit mit Umsatz und Gewinnen; Entwicklungen in der Umsatzlage (Inland und Ausland); Programmplanung - Rolle der Marktforschung, Verkaufsprognosen, Auftragseingang usw; Einfluß der jetzigen Marktlage auf Arbeitsnehmerprobleme im Betrieb, z.B. Qualifikations- und Arbeitsplatzverluste.

3. Organisationsstruktur der Firma/des Betriebs
Firmentyp; Organisationsaufbau; Zuständigkeiten im Hinblick auf die Lösung von Arbeitsnehmerproblemen; verschiedene Managementebenen.

4. Geschichtliche Entwicklung der Firma/des Betriebs
Gründungsjahre; bedeutende Ereignisse in der Entwicklung der Firma.

5. Betriebliche Management-Politik
Insbesondere im Hinblick auf das Lohnsystem - Lohngruppen, Lohnermessung, Betriebsvereinbarungen über Löhne, Probleme mit dem jetzigen Lohnsystem - und auf die Personal-Politik des Managements - Disziplinarmaßnahmen einschließlich Kündigungen, Versetzungen, Kurzarbeit und Entlassungen - die Beschwerdeordnung des Betriebs.

6. Belegschaftsstatistik
Belegschaftsgröße, Zusammensetzung der Belegschaft nach Produktionsarbeitern, Angestellten, Altersgruppen, weiblichen und männlichen Arbeitnehmern, Nationalitäten, Krankheits- und Umfallsstatistiken.

7. Beziehungen zum Arbeitgeberverband
Seit wann sind Sie Mitglied in einem Arbeitgeberverband? Warum sind Sie Mitglied/Nichtmitglied? Was für Kontakte haben Sie zum Verband? Was für eine Rolle spielt der Verband bei Anrufung des Arbeitsgerichts, bei Einigungsstellen, bei der Beilegung von Arbeitnehmerproblemen innerhalb des Betriebs?

8. Andere "dritte Parteien," die einen Einfluß auf die Beilegung von Arbeitnehmerproblemen, die im Betrieb vorkommen, haben.

a) Das Arbeitsgericht - Anzahl von Gerichtsfällen pro Jahr; was für Fälle kommen vor und warum werden sie an das Arbeitsgericht überreicht? Ergebnisse von Arbeitsgerichtsverfahren.

b) Einigungsstellen - Anzahl von Fällen, die an eine Einigungsstelle während der letzten 5 Jahre überreicht worden sind. Gründe, weshalb es zu einer Einigungsstelle bei diesen Fragen

9. Arbeitnehmerprobleme im Betrieb

Was für Probleme kommen vor? Wie oft kommen sie vor? In welchen Arbeitsbereichen? Was sind die wichtigsten Probleme Ihrer Meinung nach und warum? Wie unterscheiden Sie zwischen Rechts- und Interessenproblemen?

10. Die Beilegung von Arbeitnehmerproblemen im Betrieb


11. Die Beziehungen zu den Arbeitnehmervertretern

Wie schätzen Sie die jetzigen Beziehungen zwischen Management und den Arbeitnehmervertretern im Betrieb ein? Was für Kommunikationsnetze bestehen zwischen den beiden, so daß sie schnell miteinander in Kontakt kommen können.

12. Die Einstellung zum Arbeitsrecht auf betrieblicher Ebenen

Wie schätzen Sie den Einfluß des Betriebsverfassungsgesetzes auf die Beziehungen im Betrieb und die Suche nach Lösungen ein? Inwieweit ist das Gesetz verbesserungswürdig?
Fragen an die Betriebsleitung/Personalleitung 2.2.b)

1. Technologie des Betriebs
   - Industriotypus
   - Produktionsgröße
     - Arbeitsprozesse-kleine/große Produktionsgänge; Massenproduktion/Einzelteilfertigung. Fließbandarbeit, Schichtarbeit, Arbeitsorganisation-Arbeitsgruppen/Arbeitnehmer arbeiten an Einzelarbeitsplätzen.
   - Bestimmung der Produktionsprogramms-Marktforschung, Verkaufsprognose, je nach Aufträgen bestimmt, Stabilität der Produktionslage?
   - Große technische Änderungen während der letzten 10 Jahre, vorgesehene technische Änderungen? Welche Auswirkungen auf das Produktionsystem? Welche Auswirkungen auf die Belegschaft-Arbeitsplätze, Lohngruppen, Umgruppierungen, Dequalifikationsverluste, Kurzarbeit, Entlassungen, neue Arbeitsplätze?
   - Kleine technische Änderungen?

2. Marktlage des Betriebs
   - Anteil Belegschaftskosten als Prozentsatz der Gesamtkosten? - unter 12%, 12-25%, 26-50%, über 50%.
   - Umsatz und Gewinne in den letzten 5 Jahren- unzufriedend, zufriedenstellend, gut, sehr gut?
   - Handelsumsatz der Industrie als Gesamte - am Wachsen, am Stagnieren, gleichbleibend? Entwicklung im Ausland und im Inland. Zukunftsaussichten? Lage der Firma selbst?
   - Einfluß der Marktlage der Firma auf die Belegschaft-Auswirkung auf die auftretenden Probleme zB Ausbau, Umbau, Einschränkungen der Firma und Auswirkung auf Kurzarbeit, Entlassungen, Lohngruppen, Qualifikationen?

3. Organisationsstruktur der Firma
   - Betriebsgröße
     - Selbstständig oder Teil eines größeren Konzerns?

4. Die geschichtliche Entwicklung der Firma
   - wann wurde die Firma gegründet, von wem, welche sind die Hintergründe zur Gründung der Firma? Wie groß war die Firma damals?
   - Welche sind die Hauptereignisse in der Entwicklung der Firma-Ausbauzeiten usw? Veränderungen in der Person der Betriebsleitung und die Auswirkungen auf die Beziehungen mit dem Betriebsrat?
5. Die Politik des Managements im Betrieb


6. Belegschaftstatistik

- Größe der Belegschaft?

- Zusammensetzung-Produktionsarbeiter-Angestellten, männlich-weiblich, Nationalität, Alter (Stammbeschaft?), Herkunft(Stadt, Dorf, Pendelverkehr) einige Fragen zur Beschäftigungssituation in der Gegend, Ausbildung-berufliche Abschlüsse- Facharbeiter, angelernte-ungelernte, Anzahl der Auszubildenden-welche? Welcher Prozentsatz der Belegschaft von der Firma selbst ausgebildet?

- Krankheitsfälle, betriebliche Unfälle pro Jahr, Ausscheidungen aus der Firma dh. Kündigungen von Arbeitnehmern selbst ausgerufen?

7. Beziehungen zum Arbeitgeberverband

- Seit wann ein Mitglied des Verbandes?

- Hintergründe zur Mitgliedschaft?


- Wie oft kommen Vertreter des Verbandes in den Betrieb selbst ein? Aus welchen Gründen?

- Welche Rolle spielt der Verband bei Einigungsstellen- und Arbeitsgerichtsverfahren?

- Welche Tarifverträge treffen auf den Betrieb zu? Gibt es auch Haus- oder Firmentarifverträge?

- Haben Managementvertreter Funktionen im Arbeitgeberverband inne? Welche Funktionen? zB. Mitglied eines örtlichen Ausschusses, Ortsverwaltung, Bezirksverwaltung, Tarifkommissionen?

- Welche Kontakte haben Sie zu Gewerkschaftsvertretern? zB Betriebsversammlungen usw.

8. Andere "dritte Parteien", die einen Einfluß auf die Beilegung von Arbeitnehmerproblemen, die im Betrieb vorkommen, haben.

in Arbeitsgerichtsverfahren gewesen?-zB Änderungen in das Ausmaß der Verfahren, in die Art der Fälle? Warum?


-andere dritte Parteien? zB. Arbeitsamt, andere Vermittler?

-Wie hoch schätzen Sie den Prozentsatz von Arbeitnehmerproblemen, die im Betrieb vorkommen, die innerbetrieblich ohnehin die Hilfe dritter Parteien gelöst werden können?

Arbeitnehmerprobleme in diesen Betrieb

-Wie oft kommen folgende Arten von Arbeitnehmerproblemen vor- oft, manchmal, nie, warum und von welchen Abteilungen, Arbeitsgruppen kommen sie vor?


Wie oft kommen große, technische Änderungen/kleine technische Änderungen im Betrieb vor? Kommt es zu Arbeitnehmerproblemen wegen dieser Änderungen?

-Lohnabstufungen/Dequalifikationen, Versetzungen?


-Fragen zur Arbeitszeit - zu Überstunden, zu Schichtarbeit, zu Pausenregelungen?

-Fragen zu den Arbeitsbedingungen - Lärm, Schmutz, Staub, schlechte Luft, schwere körperliche Arbeit, schwere geistige Arbeit, große Unfallgefahren?

-Fragen zum Verlust des Arbeitsplatzes - Entlassungen? -aus wirtschaftlichen Gründen von mehreren Arbeitnehmern zur gleichen Zeit, Kurzarbeit?


-Probleme unter Arbeitnehmern insbesondere Gruppen von Arbeitnehmern wie zB Instandhalter und Produktionsarbeitern, verschiedenen Abteilungen.

-Probleme zwischen Arbeitnehmern und den Vorgesetzten- Verstöße gegen die Arbeitsordnung-Beispiele, lästige Kontrolle der Vorgesetzten usw.

-Welche sind Ihrer Meinung nach die wichtigsten Arbeitnehmerprobleme? Wie ist die Entwicklung der wichtigsten Arbeitnehmerprobleme im Betrieb gewesen?

-Können Sie Beispiele von folgenden Problemarten geben, sind solche Bezeichnungen von Arbeitnehmerproblemen ein Begriff bei Ihnen im Betrieb?

-eine Beschwerde, ein Rechtsproben, ein Interessenproblem?

-Wie oft kommt es vor, daß Sie und der Betriebsrat anderer Meinung sind über die Art der Probleme, die vorgekommen sind? Beispiele?
Die Beilegung von Arbeitnehmerproblemen auf betrieblicher Ebene


Bestehen Richtlinien oder Vorsätze, die so etwas reguln ohne schriftlich festgelegt zu sein?

b) Welche sind die üblichen Beschwerdewege im Betrieb? Arbeitnehmer-Vertrauensmann/Meister/Betriebsratsmitglieder/Betriebsleitung/Personalabteilung?


Wie entscheidet man über die Form der Lösung?


Andere Regelungsformen, die im Betrieb benutzt werden?- vertragliche Einheitsregelungen, Absprachen ohne gesetzliche Basis? Aktenvermerke.

Wie oft kommt es vor, daß kein Ergebnis erzielt werden kann? Bei welchen Fragen? Warum? Was geschieht bei solchen Fällen?

f) Wie oft kommt es zu folgenden Konfliktausnahmen im Betrieb?- absichtliche Leistungsverringerung der Arbeitnehmer als Druckmittel, Dienst nur nach Vorschrift, spontane Arbeitsniederlegung a) bei Terifunden b) bei betrieblichen Fragen, außerordentliche Betriebsversammlungen, produktionshemmende Gespräche, Betriebs- oder Abteilungsbesetzung, alle Arbeitnehmer nehmen gleichzeitig das individuelle Beschwerderrecht nach dem BetrVG wahr, der Betriebsrat weigert seine Zustimmung zu Überstunden/Mehrarbeit/Versetzungen. Andere vorgekommene Maßnahmen?

Aus welchen Gründen kam es zu solchen Maßnahmen? Wie lange dauerten die Maßnahmen? Wie wurde die Problemlage letztendlich gelöst?

g) Die Politik des Managements zur Lösung von Arbeitnehmerproblemen?

- gibt es bestimmte Probleme, die immer direkt an die Betriebsleitung zur Lösung gewandt werden sollten? Welche?

- wie machen Sie die Unterscheidungen zwischen Problemen und Lösungsprozessen? Auf welcher Basis? Das BetrVG? andere Erwägungen?

- Was für Probleme gibt es mit den Lösungsprozessen im Betrieb? Wo sind sie verbesserungswürdig?

- Wie sehen Sie die Rolle von Problemlösungsregeln im Betrieb?

- Es ist wichtig, sich an die Regeln zu halten, weil man sonst das Vertrauensverhältnis zwischen Belegschaft und Management stören wird.

- Die Regeln sind nur so lange zu halten, wie sie die Interessen des Betriebs und des Managements dienen. Manchmal besteht die Berechtigung, sie zu missachten.


- Die Hauptsache ist, dass Probleme gelöst werden durch die Methoden, die eine schnelle Lösung am besten herbeiführen können.

11. Die Beziehungen mit dem Betriebsrat

- Einschätzung der jetzigen Beziehungen: formal, auf das Gesetz aufgebaut, mißtrauisch, konfliktorisch, sozialpartnerschaftlich (nach dem BetrVG), gegenseitige Respektierung auf der Basis gegensätzlicher Interessen, Teamwork, andere Bezeichnung?

- Wie könnten die Beziehungen verbessert werden?

- Entwicklung der Beziehungen: Häuptereignisse, schwierige Zeiten?

- Einstellung des Betriebsrats zur Zusammenarbeit Ihrer Meinung nach?

- Kooperationsbereit-bereit, Probleme anzupacken und zu lösen, aufgeschlossen für die Berücksichtigung der Interessen des Managements, sein Gesichtspunkte, kompetent, vertrauenswürdig, Offenheit, Vertretung der Interessen und Wünsche der Belegschaft?

- Wie verläuft die Zusammenarbeit mit dem Betriebsrat in der Praxis?

- Welche Rolle spielen die Vertrauensleute im Betrieb Ihrer Meinung nach?

- Welche Vorteile erwarten Sie von der Zusammenarbeit mit dem Betriebsrat?

12. Die Einstellung zum BetrVG

- Wie würden Sie den Einfluss des BetrVG auf die Beziehungen im Betrieb bezeichnen? - Richtschnur für die Beziehungen zur Belegschaft, Mindestmaß an Zusammenarbeit, Höchstmaß an Zusammenarbeit, nur wichtig, wo die Beziehungen sehr schlecht sind?


- Wo ist das Gesetz verbesserungswürdig Ihrer Meinung nach?

- Bietet es die Grundlage für eine erfolgreiche Partnerschaft oder sind andere Faktoren wichtiger? Beispiele? - Person des Managements und des Betriebsrats, die wirtschaftliche Lage, die Informations-und Kommunikationspolitik des Managements?

- Besteht Ihrer Meinung nach die Möglichkeit einer guten Zusammenarbeit hier im Betrieb ohne eines BetrVG?

- Wie schätzen Sie den Einfluss von gesetzlichen Regeln auf das Gebiet der Arbeitnehmer-Arbeitgeberbeziehungen ein? - Interesse in Großbritannien für die Auswirkungen in der FRG- gute Beziehungen fördern, wo sie nicht gut sind, gute Beziehungen in schwierigen Zeiten fördern wie z.B. in der jetzigen wirtschaftlichen Lage?

- Wie stehen Sie zum BetrVG als einem sozial-und wirtschaftspolitischen Programm?

13. Statistische Angaben

- Wie alt, wie lange schon im Betrieb, wie lange in jetziger Position, vorherige Tätigkeiten, beruflichen Abschluss, gewerkschaftlich organisiert?
Alle Belegschaftsmitglieder, an die sich diese Fragebogen richtet, sind gebeten, alle Fragen zu beantworten, indem Sie die jeweils zutreffende(n) Antwort(en) in den Kästchen ankreuzen. Bitte beantworten Sie die Fragen von Ihrem Arbeitsbereich/von Ihrer Arbeitsgruppe aus.

1. Wenn folgende Probleme auftreten an wen wenden Sie sich zuerst? (Bitte kreuzen Sie nur die erste Kontaktsperson an)

   a) **Lohnprobleme**
      - Einstufungsfragen, Lohnumgruppierungen usw.
      - Vertrauensmann
      - Vorarbeiter
      - Meister
      - Betriebsratsmitglied
      - Personalabteilung
      - andere Vorgesetzte

   b) **Probleme wegen der Arbeitsorganisation** wie z.B.
      Umgruppierungen (keine Lohnumgruppierung), Arbeitsverteilung
      - Vertrauensmann
      - Vorarbeiter
      - Meister
      - Betriebsratsmitglied
      - Personalabteilung
      - andere Vorgesetzte

   c) **Probleme mit dem Arbeitssollvorgabe, Leistungssystemszeitvorgabe, Arbeitstempo.**
      - Vertrauensmann
      - Vorarbeiter
      - Meister
      - Betriebsratsmitglied
      - Personalabteilung
      - andere Vorgesetzte

   d) **Probleme mit den Maschinen oder Werkzeugen oder Material**
      - Vertrauensmann
      - Vorarbeiter
      - Meister
      - Betriebsratsmitglied
      - Personalabteilung
      - Einrichter
      - andere Vorgesetzte

   e) **Probleme wegen Überstunden oder Schichtarbeit**
      - Vertrauensmann
      - Vorarbeiter
      - Meister
      - Betriebsratsmitglied
      - Personalabteilung
      - andere Vorgesetzte
f) Probleme wegen der Arbeitsbedingungen wie z.B. Lärm, Schmutz, Luft
- Vertrauensmann
- Vorarbeiter
- Meister
- Betriebsratsmitglied
- Personalabteilung
- andere Vorgesetzte

g) Probleme über die Arbeitssicherheit
- Vertrauensmann
- Vorarbeiter
- Meister
- Betriebsratsmitglied
- Personalabteilung
- Sicherheitsbeauftragter
- andere Vorgesetzte

h) Klagen über die sozialen Einrichtungen wie z.B. die Kantine, die Waschräume, usw
- Vertrauensmann
- Vorarbeiter
- Meister
- Betriebsratsmitglied
- Personalabteilung
- andere Vorgesetzte

i) Persönliche Probleme
- Vertrauensmann
- Vorarbeiter
- Meister
- Betriebsratsmitglied
- Personalabteilung
- andere Vorgesetzte

j) Probleme mit anderen Arbeitnehmern
- Vertrauensmann
- Vorarbeiter
- Meister
- Betriebsratsmitglied
- Personalabteilung
- andere Vorgesetzte

k) Probleme mit Ihren nächsten Vorgesetzten
- Vertrauensleute
- anderen Vorarbeitern
- anderen Meistern
- Betriebsratsmitglied
- Personalabteilung
- andere Vorgesetzte
2. Warum wenden Sie sich an die Personen, die in Frage 1 genannt worden sind, zuerst?
- wegen des positiven Verhaltens meiner Vorgesetzten
- wegen des negativen Verhaltens meiner Vorgesetzten
- wegen des positiven Verhaltens der Vertrauensleute
- wegen des negativen Verhaltens der Vertrauensleute
- wegen des positiven Verhaltens der Betriebsratsmitglieder
- wegen des negativen Verhaltens der Betriebsratsmitglieder
- wegen technischer Gründe, die mich an meinen Arbeitsplatz binden wie z.B. Fließbandarbeit/Taktarbeit usw
- wegen der Arbeitsorganisation in meinem Bereich, z.B. Schichtarbeit, Größe oder Zerstreuung der Arbeitsgruppen usw
- weil mein Vertrauensmann schwer zu erreichen ist.
- weil meine Vorgesetzten schwer zu erreichen sind.
- weil meine Interessen durch die obengenannten Personen am besten vertreten werden.

3. Woher wissen Sie, an wen Sie sich mit Ihren Problemen wenden sollten?
- aus der Arbeitsordnung
- aus anderen Richtlinien der Betriebsleitung
- mein Meister oder Vorarbeiter hat mir erklärt, wie ich das machen sollte
- meine Kollegen erklären, wie ich das am besten mache
- die Vertrauensleute erklären, wie ich das machen sollte
- der Betriebsrat erklärt es den Arbeitnehmern, wie sie das machen sollten
- ich wende mich grundsätzlich an meinen Vertrauensmann
- ich wende mich grundsätzlich an mein Betriebsratsmitglied
- ich wende mich grundsätzlich an den Meister/Vorarbeiter
- ich bin frei, mich mit meinen Problemen an alle zu wenden
- ich weiß nicht, an wen ich mich mit Problemen wenden sollte

4. Wie vermitteln Sie Ihre Probleme an die zuständigen Personen?
   a) - schriftlich
      - mündlich/persönlich
      - telefonisch
   b) - ich vermitte die Probleme selbst an die zuständige Person
      - ich gehe zu der zuständigen Person mit einem Kollegen zusammen
      - ich gehe zu der zuständigen Person immer mit mehreren Kollegen zusammen
   c) - ich warte bis zur Abteilungs- oder Betriebsversammlung
      - ich gehe zur Sprechstunde des Betriebsrats
      - ich warte bis zur meinen Arbeitspause oder Schichtsende
      - ich gehe direkt zu der zuständigen Person, sobald das Problem vorkommt
      - ich spreche mit der zuständigen Person an meinem Arbeitsplatz.
         - mit dem Meister, wenn er seinen Rundgang macht
         - mit dem Vertrauensmann an unserem Arbeitsplatz
         - mit dem Vorarbeiter/Meister, der in der Nähe arbeitet
5. Wenn Ihr Problem gelöst worden ist, wie wird die Lösung an Sie vermittelt? (häufigste Formen der Vermittlung)
   a) schriftlich
      - mündlich
   b) durch den Meister oder den Vorarbeiter
      - durch den Vertrauensmann
      - durch den Betriebsrat/einzelne Betriebsratsmitglieder
      - durch Managementvertreter wie z.B. Unterabteilungsleiter, Abteilungsleiter, Betriebsleitung.

6. Wie hoch schätzen Sie die Unterstützung Ihrer Kollegen, wenn Sie ein Problem in dem Betrieb haben?
   - die Unterstützung ist sehr hoch
   - die Unterstützung ist hoch
   - die Unterstützung ist weder hoch noch niedrig
   - die Unterstützung ist niedrig
   - die Unterstützung ist sehr niedrig
   - es gibt keine Unterstützung von den Arbeitskollegen

7. Sind Sie mit der Vertretung der Arbeitnehmerinteressen und der Lösung der Arbeitnehmerprobleme durch den Betriebsrat...
   - sehr zufrieden
   - zufrieden
   - weder zufrieden noch unzufrieden
   - unzufrieden
   - sehr unzufrieden

8. Sind Sie mit der Vertretung der Arbeitnehmerinteressen durch die Vertrauensleute....
   - sehr zufrieden
   - zufrieden
   - weder zufrieden noch unzufrieden
   - unzufrieden
   - sehr unzufrieden
9. Wie oft haben Sie überhaupt Kontakte zu den folgenden Personen/Ausschüssen im Betrieb? Bitte geben Sie an, ob die Kontakte sehr oft, oft, manchmal, selten, sehr selten oder nie stattfinden! (nicht zutreffend=keine Vertrauensleute)

<table>
<thead>
<tr>
<th>a) Ihren Vorarbeitern</th>
<th>0</th>
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<tr>
<td>b) Ihren Meister(n)</td>
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<tr>
<td>c) Ihren Vertrauensleuten</td>
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<tr>
<td>d) Ihren Betriebsratsmitgliedern</td>
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<tr>
<td>e) Den Abteilungs/Unterabteilungsleitern</td>
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<tr>
<td>f) Der Betriebsleitung</td>
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<tr>
<td>g) Dem Betriebsratsvorsitzenden/seinem Stellvertreter</td>
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</table>
10. Werden Sie Ihrer Meinung nach ausreichend informiert über die Lösung der Arbeitnehmerprobleme, die auf Betriebsrats-Management-ebene stattfindet?
- Ja
- Nein

11. Wie könnte eine konsequenter Vertretung Arbeitnehmerprobleme und Interessen in diesem Betrieb sichergestellt werden Ihrer Meinung nach?
   a) Durch eine Erweiterung der Rechte des Betriebsrats im Betriebsverfassungsgesetz    
   b) Durch eine Erweiterung der Rolle der Vertrauensleute im Betrieb
   c) Durch die verbesserte Ausbildung der Betriebsräte
   d) Durch die verbesserte Ausbildung der Vertrauensleute
   e) Durch eine größere Einbindung des Betriebsrats in die Gewerkschaftspolitik
   f) Durch eine größere Einbindung des Vertrauenskörpers in die Gewerkschaftspolitik
   g) Durch die Starkung der gewerkschaftlichen Organisation des Betriebs
   h) Durch eine größere Bereitwilligkeit der Belegschaft, den Betriebsrat zu unterstützen
   i) Durch eine größere Bereitwilligkeit der Belegschaft, die Vertrauensleute zu unterstützen
   j) Durch eine kooperativere Einstellung des Managements, den Arbeitnehmervertretern und Arbeitnehmerinteressen gegenüber
   k) Durch eine kooperativere Einstellung des Betriebsrats dem Management gegenüber
   l) Durch eine kooperativere Einstellung der Vertrauensleute dem Management gegenüber
   m) Durch eine verbesserte wirtschaftliche Lage des Betriebs
   n) Das jetztige Betriebsverfassungsgesetz reicht für eine konsequente Vertretung von Arbeitnehmerinteressen in diesem Betrieb aus.
12. Wie schätzen Sie die Beziehungen zwischen den folgenden Personengruppen im Bereich ein, wo Sie arbeiten? Bitte geben Sie an, ob Sie die Beziehungen für sehr gut, gut, weder gut noch schlecht, schlecht oder sehr schlecht halten.

a) Der Belegschaft und den Meistern

<table>
<thead>
<tr>
<th>Beurteilung</th>
<th>Anzahl</th>
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<tbody>
<tr>
<td>sehr gut</td>
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<td>sehr schlecht</td>
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b) Der Belegschaft und den Vertrauensleuten

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<tr>
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<tr>
<td>schlecht</td>
<td>4</td>
</tr>
<tr>
<td>sehr schlecht</td>
<td>5</td>
</tr>
<tr>
<td>nicht zutreffend</td>
<td>6</td>
</tr>
</tbody>
</table>

c) Der Belegschaft und den Betriebsratsmitgliedern

<table>
<thead>
<tr>
<th>Beurteilung</th>
<th>Anzahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>sehr gut</td>
<td>1</td>
</tr>
<tr>
<td>gut</td>
<td>2</td>
</tr>
<tr>
<td>weder gut noch schlecht</td>
<td>3</td>
</tr>
<tr>
<td>schlecht</td>
<td>4</td>
</tr>
<tr>
<td>sehr schlecht</td>
<td>5</td>
</tr>
<tr>
<td>Kontakte so selten-keine Schätzung möglich.</td>
<td>6</td>
</tr>
</tbody>
</table>

d) Der Belegschaft und den Vorarbeitern

<table>
<thead>
<tr>
<th>Beurteilung</th>
<th>Anzahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>sehr gut</td>
<td>1</td>
</tr>
<tr>
<td>gut</td>
<td>2</td>
</tr>
<tr>
<td>weder gut noch schlecht</td>
<td>3</td>
</tr>
<tr>
<td>schlecht</td>
<td>4</td>
</tr>
<tr>
<td>sehr schlecht</td>
<td>5</td>
</tr>
</tbody>
</table>

Statistische Angaben

13. Wie alt sind Sie?

<table>
<thead>
<tr>
<th>Altersklasse</th>
<th>Anzahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>unter 18 Jahren</td>
<td>1</td>
</tr>
<tr>
<td>18 - 25</td>
<td>2</td>
</tr>
<tr>
<td>26 - 35</td>
<td>3</td>
</tr>
<tr>
<td>36 - 45</td>
<td>4</td>
</tr>
<tr>
<td>46 - 55</td>
<td>5</td>
</tr>
<tr>
<td>56 - 65</td>
<td>6</td>
</tr>
</tbody>
</table>

14. Sind Sie?

<table>
<thead>
<tr>
<th>Geschlecht</th>
<th>Anzahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>männlich</td>
<td>1</td>
</tr>
<tr>
<td>weiblich</td>
<td>2</td>
</tr>
</tbody>
</table>
15. Was ist Ihre gegenwärtige Tätigkeit?
- Auszubildender
- angelernter Arbeiter
- Facharbeiter
- ungelernter Arbeiter
- technischer Angestellter
- freigestellter Vertrauensmann
- freigestelltes Betriebsratsmitglied
- Facharbeiter mit angelernter Tätigkeit
- Ingenieur

16. Wie lange sind Sie schon im Betrieb beschäftigt?
- 0 - 5 Jahre
- 6 - 10 Jahre
- 11 - 15 Jahre
- 16 - 20 Jahre
- 21 - 25 Jahre
- über 25 Jahren

- Ja, bei der IG-Metall
- Ja, bei dem christlichen Metallarbeiterverband
- Ja, bei der DAG
- Ja, bei einer anderen Gewerkschaft. Welche?
- Nein, ich bin kein Gewerkschaftsmitglied.

18. Haben Sie eine gewerkschaftliche Funktion inne? Wenn ja, welche(n)?
- Vertrauensmann
- Mitglied der Jugendvertretung
- Mitglied des Betriebsrats
- Arbeitnehmervertreter im Aufsichtsrat
- Mitglied eines örtlichen Ausschusses
- Mitglied der Ortsverwaltung
- Mitglied der Bezirkskommission
- Mitglied der Tarifkommission

19. Wie lange sind Sie schon Gewerkschaftsmitglied?
- 0 - 5 Jahre
- 6 - 10 Jahre
- 11 - 15 Jahre
- 16 - 20 Jahre
- 21 - 25 Jahre
- mehr als 25 Jahre

Vielen Dank für Ihre Mitarbeit!
Fragen an die Meister
Alle Meister, an die sich dieser Fragebogen richtet, sind gebeten, alle Fragen zu beantworten, indem Sie die jeweils zutreffende(n) Antwort(en) in den Kästchen ankreuzen. Bitte beantworten Sie die Fragen vom Ihrem Zuständigkeitsbereich als Meister aus.

1a) Fragen zum Lohn/Gehalt
   i) Wie wird die Arbeit in Ihrem Zuständigkeitsbereich bewertet?
      - analytische Arbeitsbewertung
      - summarische Arbeitsbewertung
      - eine andere Bewertung. Welche?

   ii) Wie werden die Arbeitnehmer in Ihrem Zuständigkeitsbereich entlohnt?
      - Akkordlohn (einschließlich Stück- und Zeitakkord)
      - Zeitlohn
      - Prämienlohn (d.h. leistungskontrollierter Zeitlohn)
      - andere Lohnform. Welche?

   iii) Wie oft kommt es zu Fragen der Arbeitnehmer in Ihrem Zuständigkeitsbereich über das Akkordsystem? (z.B. über die Arbeitssollvorgabe, das Arbeits Tempo)
      - oft
      - manchmal
      - nie
      - nicht zutreffend- kein Akkordlohn besteht

   iv) Wie oft kommt es zu Fragen der Arbeitnehmer über das Prämienlohnsystem? (z.B. über die Leistungssystemszeitvorgabe usw)
      - oft
      - manchmal
      - nie
      - nicht zutreffend- kein Prämienlohnssystem

   v) Wie oft kommt es zu Lohnumgruppierungen in Ihrem Zuständigkeitsbereich?
      - oft
      - manchmal
      - nie

   vi) Wie oft kommt es zu Einstufungsfragen in Ihrem Zuständigkeitsbereich?
      - oft
      - manchmal
      - nie
1B) Fragen zur Arbeitsorganisation

i) Welche Aussage beschreibt am ehesten die Arbeitsplätze in Ihrem Zuständigkeitsbereich?
- die Arbeitnehmer arbeiten allein und sind zuständig für ihre eigene Arbeit
- die Arbeitnehmer arbeiten in einer Gruppe oder in einem Team von Arbeitnehmern
- die Arbeitnehmer arbeiten teilweise allein, teilweise in Gruppen

ii) Wie oft kommt es zu Versetzungen in dem Bereich, wo Sie arbeiten? (dh mit Lohnumgruppierung gebunden)
- oft
- manchmal
- nie

iii) Wie oft kommt es zu Umgruppierungen in dem Bereich, wo Sie arbeiten? (dh. keine Lohnumgruppierung)
- oft
- manchmal
- nie

- oft
- manchmal
- nie
- nicht zutreffend - keine Akkordarbeit

v) Kommt es zu Arbeitnehmerproblemen in Ihrem Arbeitsbereich wegen der Verteilung der Arbeit?
- oft
- manchmal
- nie

vi) Wie oft kommt es vor, daß große technische Änderungen in den Bereich eingeführt werden, wo Sie arbeiten?
- oft
- manchmal
- nie

vii) Kommt es zu Arbeitnehmerproblemen wegen dieser großen technischen Änderungen? (zB Versetzungen, Lohn- abstufung, Dequalifikation)
- oft
- manchmal
- nie
- nicht zutreffend - keine großen Änderungen
viii) Wie oft kommt es vor, daß kleine technische Änderungen in Ihr Bereich eingeführt werden?
- oft
- manchmal
- nie

ix) Kommt es zu Arbeitnehmerproblemen wegen dieser kleinen technischen Änderungen?
- oft
- manchmal
- nie
- nicht zutreffend-keine kleinen Änderungen

x) Wie oft kommt es zu Störungen bei der Arbeit in Ihrem Zuständigkeitsbereich wegen technischer oder organisatorischer Probleme? (zB kaputte Maschinen/Werkzeuge, Mangeln an der Materialversorgung usw)
- oft
- manchmal
- nie

xi) Wie oft kommt es zur Kritik/zu Problemen im Hinblick auf der Arbeitsqualität in Ihrem Arbeitsbereich?
- oft
- manchmal
- nie

xii) Gibt es Arbeitnehmerprobleme in Ihrem Arbeitsbereich wegen der Arbeitsorganisation? (zB Wartezeiten, Schwierigkeiten bei der gemeinsamen Benützung von Werkzeugen usw)
- oft
- manchmal
- nie

10) Fragen zur Arbeitszeit
i) Werden Überstunden in Ihrem Arbeitsbereich gearbeitet?
- Ja, oft
- Ja, manchmal
- Nein, nie

ii) Kommt es zu Fragen oder Problemen der Arbeitnehmer wegen Überstunden/Mehrarbeitszeit?
- oft
- manchmal
- nie
- nicht zutreffend- keine Überstunden/Mehrarbeitszeit
iii) Wird in Ihrem Arbeitsbereich in Schicht gearbeitet?
- Ja, in 4 Schichten
- Ja, in 3 Schichten
- Ja, in 2 Schichten
- wir arbeiten Normalschicht

iv) Kommt es zu Arbeitnehmerproblemen in Ihrem Arbeitsbereich wegen Schichtarbeit?
- Ja, oft
- Ja, manchmal
- Nein, nie
- nicht zutreffend-keine Schichtarbeit

1D) Fragen zu den Arbeitsbedingungen
i) Welche der folgenden Arbeitsbedingungen treffen auf Ihr Arbeitsbereich zu?
- Lärm
- Schmutz/Staub
- schlechte Luft
- schwere körperliche Arbeit der Arbeitnehmer
- schwere geistige Arbeit der Arbeitnehmer
- große Unfallgefahren
- keine der Bedingungen treffen zu

ii) Kommt es zu Arbeitnehmerbeschwerden wegen der oben genannten Arbeitsbedingungen?
- Ja, oft
- Ja, manchmal
- Nein, nie
- nicht zutreffend-keine der obengenannten Bedingungen

1E) Fragen zum Verlust des Arbeitsplatzes
i) Ist es in Ihrem Bereich zu Entlassungen gekommen? (dh. Entlassungen aus wirtschaftlichen Gründen von mehreren Arbeitnehmern zur gleichen Zeit)
- Ja
- Nein

ii) Ist es zu Kündigungen in Ihrem Bereich gekommen? (dh. Kündigungen vom Arbeitgeber ausgerufen wegen Verstöße gegen die Arbeitsordnung)
- Ja, oft
- Ja, manchmal
- Nein, nie

iii) Ist es zu Kündigungen gekommen, die von Arbeitnehmern ausgerufen worden sind?
- Ja, oft
- Ja, manchmal
- Nein, nie
iv) Ist es während der letzten 2 Jahre zur Kurzarbeit in Ihrem Arbeitsbereich gekommen?
- Ja, oft
- Ja, manchmal
- Nein, nie

1F) Fragen zum sozialen Bereich
i) Kommt es in Ihrem Arbeitsbereich zu Problemen wegen der Verteilung der zeitlichen Verlegung des Urlaubs der Arbeitnehmer?
- Ja, oft
- Ja, manchmal
- Nein, nie

ii) Kommt es zu Beschwerden der Arbeitnehmer in Ihrem Arbeitsbereich wegen der sozialen Einrichtungen? (z.B. Wasch- und Duschräume, Pausenräume, Kantine usw)
- Ja, oft
- Ja, manchmal
- Nein, nie

1G) Fragen zum Arbeitsklima
i) Wie schätzen Sie das Arbeitsklima unter den Arbeitnehmern in Ihrem Arbeitsbereich?
- gut
- teilweise gut, teilweise schlecht
- weder gut noch schlecht
- schlecht

ii) Wie schätzen Sie das Arbeitsklima zwischen den Arbeitnehmern und ihren Vorgesetzten in Ihrem Arbeitsbereich?
- gut
- teilweise gut, teilweise schlecht
- weder gut noch schlecht
- schlecht

2. Wenn Fragen oder Probleme zu den folgenden Themen vorkommen, treten sie meistens als Einzelprobleme (nur einen Arbeitnehmer betreffend) oder werden meistens mehrere Arbeitnehmer davon angesprochen?

i) Lohn/Gehalt z.B. Fragen über den Akkordsatz, die Leistungsbeurteilung für Prämienlohn, Einstufungsfragen
- Einzelprobleme
- Gruppenprobleme
- teilweise Einzelprobleme, teilweise Gruppenprobleme
- solche Probleme kommen nie vor in meinem Arbeitsbereich

ii) Arbeitsorganisation z.B. Umgruppierungen, Verteilung der Arbeit usw
- Einzelprobleme
- Gruppenprobleme
- teilweise Gruppenprobleme, teilweise Einzelprobleme
- solche Probleme kommen nie vor
iii) Arbeitszeit z.B. Mehrarbeit, Schichtarbeit
- Einzelprobleme
- Gruppenprobleme
- teilweise Einzelprobleme, teilweise Gruppenprobleme
- solche Probleme kommen nie vor

iv) Arbeitsbedingungen z.B. Lärm, Schmutz, Staub usw
- Einzelprobleme
- Gruppenprobleme
- teilweise Einzelprobleme, teilweise Gruppenprobleme
- solche Probleme kommen nie vor

v) Urlaub z.B. die zeitliche Verlegung
- Einzelprobleme
- Gruppenprobleme
- teilweise Einzelprobleme, teilweise Gruppenprobleme
- solche Probleme kommen nie vor

vi) Probleme unter Arbeitnehmern
- Einzelprobleme
- Gruppenprobleme
- teilweise Einzelprobleme, teilweise Gruppenprobleme
- solche Probleme kommen nie vor

vii) Probleme zwischen Arbeitnehmern und ihren Vorgesetzten
- Einzelprobleme
- Gruppenprobleme
- teilweise Einzelprobleme, teilweise Gruppenprobleme
- solche Probleme kommen nie vor

3. Was für einen Prozentsatz Ihrer Zeit verbringen Sie...
- in Ihrem Büro oder an Ihrem Schreibtisch
<table>
<thead>
<tr>
<th>Zeitliche Nutzung</th>
<th>0 - 20%</th>
<th>20 - 40%</th>
<th>40 - 60%</th>
<th>60 - 80%</th>
<th>80 - 100%</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>

- beim Rundgang in der Werkstatt?
<table>
<thead>
<tr>
<th>Zeitliche Nutzung</th>
<th>0 - 20%</th>
<th>20 - 40%</th>
<th>40 - 60%</th>
<th>60 - 80%</th>
<th>80 - 100%</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>

- bei Gesprächen mit Managementvertretern
<table>
<thead>
<tr>
<th>Zeitliche Nutzung</th>
<th>0 - 20%</th>
<th>20 - 40%</th>
<th>40 - 60%</th>
<th>60 - 80%</th>
<th>80 - 100%</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>

- bei Gesprächen mit Betriebsratsmitgliedern
<table>
<thead>
<tr>
<th>Zeitliche Nutzung</th>
<th>0 - 20%</th>
<th>20 - 40%</th>
<th>40 - 60%</th>
<th>60% - 80%</th>
<th>80% - 100%</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>
4. Wie viel Zeit verbringen Sie täglich mit der Lösung von Arbeitnehmerproblemen?

<table>
<thead>
<tr>
<th>Option</th>
<th>Auswahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>weniger als eine halbe Stunde</td>
<td>1</td>
</tr>
<tr>
<td>eine halbe bis 1 Stunde</td>
<td>2</td>
</tr>
<tr>
<td>1 bis 2 Stunden</td>
<td>3</td>
</tr>
<tr>
<td>2 bis 3 Stunden</td>
<td>4</td>
</tr>
<tr>
<td>3 bis 4 Stunden</td>
<td>5</td>
</tr>
<tr>
<td>über 4 Stunden</td>
<td>6</td>
</tr>
</tbody>
</table>

5. Bestehen Schwierigkeiten, die Ihre Kontakte zu der Belegschaft im Hinblick auf die Lösung von Arbeitnehmerproblemen erschweren? Bitte geben Sie an, welche Schwierigkeiten es gibt!

<table>
<thead>
<tr>
<th>Schwierigkeit</th>
<th>Auswahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbeitsorganisatorische Schwierigkeiten wie z.B. Fließbandarbeit</td>
<td>1</td>
</tr>
<tr>
<td>Schichtarbeit</td>
<td>1</td>
</tr>
<tr>
<td>Lärm</td>
<td>1</td>
</tr>
<tr>
<td>Betreuungsbereich zu groß</td>
<td>1</td>
</tr>
<tr>
<td>Betreuungsbereich zu zerstreut</td>
<td>1</td>
</tr>
<tr>
<td>Zeitmangel</td>
<td>1</td>
</tr>
<tr>
<td>Rivalitäten zwischen Arbeitnehmern/Arbeitnehmergruppen</td>
<td>1</td>
</tr>
<tr>
<td>das Verhalten der Vertrauensleute</td>
<td>1</td>
</tr>
<tr>
<td>das Verhalten der Betriebsratsmitglieder</td>
<td>1</td>
</tr>
<tr>
<td>die mangelhafte Arbeit der Vorarbeiter</td>
<td>1</td>
</tr>
<tr>
<td>das Verhalten meiner Vorgesetzten</td>
<td>1</td>
</tr>
</tbody>
</table>

6. Welche Richtlinien für die Beilegung von Arbeitnehmerproblemen sind in Ihrer Arbeit von Wichtigkeit?

<table>
<thead>
<tr>
<th>Richtlinie</th>
<th>Auswahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>das Betriebsverfassungsgesetz</td>
<td>1</td>
</tr>
<tr>
<td>Betriebsvereinbarungen, die auf Betriebsrats- / Managementsebenen abgeschlossen worden sind</td>
<td>1</td>
</tr>
<tr>
<td>Vereinbarungen oder Regelungsabreden, die auf Abteilungsebenen abgeschlossen worden sind</td>
<td>1</td>
</tr>
<tr>
<td>Regelungsabreden, die auf Werkstattsebenen vereinbart werden</td>
<td>1</td>
</tr>
<tr>
<td>die Manteltarifverträge</td>
<td>1</td>
</tr>
<tr>
<td>die Lohn- und Gehaltstarifverträge</td>
<td>1</td>
</tr>
<tr>
<td>andere Tarifverträge</td>
<td>1</td>
</tr>
<tr>
<td>die Arbeitsordnung</td>
<td>1</td>
</tr>
<tr>
<td>die Arbeitsrichtlinien</td>
<td>1</td>
</tr>
</tbody>
</table>

7. Wie hoch ist der Prozentsatz von Arbeitnehmerproblemen, die in der Werkstatt vorkommen, die von Ihnen ohne Einschaltung höherer Instanzen erfolgreich gelöst werden können?

<table>
<thead>
<tr>
<th>Prozentsatz</th>
<th>Auswahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 20%</td>
<td>1</td>
</tr>
<tr>
<td>21 - 40%</td>
<td>2</td>
</tr>
<tr>
<td>41 - 60%</td>
<td>3</td>
</tr>
<tr>
<td>61 - 80%</td>
<td>4</td>
</tr>
<tr>
<td>81 - 90%</td>
<td>5</td>
</tr>
<tr>
<td>über 90%</td>
<td>6</td>
</tr>
</tbody>
</table>
8. Woher wissen die Arbeitnehmer, an wen sie sich mit ihren Problemen wenden sollten?
   i)  - von der Arbeitsordnung des Betriebs
       - von anderen schriftlichen Richtlinien des Betriebs
   ii) - der Meister oder Vorarbeiter erklären, wie sie das machen sollten
       - ihrer Kollegen erklären, wie man das machen sollte
       - die Vertrauensleute erklären, wie man das machen sollte
       - der Betriebsrat erklärt es den Arbeitnehmern
       - die Arbeitnehmer sind frei, sich an alle zu wenden, wenn sie Probleme haben.

9. Wie werden Arbeitnehmerprobleme an Sie vermittelt? (häufigste Methoden)
   i)  - durch den Arbeitnehmer(n), der das Problem hat.
       - durch Gruppen von Arbeitnehmern
       - durch die Vertrauensleute
       - durch die Vorarbeiter
       - durch den Betriebsrat/Betriebsratsmitglieder
       - durch meine Vorgesetzten
       - durch die Personalabteilung
   ii) - schriftlich
       - mündlich
       - per Telefon
   iii) - in meinem Büro oder an meinem Schreibtisch in der Werkstatt
       - bei meinem Rundgang in dem Betrieb
       - bei Treffen mit meinen Vorgesetzten
       - bei Betriebs- oder Abteilungsversammlungen

10. Welche Form haben Lösungen von Arbeitnehmerproblemen auf Ihrer Ebene? (häufigste Formen)
    i)  - mündliche Erklärung einschließlich Telefon­
          - schriftliche Erklärung
    ii) - eine Absprache zwischen Meister und Betriebsrat
          - eine Absprache zwischen Meister und seinem nächsten Vorgesetzten
          - eine Absprache zwischen Meister und Personal­
          - eine Absprache zwischen Meister und Vertrauens­
          - eine Absprache zwischen Meister und Arbeitnehmer/Arbeitnehmern
11. Wie oft haben Sie bei der Lösung von Arbeitnehmerproblemen Kontakte zu den folgenden Personen/Ausschüssen? Bitte geben Sie an, ob die Kontakte sehr oft, oft, manchmal, selten, sehr selten oder nie stattfinden! (nicht zutreffend = keine Vertrauensleute/Ausschüsse im Betrieb)

<table>
<thead>
<tr>
<th>Vertrauensleute/Ausschüsse</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) - den Vertrauensleuten</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) - der Vertrauenskörperleitung</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) - Ihren Vorarbeitern</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) - einzelnen Betriebsratsmitgliedern</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) - der Betriebsleitung</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) - den Betriebsratsausschüssen</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) - Ihren nächsten Vorgesetzten wie z.B. Unterabteilungsleiter, Abteilungsleiter usw</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
12. Wenn Arbeitnehmerprobleme zu den folgenden Fragenbereichen vorkommen, welche werden meistens schon auf Ihrer Ebene gelöst?

a) Akkordfragen z.B Arbeitssollvorgabe, Arbeitstempo usw
b) Prämienberechnungen z.B. Leistungszeitvorgabe
c) Einstufungsfragen
d) Versetzungsdh. Lohnumgruppierungen
e) Umgruppierungen dh. ohne Lohnumgruppierung
f) Disziplinarmaßnahmen z.B. bei Verstößen gegen die
    Verteilung der Arbeit. Arbeitsordnung.

h) Arbeitsqualitätsfragen
i) Fragen über die technischen Einrichtungen -
    Maschinen, Werkzeuge, Material

j) Schichtsfragen
k) Überstunden/Mehrarbeitszeit
l) Arbeitsbedingungen-Lärm, Schmutz, Luft usw
m) Arbeitssicherheitsfragen
n) Fragen zur zeitlichen Verlegung der Urlaubszeit
o) Fragen über soziale Einrichtungen-Waschräume usw
p) Persönliche Arbeitnehmerprobleme
q) Streitigkeiten zwischen Arbeitnehmern
r) Streitigkeiten zwischen Arbeitnehmergruppen
s) Streitigkeiten zwischen Arbeitnehmern und ihren
    Vorgesetzten

13. An wen werden Arbeitnehmerprobleme, die nicht auf Ihrer Ebene lösbar sind, weitergeleitet?

-an die Unterabteilungsleiter
-an die Abteilungsleiter
-an Betriebsratsmitglieder
-an die Personalabteilung
-an Betriebsratsausschüsse
-an die Betriebsleitung
-an den Betriebsratsvorsitzenden.

14. Sind Sie über den weiteren Verlauf des Lösungsprozesses auf höheren Ebenen und die Ergebnisse......

-sehr gut informiert
-ausreichend informiert
-selten informiert
-nie informiert

15. Kommt es vor, daß Arbeitnehmer sich direkt an den Betriebsrat oder Ihre Vorgesetzten richten, ohne ihre Probleme zuerst mit Ihnen zu besprechen?

- Ja, sehr oft
- Ja, manchmal
- nur sehr selten
- Nein, nie
- Weiß nicht

16. Sind Sie mit dem Ausmaß Ihrer Entscheidungskompetenzen im Hinblick auf die Lösung von Arbeitnehmerproblemen, die in Ihrem Bereich vorkommen, ....

- sehr zufrieden
- zufrieden
- weder zufrieden noch unzufrieden
- unzufrieden
- sehr unzufrieden

17. Wie alt sind Sie?

- 18 - 25
- 26 - 35
- 36 - 45
- 46 - 55
- 56 - 65

18. Sind Sie?

- männlich
- weiblich

19. Welche Meisterausbildung haben Sie gemacht/machen Sie zur Zeit?

- Industriemeisterprüfung
- Handwerkmeisterprüfung
- werksinterne Meisterprüfung
- eine andere Prüfung.

20. Wie lange sind Sie schon im Betrieb beschäftigt?

- 0 - 5 Jahre
- 6 - 10 Jahre
- 11 - 15 Jahre
- 16 - 20 Jahre
- 21 - 25 Jahre
- mehr als 25 Jahre

21. Wie lange sind Sie schon Meister?

- 0 - 5 Jahre
- 6 - 10 Jahre
- 11 - 15 Jahre
- 16 - 20 Jahre
- 21 - 25 Jahre
- mehr als 25 Jahre

22. Sind Sie Gewerkschaftsmitglied? Wenn ja, bei welcher Gewerkschaft?

- IG-Metall
- DAG
- christlicher Metallarbeiterverband
- eine andere Gewerkschaft
- bin kein Mitglied

Statistische Angaben
23. Haben Sie eine gewerkschaftliche Funktion inne?
Wenn ja, welche?
- Vertrauensmann
- Arbeitnehmervertreter im Aufsichtsrat
- Betriebsratsmitglied
- Mitglied eines gewerkschaftlichen örtlichen Ausschusses
- Mitglied der Ortsverwaltung
- Mitglied der Bezirkskommission
- Mitglied der Tarifkommission
- habe keine gewerkschaftliche Funktion inne.

24. Hatten Sie eine gewerkschaftliche Funktion inne, bevor Sie Meister wurden? Wenn ja, welche?
- Vertrauensmann
- Arbeitnehmervertreter im Aufsichtsrat
- Betriebsratsmitglied
- Mitglied eines gewerkschaftlichen örtlichen Ausschusses
- Mitglied der Ortsverwaltung
- Mitglied der Bezirkskommission
- Mitglied der Tarifkommission
- habe nie eine gewerkschaftliche Funktion innegehabt.

25. Wieviele Vorarbeiter arbeiten in Ihrem Zuständigkeitsbereich?
- keine Vorarbeiter
- 1 - 3 Vorarbeiter
- 4 - 6 Vorarbeiter
- 7 - 10 Vorarbeiter
- über 10 Vorarbeiter

26. Wieviele Vertrauensleute sind in Ihrem Zuständigkeitsbereich?
- keine Vertrauensleute
- 1 - 3 Vertrauensleute
- 4 - 6 Vertrauensleute
- 7 - 10 Vertrauensleute
- über 10 Vertrauensleute

27. Für wieviele Arbeitnehmer sind Sie Meister?
- 0 - 25
- 26 - 50
- 51 - 75
- 76 - 100
- über 100 Arbeitnehmer
### Fragen an die Betriebsratsmitglieder

Alle Betriebsratsmitglieder, an die sich dieser Fragebogen richtet, sind gebeten, alle Fragen zu beantworten, indem Sie die jeweils zutreffende(n) Antwort(en) in den Kästchen ankreuzen. Bitte beantworten Sie die Fragen von Ihrem Zuständigkeitsbereich als Betriebsratsmitglied aus oder vom Betrieb aus, wenn Sie an kein Bereich gebunden sind.

#### 1. Was für einen Prozentsatz Ihrer Zeit verbringen Sie...

- in Ihrer Abteilung?
  - 0 - 20%
  - 20 - 40%
  - 40 - 60%
  - 60 - 80%
  - 80 - 100%

- bei Betriebsratsausschüssen?
  - 0 - 20%
  - 20 - 40%
  - 40 - 60%
  - 60 - 80%
  - 80 - 100%

- bei Betriebsrats- oder Vertrauensleutesitzungen?
  - 0 - 20%
  - 20 - 40%
  - 40 - 60%
  - 60 - 80%
  - 80 - 100%

- bei der Personalabteilung?
  - 0 - 20%
  - 20 - 40%
  - 40 - 60%
  - 60 - 80%
  - 80 - 100%

- bei Weiterbildungsmaßnahmen?
  - 0 - 20%
  - 20 - 40%
  - 40 - 60%
  - 60 - 80%
  - 80 - 100%

#### 2. Welche Richtlinien für die Beilegung von Arbeitnehmerproblemen sind in Ihrer Arbeit als Betriebsrat von Wichtigkeit? Bitte numerieren Sie die zutreffenden Richtlinien, so daß die Wichtigsten an erster Stelle sind.

- Das Betriebsverfassungsgesetz
- Betriebsvereinbarungen und Vereinbarungen auf Konzernebene
- Vereinbarungen/Regelungsabreden auf Abteilungsebene
- die Arbeitsordnung
- Manteltarifverträge
- Lohn- und Gehaltstarifverträge
- andere Managementrichtlinien

Ja
Nein
Weiß nicht

3B) Wenn es solche Vorgaben gibt, werden sie in der Praxis bei der Lösung Arbeitnehmerprobleme angewandt?

Ja
Nein
Weiß nicht

4. Wie werden Arbeitnehmerprobleme an Sie vermittelt? (häufigste Methoden)

IA) - durch den Arbeitnehmer/Arbeitnehmer, der/die betroffen ist/sind.

B) - durch die Vertrauensleute.

C) - durch die Meister oder Vorarbeiter.

D) - durch die Unterabteilungs- oder Abteilungsleiter.

E) - durch die Betriebsleitung.

F) - durch die Vertrauenskörperleitung.

G) - durch den Betriebsratsvorsitzenden oder seinen Stellvertreter

H) - durch die Betriebsratsausschüsse oder andere Betriebsratsmitglieder

IIIA) - schriftlich

B) - telefonisch

C) - mündlich / persönlich

IIIA) - im Büro in der Abteilung

B) - beim Rundgang in der Abteilung

C) - in Betriebsratsitzungen, im Betriebsratsbüro oder Sitzungen mit den Vertrauensleuten.

5. Bestehen Schwierigkeiten in Ihrem Arbeitsbereich, die eine erfolgreiche Lösung Arbeitnehmerprobleme erschweren? Bitte numerieren Sie sie, so daß die größte Schwierigkeit an erster Stelle ist.

- Arbeitsorganisatorische Probleme zB Fließbandarbeit
- Schichtarbeit
- Lärm
- Betreuungsbereich zu groß
- Betreuungsbereich zu zerstreut
- Zeitmangel
- Rivalitäten zwischen Arbeitnehmern/ Arbeitnehmergruppen
- mangelhafte Arbeit der Vertrauensleute
- das Verhalten der Managementvertreter
- der Mangel an Interesse der Mitgliedschaft
- das Entlohnungssystem
- der Mangel an Unterstützung von dem Betriebsrat als Gremium
- Es bestehen keine Schwierigkeiten
6. Wie hoch ist der Prozentsatz von Arbeitnehmerproblemen, die in Ihrer Abteilung vorkommen, die von Ihnen auf Abteilungsebene erfolgreich gelöst werden können?

- 0 - 20%  
- 21 - 40%  
- 41 - 60%  
- 61 - 80%  
- 81 - 100%  

7. Welche Form hat die Lösung von Arbeitnehmerproblemen auf Ihrer Ebene? (häufigste Form)

A) - eine mündliche Erklärung  
- ein Telefongespräch  
- eine schriftliche Erklärung  

B) - eine Absprache zwischen Ihnen und dem Meister  
- " " " dem Abteilungsleiter.  
- eine Absprache zwischen Ihnen und der Personalabteilung.  
- eine Absprache zwischen Ihnen und dem Unterabteilungsleiter.  

8. Wie lange dauert die Lösung der meisten Arbeitnehmerprobleme, die auf Ihrer Ebene gelöst werden?

- weniger als 2 Stunden  
- 2 Stunden bis einen halben Tag  
- einen halben Tag bis einen Tag  
- 1 bis 3 Tage  
- 3 Tage bis eine Woche  
- 1 bis 2 Wochen  
- 2 bis 4 Wochen  
- über einen Monat  

9. Sind Sie mit Ihren Entscheidungsbefugnissen im Hinblick auf die Lösung von Arbeitnehmerproblemen in Ihrem Arbeitsbereich...

- sehr zufrieden  
- zufrieden  
- unszufrieden  
- sehr unszufrieden  

*mehrere Antworten möglich, aber numerieren Sie bitte die Zeitspannen, so dass die gewöhnlichste Zeitspanne für die Lösung Arbeitnehmerprobleme an erster Stelle ist.
0. Wie oft haben Sie Kontakte zu den folgenden Personen/Ausschüssen bei der Lösung von Arbeitnehmerproblemen, die in Ihrem Arbeitsbereich vorkommen? Bitte geben Sie an, ob die Kontakte sehr oft, oft, manchmal, selten, sehr selten oder nie stattfinden! (nicht zutreffend = keine Vertrauensleute/Ausschüsse im Betrieb)

<table>
<thead>
<tr>
<th>Personen/Ausschüsse</th>
<th>sehr oft</th>
<th>oft</th>
<th>manchmal</th>
<th>selten</th>
<th>sehr selten</th>
<th>nie</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) den Vertrauensleuten</td>
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<td>b) der Vertrauenskörperleitung</td>
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<td>c) den Belegschaftsmitgliedern</td>
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<tr>
<td>d) den Meistern oder Vorarbeitern</td>
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<tr>
<td>e) den Unterabteilungsleitern oder dem Abteilungsleiter</td>
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<tr>
<td>f) den Betriebsratsausschüssen</td>
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<tr>
<td>g) der Personalabteilung/Personalleiter</td>
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</tr>
<tr>
<td>h) der Betriebsleitung/Arbeitsdirektor</td>
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</tr>
</tbody>
</table>
11. Bitte geben Sie an, welche der folgenden Problembereiche auf Ihrer Ebene meistens gelöst werden!

a) Akkordfragen zB Arbeitssollvorgabe, Arbeitstempo  
b) Prämienberechnungen zB Leistungssystemzeitvorgabe.  
c) Versetzungen dh. Lohnumgruppierungen  
d) Umgruppierungen dh. keine Lohnumgruppierung  
e) Schichtsfragen  
f) Überstunden / Mehrarbeitszeit  
g) Kurzarbeit  
h) Disziplinmaßnahmen zB. Verstöße gegen die Arbeitsordnung  
i) Streitigkeiten Arbeitnehmer(n)-Vorgesetzten  
j) Arbeitsbedingungen - Lärm, Schmutz usw  
k) Soziale Einrichtungen - Waschräume usw  
l) Urlaubsfragen zB zeitliche Verlegung d. Urlaubs  
m) Arbeitssicherheitsfragen  

12) An wen werden Arbeitnehmerprobleme, die nicht auf Ihrer Ebene lösbar sind, weitergeleitet?

- Personalabteilung / Personalleiter  
- Betriebsratsausschüsse  
- Betriebsleitung  
- Betriebsratsvorsitzenden, seinen Stellvertreter oder den Betriebsrat als Gremium  
- Vertrauenskörperleitung  
- andere Betriebsratsmitglieder  
- andere Abteilungsleiter  

13) Kommt es vor, daß Arbeitnehmerprobleme nicht an Sie vermittelt werden, sondern von unteren Ebenen (z.B. der Werkstatt) direkt an obere Ebenen vermittelt werden (z.B. Betriebsratsvorsitzenden, Personalabteilung oder Betriebsleitung)?

- Ja, sehr oft  
- Ja, manchmal  
- Nein, nur sehr selten  
- Nein, nie  
- Weiß nicht
14) Wie konnten eine konsequentere Vertretung Arbeitnehmerinteressen in diesem Betrieb sichergestellt werden Ihrer Meinung nach?

a) Durch eine Erweiterung der Rechte des Betriebsrats im Betriebsverfassungsgesetz


c) Durch die verbesserte Ausbildung der Betriebsratsmitglieder/Vertrauensleute

d) Durch eine Erweiterung der Rechte der Arbeitnehmervertreter unter dem Mitbestimmungsgesetz/Montanmitbestimmungsgesetz.

e) Durch eine größere Einbindung des Betriebsrats/Vertrauenskörpers in die Gewerkschaftspolitik.

f) Durch eine Stärkung der gewerkschaftlichen Organisation des Betriebes

g) Durch eine größere Bereitwilligkeit der Belegschaft, den Betriebsrat zu unterstützen

h) Durch eine kooperativere Einstellung des Management den Arbeitnehmervertretern und Arbeitnehmerinteressen gegenüber.

i) Das Betriebsverfassungsgesetz reicht für eine wirksame Vertretung Arbeitnehmerinteressen im Betrieb aus.

15) Wie beschreiben Sie die Rollenaufteilung zwischen den Vertrauensleuten und Betriebsratsmitgliedern im Hinblick auf die Lösung von Arbeitnehmerproblemen hier im Betrieb aus?

a) Die Vertrauensleute befassen sich mit kleinen Problemen, der Betriebsrat mit größeren Problemen.

b) Der Betriebsrat ist der Interessenvertreter der Arbeitnehmer, die Vertrauensleute befassen sich mit gewerkschaftsorganisatorischen Aufgaben.

c) Die Vertrauensleute sind frei, die Interessen der Belegschaft voll zu vertreten, da der Betriebsrat an Sozialpartnerschaft mit dem Management gebunden ist.

d) Die Vertrauensleute sind die gewerkschaftlichen Vertreter der Arbeitnehmer, der Betriebsrat der gesetzliche Vertreter.

e) Die Vertrauensleute sind eher Vermittler der Probleme der Arbeitnehmer an den Betriebsrat, der diese Probleme mit den Managementvertretern löst.

16) Ist es nach Ihrer Erfahrung in den letzten 5 Jahren zu einigen der folgenden Maßnahmen gekommen? Bitte geben Sie an, welche schon vorgekommen sind!

a) Leistungsverringerung

b) Dienst nach Vorschrift

c) Spontane Arbeitsniederlegung

d) Warnstreik während der Tarifrunde

e) Keine Zustimmung zur Mehrarbeit/Überstunden

f) außerordentliche Betriebs- oder Abteilungsversammlung

g) Produktionshemmende Gespräche

h) Alle Arbeitnehmer nahmen gleichzeitig das Beschwerderecht nach dem Betriebsverfassungsgesetz wahr

i) Betriebs- oder Abteilungsbesetzung

j) Keine der obengenannten Maßnahmen sind vorgekommen
17) Aus welchen Gründen kam es zu dieser(n) Maßnahme(n)?
   a) Betriebliche Lohnfragen
   b) Tarifrunde
   c) Arbeitsbedingungen
   d) Entlassungen
   e) Das Verhalten der Managementvertreter
   f) Die Verzögerung des Managements bei der Lösung von Arbeitnehmerproblemen/bei Verhandlungen mit dem Betriebsrat
   g) Disziplinarmaßnahmen des Managements/Kündigungen
   h) Politik des Managements
   i) Frage nicht zutreffend - keine Maßnahmen sind vorgekommen in diesem Betrieb.

18) Wie wurden diese Konflikte gelöst?
   a) Anrufung einer Einigungsstelle und Einigungsstellenbeschuß
   b) Anrufung des Arbeitsgerichts Gerichtsentscheid
   c) Mit der Hilfe außerbetrieblicher Gewerkschafts- und Verbandsvertreter
   d) Kompromißlösung durch erneute Verhandlungen des Managements und Betriebsrats.

Statistische Angaben

19) Wie alt sind Sie?
   18 - 25
   26 - 35
   36 - 45
   46 - 55
   56 - 65

20) Sind Sie?
   - männlich
   - weiblich

21) Welche Tätigkeit übten Sie aus, bevor Sie freigestellt wurden/ üben Sie noch aus?
   Facharbeiter
   - angelernter Arbeiter
   - unangelernter Arbeiter
   - Ingenieur
   - technischer Angestellter
   - Facharbeiter mit angelernter Tätigkeit
   - Meister

22) Wie lange sind Sie schon im Betrieb beschäftigt?
   - 0 - 5 Jahre
   - 6 - 10 Jahre
   - 11 - 15 Jahre
   - 16 - 20 Jahre
   - 21 - 25 Jahre
   - mehr als 25 Jahre
23. Wie lange sind Sie schon Betriebsrat?
- weniger als ein Jahr
- 1 - 5 Jahre
- 6 - 10 Jahre
- 11 - 15 Jahre
- 16 - 20 Jahre
- 21 - 25 Jahre
- mehr als 25 Jahre

24. Haben Sie andere Betriebsratsfunktionen inne? Welche?
- Betriebsratsvorsitzender oder stellvertretender Vorsitzender
- Vorsitzender oder stellvertretender Vorsitzender eines Betriebsratsausschusses
- einfaches Mitglied eines Betriebsratsausschusses
- freigestelltes Betriebsratsmitglied

25. Sind Sie Gewerkschaftsmitglied? Wenn ja, bei welcher Gewerkschaft?
- bin nicht gewerkschaftlich organisiert
- Industriegewerkschaft Metall
- christlicher Metallarbeiterverband
- deutsche Angestellten gewerkschaft

26. Wie viele Vertrauensleute sind in Ihrem Zuständigkeitsbereich?
- keine Vertrauensleute
- 1 - 20 Vertrauensleute
- 21 - 40
- 41 - 60
- 61 - 80
- 81 - 100
- über 100 Vertrauensleute

27. Wie viele Arbeitnehmer sind in Ihrem Betreuungsbereich?
- 0 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- 200 - 300
- 300 - 500
- 500 - 1000
- über 1000 Arbeitnehmer

Ich danke Ihnen für Ihre geduldige Mitwirkung
Fragen an die Vertrauensleute

Alle Vertrauensleute, an die sich dieser Fragebogen richtet, sind gebeten, alle Fragen zu beantworten, indem Sie die jeweils zutreffende(n) Antwort(en) in den Kästchen ankreuzen. Bitte beantworten Sie die Fragen von Ihrem Verantwortungsbereich als Vertrauensmann aus.

1A) Fragen zum Lohn und zum Gehalt

i) Wie wird die Arbeit in Ihrem Arbeitsbereich bewertet?
   - analytische Arbeitsbewertung
   - summarische Arbeitsbewertung
   - eine andere Bewertung. Welche?

ii) Wie werden die Arbeitnehmer in Ihrem Arbeitsbereich entschädigt?
   - Akkordlohn (einschließlich Stück- und Zeitakkord)
   - Zeitlohn
   - Prämienlohn (d.h. leistungskontrollierter Zeitlohn)
   - andere Lohnform. Welche?

   - oft
   - manchmal
   - nie
   - nicht zutreffend, kein Akkordlohn besteht.

   - oft
   - manchmal
   - nie
   - nicht zutreffend, kein Prämienlohn-System

v) Wie oft kommt es zu Lohnumgruppierungen in Ihrem Arbeitsbereich?
   - oft
   - manchmal
   - nie

vi) Wie oft kommt es zu Einstufungsfragen in Ihrem Arbeitsbereich?
   - oft
   - manchmal
   - nie
1B) Fragen zur Arbeitsorganisation

i) Welche Aussage trifft am ehesten auf Ihren Arbeitsplatz zu?
- ich arbeite allein und bin zuständig für meine eigene Arbeit.
- ich arbeite in einer Gruppe/in einem Team von Arbeitnehmern
- ich arbeite teilweise allein, teilweise in einer Gruppe von Arbeitnehmern

ii) Wie oft kommt es zu Versetzungen in dem Bereich, wo Sie arbeiten? (d.h. eine Lohnumgruppierung käme damit in Frage)
- oft
- manchmal
- nie

iii) Wie oft kommt es zu Umgruppierungen in dem Bereich, wo Sie arbeiten? (d.h. keine Lohnumgruppierung)
- oft
- manchmal
- nie

- oft
- manchmal
- nie
- nicht zutreffend - keine Band/Taktarbeit

v) Kommt es zu Arbeitnehmerproblemen in Ihrem Arbeitsbereich wegen der Verteilung der Arbeit?
- oft
- manchmal
- nie

vi) Wie oft kommt es vor, dass große technische Änderungen in den Bereich, wo Sie arbeiten, eingeführt werden?
- oft
- manchmal
- nie

vii) Kommt es zu Problemen für die Arbeitnehmer wegen dieser großen technischen Änderungen? (z.B. Versetzungen, Lohnabstufung usw)
- oft
- manchmal
- nie
- nicht zutreffend - keine großen Änderungen
viii) Wie oft kommt es vor, daß kleine, technische Änderungen eingeführt werden?
- oft
- manchmal
- nie

ix) Kommt es zu Problemen für die Arbeitnehmer wegen dieser kleinen, technischen Änderungen?
- oft
- manchmal
- nie
- nicht zutreffend – keine solchen Änderungen

x) Wie oft kommt es zu Störungen bei der Arbeit in Ihrem Arbeitsbereich wegen technischer oder organisatorischer Fehler?(z.B. kaputte Maschinen/Werkzeuge, Mangeln an der Materialversorgung usw)
- oft
- manchmal
- nie

xi) Wie oft kommt es zur Kritik/zu Problemen im Hinblick auf der Arbeitsqualität in Ihrem Arbeitsbereich?
- oft
- manchmal
- nie

xii) Kommt es zu Problemen unter den Arbeitnehmern in Ihrem Arbeitsbereich wegen der Organisation der Arbeit?(z.B. Wartezeiten, Schwierigkeiten bei der gemeinsamen Benützung von Werkzeugen usw)
- oft
- manchmal
- nie

1C) Fragen zur Arbeitszeit
i) Werden Überstunden in Ihrem Arbeitsbereich gearbeitet?
- Ja, oft
- Ja, manchmal
- Nein, nie

ii) Kommt es zu Fragen der Arbeitnehmer wegen Überstunden/Mehrarbeitszeit?
- oft
- manchmal
- nie
- nicht zutreffend – keine Überstunden/ Mehrarbeitszeit
iii) Wird in Ihrem Arbeitsbereich in Schicht gearbeitet?
- Ja, in 4 Schichten
- Ja, in 3 Schichten
- Ja, in 2 Schichten
- wir arbeiten Normal-
schicht

iv) Kommt es zu Problemen für die Arbeitnehmer in Ihrem Arbeitsbereich wegen der Schichtarbeit?
- Ja, oft
- Ja, manchmal
- Nein, nie
- nicht zutreffend-
keine Schichtarbeit

1D) Fragen zu den Arbeitsbedingungen
i) Welche der folgenden Bedingungen treffen auf Ihr Arbeitsbereich zu?
- Lärm
- Schmutz/Staub
- schlechte Luft
- schwere körperliche Arbeit
- schwere geistige Arbeit(z.B. große Verantwortung usw)
- große Unfallgefahren
- keine Bedingungen treffen zu

ii) Kommt es zu Problemen für die Arbeitnehmer wegen der obengenannten Arbeitsbedingungen?
- Ja, oft
- Ja, manchmal
- Nein, nie
- nicht zutreffend

E) Fragen zum Verlust des Arbeitsplatzes
i) Ist es in Ihrem Arbeitsbereich zu Entlassungen gekommen? (d.h. Entlassungen aus wirtschaftlichen Gründen von mehreren Arbeitnehmern zur gleichen Zeit)
- Ja
- Nein

ii) Ist es zu Kündigungen in Ihrem Arbeitsbereich gekommen? (d.h. Kündigungen vom Arbeitgeber ausgerufen wegen Verstöße gegen die Arbeitsordnung)
- Ja, oft
- Ja, manchmal
- Nein, nie

iii) Ist es zu Kündigungen gekommen, die von Arbeitnehmern ausgerufen worden sind?
- Ja, oft
- Ja, manchmal
- Nein, nie
iv) Ist es während der letzten 2 Jahren zur Kurzarbeit in Ihrem Arbeitsbereich gekommen?
- Ja, oft
- Ja, manchmal
- Nein, nie

F) Fragen zum sozialen Bereich

i) Kommt es in Ihrem Arbeitsbereich zu Problemen wegen der Verteilung der zeitlichen Verlegung des Urlaubs der Arbeitnehmer?
- Ja, oft
- Ja, manchmal
- Nein, nie

- Ja, oft
- Ja, manchmal
- Nein, nie

G) Fragen zum Arbeitsklima

i) Wie schätzen Sie das Arbeitsklima unter den Arbeitnehmern in Ihrem Arbeitsbereich?
- gut
- teilweise gut, teilweise schlecht
- weder gut noch schlecht
- schlecht

ii) Wie schätzen Sie das Arbeitsklima zwischen den Arbeitnehmern und ihren Vorgesetzten in Ihrem Arbeitsbereich?
- gut
- teilweise gut, teilweise schlecht
- weder gut noch schlecht
- schlecht

2. Gibt es irgendwelche Vereinbarungen über die Rolle und Aufgaben der Vertrauensleute? Bitte kreuzen Sie das Zutreffendste!

a) Richtlinien der IG-Metall
b) Ortsstatut der gewerkschaftlichen Verwaltungstelle
c) Vereinbarung zwischen Betriebsrat und Management
d) Vereinbarung zwischen Vertrauensleuten und Management
e) Es gibt keine Vereinbarung
3. Mit welchen Aufgaben verbringen Sie den größten Teil Ihrer Zeit als Vertrauensmann? Bitte numerieren Sie die Aufgaben von 1 bis 6, so daß die wichtigste Aufgabe an erster Stelle ist!

a) Die Schlichtung von Streitigkeiten zwischen Arbeitnehmern
b) Die Schlichtung von Streitigkeiten zwischen Arbeitnehmern und Vorgesetzten
c) Gewerkschaftliche Aufgaben wie Schriftenverteilung, Mitgliederwerbung, Einkassierung von Beiträgen
d) Vermittlung zwischen Arbeitnehmern und dem Betriebsrat (Informationsträger des Betriebsrats)
f) Die Betreuung der Arbeitnehmer hauptsächlich bei persönlichen Problemen.

4. Bestehen Schwierigkeiten in Ihrem Arbeitsbereich, die Ihre Tätigkeit als Vertrauensmann erschweren? Bitte numerieren Sie sie, so daß die größte Schwierigkeit an erster Stelle ist.

a) Arbeitsorganisatorische Schwierigkeiten wie z.B. Fließbandarbeit, die mich an meinen Arbeitsplatz binden
b) Schichtarbeit
c) Lärm
d) Betreuungsbereich zu groß
e) Betreuungsbereich zu zerstreut
f) Zeitmangel
g) Rivalitäten zwischen Arbeitnehmern/Arbeitnehmergruppen
h) Die mangelhafte Arbeit der Betriebsratsmitglieder
i) Das Verhalten der Vorarbeiter und Meister
j) Das Verhalten des Managements z.B. Abteilungs- und Unterabteilungsleiter, der Betriebsleitung
k) Der Mangel an Interesse der Mitgliedschaft
l) Das Entlohnungssystem
m) Der Arbeitsdruck
n) Ich besitze zu wenig Fachkenntnisse, um mit den Problemen der Arbeitnehmer fertig zu werden
o) Probleme mit der gewerkschaftlichen Organisation der Arbeitnehmer wie z.B. zu niedrige Organisationszahl; Arbeitnehmer, die in anderen Gewerkschaften organisiert sind.
p) zu großen Erwartungen der Mitgliedschaft
q) persönliche Gründe
r) keine Schwierigkeiten bestehen
5. Wenn Probleme in Ihrem Arbeitsbereich vorkommen, an wen wenden sich die Arbeitnehmer zuerst?
- an ihren Vertrauensmann
- an den Vorarbeiter
- an den Meister
- an ihr Betriebsratsmitglied
- an die Personalabteilung
- an das Management wie z.B. Unterabteilungs/Abteilungs-Leiter, Betriebsleitung.
- an den Betriebsratsvorsitzenden
- an die Vertrauenskörperleitung

6. Wieviele Zeit verbringen Sie täglich mit der Lösung Arbeitnehmerprobleme? (Im Durchschnitt)
- weniger als eine halbe Stunde
- eine halbe bis 1 Stunde
- 1 bis 2 Stunden
- 2 bis 3 Stunden
- 3 bis 4 Stunden
- über 4 Stunden am Tag

7. Wie werden Arbeitnehmerprobleme an Sie vermittelt? (häufigste Methoden)
a) - durch den Arbeitnehmer/die Arbeitnehmer, die das Problem hat/haben.
- durch den Vorarbeiter
- durch den Meister
- durch das Betriebsratsmitglied in meiner Abteilung.
- durch die Vertrauenskörperleitung
- durch andere Vertrauensleute
- durch andere Managementvertreter
- durch die Betriebsratsausschüsse

b) - an mich an meinem Arbeitsplatz
- in der Arbeitspause
- nach Schichtsende
- bei Vertrauensleutesitzungen/Vertrauenskörpersitzung
- bei Treffen mit Managementvertretern
- bei Sitzungen mit dem Betriebsrat zusammen
- bei Betriebs- oder Abteilungsversammlungen
8. Wie oft haben Sie Kontakte zu den folgenden Personen/ Ausschüssen bei der Lösung von Arbeitnehmerproblemen? Bitte geben Sie an, ob die Kontakte sehr oft, oft, manchmal, selten, sehr selten oder nie stattfinden.

a) Ihren Vorarbeitern
- sehr oft
- oft
- manchmal
- selten
- sehr selten
- nie

b) Ihren Meistern
- sehr oft
- oft
- manchmal
- selten
- sehr selten
- nie

c) Den nächst höheren Vorgesetzten
- sehr oft
- oft
- manchmal
- selten
- sehr selten
- nie

d) Dem Betriebsratsmitglied in Ihrem Arbeitsbereich
- sehr oft
- oft
- manchmal
- selten
- sehr selten
- nie

e) Den Vertrauensleuten in Ihrer Abteilung
- sehr oft
- oft
- manchmal
- selten
- sehr selten
- nie

f) Dem Vertrauenskörperleiter/der Vertrauenskörperleitung
- sehr oft
- oft
- manchmal
- selten
- sehr selten
- nie

9. Sind Sie mit dem Ausmaß Ihrer Entscheidungskompetenzen und Ihrer Rolle auf dem Gebiet der Lösung von Arbeitnehmerproblemen...
- sehr zufrieden?
- zufrieden?
- weder zufrieden noch unzufrieden?
- unzufrieden?
- sehr unsyfrieden?
10. Bitte geben Sie an, bei welchen der folgenden Fragenbereiche Sie eine Rolle bei der Lösung von vorkommen- 
den Arbeitnehmerproblemen in Ihrem Arbeitsbereich spielen.

a) Akkordfragen, z.B. Arbeitssollvorgabenfragen
b) Prämienberechnungen, z.B. Fragen der Leistungssystems- 
vorgabe usw

c) Lohngruppierungsfragen
d) Umgruppierungsfragen in Ihrem Arbeitsbereich
e) Einstufungsfragen
f) Fragen zur Arbeitsqualität

g) Verteilung der Arbeit - Arbeitnehmerprobleme dazu
h) Arbeitnehmerfragen zur Schichtarbeit
i) Arbeitnehmerfragen zu Überstunden/Mehrarbeitszeit
j) Beschwerden über Arbeitsbedingungen - z.B. Lärm, Schmutz
k) Fragen der zeitlichen Verlegung des Urlaubs der Arbeitnehmer

l) Beschwerden über die sozialen Einrichtungen, z.B. Waschräume, Pausenräume, Kantine

m) Persönliche Arbeitnehmerprobleme
n) Streitigkeiten zwischen Arbeitnehmern
o) Streitigkeiten zwischen Arbeitnehmern und Vorgesetzten
p) Disziplinarmaßnahmen, z.B. Verstöße gegen die Arbeitsordnung usw

11. Welche Formen haben die Lösungen von Arbeitnehmer- 
problemen, bei denen Sie eine Rolle spielen?
(häufigste Formen)

a) eine mündliche Erklärung einschl. Telefongespräch
b) eine schriftliche Erklärung
c) eine Absprache zwischen Ihnen und dem Meister
d) eine Absprache zwischen Ihnen und den Vorarbeitern
e) eine Absprache zwischen Ihnen und dem Arbeitnehmer/ 
den Arbeitnehmern
f) eine Absprache zwischen Ihnen und dem Betriebsrat 
den zuständigen Managementvertretern

12. An wen bringen Sie Arbeitnehmerprobleme, die nicht auf 
Ihrer Ebene lösbar sind?

- an die Betriebsleitung
- das Betriebsratsmitglied in meiner Abteilung
- an Betriebsratsmitglieder, die für andere Abteilungen 
zuständig sind
- an den Betriebsratsvorsitzenden oder seinen Stellvertreter
- an den Unterabteilungsleiter
- an den Abteilungsleiter
- an die Personalabteilung/den Personalleiter
- an die Vertrauenskörperleitung
- an die Betriebsratsausschüsse
13. Sind Sie über den weiteren Verlauf des Lösungsprozesses auf höheren Ebenen und über die Ergebnisse.....
- sehr gut informiert?
- ausreichend informiert?
- selten informiert?
- nie informiert?

14. Wie könnte eine konsequentere Vertretung von Arbeitnehmerinteressen in diesem Betrieb sichergestellt werden Ihrer Meinung nach?

a) Durch eine Erweiterung der Rechte des Betriebsrats in Betriebsverfassungsgesetz
b) Durch eine Erweiterung der Rolle der Vertrauensleute im Betrieb, z.B. bei der Lösung Arbeitnehmerprobleme.
c) Durch die verbesserte Ausbildung der Betriebsratsmitglieder
d) Durch die verbesserte Ausbildung der Vertrauensleute
e) Durch eine Erweiterung der Rechte der Arbeitnehmervertreter unter dem Mitbestimmungsgesetz/Montanmitbestimmungsgesetz
f) Durch eine größere Einbindung des Betriebsrats in die Gewerkschaftspolitik
g) Durch eine größere Einbindung des Vertrauenskörpers in die Gewerkschaftspolitik
h) Durch die Starkung der gewerkschaftlichen Organisation des Betriebs
i) Durch eine größere Bereitwilligkeit der Belegschaft, den Betriebsrat zu unterstützen
j) Durch eine größere Bereitwilligkeit der Belegschaft, ihre Vertrauensleute zu unterstützen
k) Durch eine kooperativere Einstellung des Managements den Arbeitnehmervertretern und Arbeitnehmerinteressen gegenüber
l) Durch eine kooperativere Einstellung des Betriebsrats und des Vertrauenskörpers dem Management gegenüber

15. Wie beschreiben Sie die Rollenaufteilung zwischen den Vertrauensleuten und den Betriebsräten im Hinblick auf die Lösung von Arbeitnehmerproblemen hier im Betrieb?

a) Die Vertrauensleute befassen sich mit kleinen Problemen, die Betriebsräte mit größeren Problemen
b) Der Betriebsrat ist der Interessenvertreter der Arbeitnehmer, die Vertrauensleute befassen sich mit gewerkschaftsorganisatorischen Aufgaben
c) Die Vertrauensleute sind frei, die Interessen der Belegschaft voll zu vertreten, da der Betriebsrat an Sozialpartnerschaft mit dem Management gebunden ist
d) Die Vertrauensleute sind die gewerkschaftlichen Vertreter der Arbeitnehmer, der Betriebsrat der gesetzliche Vertreter
e) Die Vertrauensleute sind eher Vermittler der Probleme der Arbeitnehmer an den Betriebsrat, der diese Probleme mit den Managementvertretern löst.

a) Leistungsverringerung
b) Dienst nach Vorschrift
c) Spontane Arbeitsniederlegung
d) Warnstreik während der Tarifrunde
e) Keine Zustimmung zur Mehrarbeit/Überstunden
f) Demonstration/Protestkundgebung
g) Außerordentliche Betriebs- oder Abteilungsversammlung
h) Produktionshemmende Gespräche
i) Alle Arbeitnehmer nahmen gleichzeitig das Beschwerderecht nach dem Betriebsverfassungsgesetz wahr
j) Betriebs-, Abteilungs-, Sektionsbesetzung
k) Keine der obengenannten Maßnahmen sind vorgekommen.

17. Aus welchen Gründen kam es zu dieser(n) Maßnahme(n)?

a) Betriebliche Lohnfragen
b) Tarifrunde
c) Arbeitsbedingungen
d) Entlassungen
e) Das Verhalten der Managementvertreter
f) Die Verzögerung des Managements bei der Lösung Arbeitnehmerprobleme/bei Verhandlungen mit dem Betriebsrat
g) Disziplinarmaßnahmen des Managements
h) Die Politik des Managements
i) Frage nicht zutreffend-keine Maßnahmen sind vorgekommen.

18. Wie hoch schätzen Sie die Solidarität der Arbeitnehmer in Ihrem Arbeitsbereich......

a) Bei der Unterstützung ihrer Kollegen, wenn sie Probleme in der Werkstatt haben?
   - sehr hoch
   - hoch
   - weder hoch noch niedrig
   - niedrig
   - sehr niedrig

b) Bei der Unterstützung von Aktionen, die von der Gewerkschaft oder von dem Vertrauensleute-körper ausgerufen werden?
   - sehr hoch
   - hoch
   - weder hoch noch niedrig
   - niedrig
   - sehr niedrig
19. Wie alt sind Sie?
- unter 18 Jahren
- 18 - 25
- 26 - 35
- 36 - 45
- 46 - 55
- 56 - 65

20. Sind Sie?
- männlich
- weiblich

21. Was ist Ihre gegenwärtige Tätigkeit?
- Auszubildender
- angelernter Arbeiter
- Facharbeiter
- ungelernter Arbeiter
- technischer Angestellter
- freigestellter Vertrauensmann
- Facharbeiter mit angelernter Tätigkeit
- Ingenieur

22. Wie lange sind Sie schon im Betrieb beschäftigt?
- 0 - 5 Jahre
- 6 - 10 Jahre
- 11 - 15 "
- 16 - 20 "
- 21 - 25 "
- mehr als 25 Jahre

23. Wie lange sind Sie schon Vertrauensmann?
- weniger als ein Jahr
- 1 - 5 Jahre
- 6 - 10 "
- 11 - 15 "
- 16 - 20 "
- 21 - 25 "
- mehr als 25 Jahre

24. Für wieviele Arbeitnehmer sind Sie der Vertrauensmann?
- 0 - 10
- 11 - 20
- 21 - 30
- 31 - 40
- 41 - 50
- 51 - 60
- 61 - 70
- mehr als 70 Arbeitnehmer
### Firm A

#### Influences (context)

<table>
<thead>
<tr>
<th>A) Those promoting management dominance and low conflict levels</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Economic situation - favourable therefore no redundancies, transfers, dequalification issues.</td>
</tr>
<tr>
<td>(ii) Technology of the electronics industry (small specialised sector) - favourable hence good working conditions, no shifts. Also a work organisation based on individual jobs.</td>
</tr>
<tr>
<td>(iii) Size of firm and owner-management therefore control over wages system and all aspects of personal policy.</td>
</tr>
<tr>
<td>(iv) Composition of workforce - high proportion of white-collar workers and low trade union organisation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B) Those promoting some resistance to management dominance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Trade union organisation in the production sector.</td>
</tr>
<tr>
<td>(ii) Trade union organisation of three works councillors from the production sector.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Conflict Issues</th>
<th>Resolution Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>no conflicts</td>
<td>-</td>
</tr>
<tr>
<td>no conflicts</td>
<td>-</td>
</tr>
<tr>
<td>no workforce claims</td>
<td>-</td>
</tr>
<tr>
<td>no collective claims, at most individual claims.</td>
<td>- individual blue-collar employee works council management for decision-making,</td>
</tr>
<tr>
<td>- management interpretation of the WCA 1972</td>
<td></td>
</tr>
<tr>
<td>- management decisions about works holidays</td>
<td></td>
</tr>
<tr>
<td>- wage groupings (on an individual basis only)</td>
<td>- individual white-collar employee departmental head management for decision-making.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A basis for some resistance to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- dismissals</td>
</tr>
<tr>
<td>- management interpretation of the WCA 1972</td>
</tr>
<tr>
<td>- management decisions about works holidays</td>
</tr>
<tr>
<td>- wage groupings (on an individual basis only)</td>
</tr>
</tbody>
</table>

- individual references to labour court |

- collective references to labour court by works council. |

- individual blue-collar employee works council management |

---

1 - Related to technology of the firm (ii) - specialised electronic equipment calls for a large number of laboratory staff, and to size of the firm (iii) - the small size leads to administrative employees constituting a large proportion of the total workforce.
### Firm B

**Key Influences (context)**

A) Those promoting management dominance and low conflict level

(i) Economic/market situation - as it has affected firm B thus far - favourable. No redundancies or short-time working, transfers limited though see B) below.

(ii) Technology - shift to microelectronics.
Product design to customer specification though some 'mass assembly' of bulk orders. Good working conditions, individual jobs. No shifts, limited overtime work and flexitime introduced.

(iii) Size - medium-size but still a 'family concern' with management having worked their way up through the ranks. Stress management's sole competence in regulation of financial, technical and personnel issues.

(iv) Workforce - high proportion of white-collar workers in administration and laboratories. Low trade union organisation even in blue-collar sector. Problems in setting up a works council and 2 of its 7 members are not in a trade union.

B) Those promoting some works council involvement and conflict areas

(i) Bonus system for blue-collar employees

(ii) Market situation - decline in orders and changes in management policy as a result.

(iii) WCA 1972 - provides for the agreement of the works council in certain workplace issues.

<table>
<thead>
<tr>
<th>Conflict Issues</th>
<th>Resolution Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>no conflicts</td>
<td>white-collar employee personnel department</td>
</tr>
<tr>
<td>no conflicts</td>
<td>or department head finance manager</td>
</tr>
<tr>
<td>management control</td>
<td>blue-collar employee foreman works</td>
</tr>
<tr>
<td>therefore no workforce claims</td>
<td>manager technical manager finance manager</td>
</tr>
<tr>
<td>no collective claims, at most, some individual attempts to increase wages levels.</td>
<td>- some opposition voiced by works councillors.</td>
</tr>
<tr>
<td></td>
<td>extension of works holidays. Some opposition expressed.</td>
</tr>
<tr>
<td></td>
<td>- i.e. bonuses, flexi-time, works holidays.</td>
</tr>
<tr>
<td>Key Influences (context)</td>
<td>Conflict Issues</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>A) Those promoting management dominance and low conflict level</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>(i) Economic/market pressures on individuals and groups of employees, i.e. job losses,</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>cuts in benefits, unemployment levels → individualism and sectionalism in the workforce.</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>(ii) Technology/organisational changes leading to job losses, individual jobs, high</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>level of transfers, work pressure and the desire of older workers to move into easier</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>jobs in the firm → individualism, lack of solidarity in the workforce.</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>(iii) Further, the centralisation of policy and production planning at multi-national</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>and national company level reduces works council scope in influencing management action.</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>(iv) Weakness of shopsteward organisation as a means of combating the desolidarisation of</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>the workforce due to technological, organisational reasons and a policy of management</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>trade union discrimination.</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>(v) Oppositional groups in the workforce promoting the interests of sections of</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>employees, e.g. skilled workers in the question of overtime and the support from the</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>Christian and Conservative Workers' groups and, allegedly, management too.</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>(vi) Composition of the workforce - low educational level, skilled workers in</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>assembly from craft areas like shoe-making, car mechanics, where individualism</td>
<td>- no issues arising</td>
</tr>
<tr>
<td>predominates and lack of trade union experience and conviction.</td>
<td>- no issues arising</td>
</tr>
</tbody>
</table>

continued overleaf
Key Influences (context)

B) Those promoting conflicts and works council resistance

(i) Economic/market - pressures to rationalise, cut personnel costs at company and firm level.

(ii) Technology/organisation - increasing mechanisation and work pressure with high level of transfers to ensure flexibility of workforce (Favourable personnel costs at firm C mean staff cuts have been achieved by indirect means). Mass assembly-line work and 3 shift system creates some problems with working conditions.

(iii) Company - multi-national company with centralised decision-making and global strategy of production in lowest wage cost countries.

(iv) Local management - personality and policies of opposition to the works council, especially from main department managers, and discrimination against trade union members. This has promoted works council references to 3rd parties for resolution as it obtains better results that way than in discussion with management.

(v) Stable trade union organisation and solid trade union support in the works council as a result of trade union activity among stewards in late 1960s.

(vi) WCA 1972 - potential for greater works council involvement and support for present works council strategies.

Conflict Issues

- company level - cuts in:
  - Christmas bonus
  - service payments
  - subsidies to apprentices
- firm level - pressure for:
  - 12 hour shifts
  - extensive overtime
  - no new hires
  - non-payment of breaks
- complaints about:
  - ventilation
  - noise
  - physical strain
- dismissals on behavioural and performance grounds
- wages problems involved in transfers
  - problem of lack of information to works council
  - new central computing system dispute
  - problems where local management decisions are overruled.
  - lack of information to works council
  - insensitivity to workforce demands on wages and working hours
  - conflict over evaluation of white-collar employees and McKinsey survey
  - conflict over working hours
  - conflict over bonus system
  - produced challenge to old policies vis-à-vis management

Resolution Procedures

- company level works council
- company management
- (West Germany) and reference to labour court
- works council appeals to labour court, conciliation boards, resulting workplace agreement.
- Overtime bans by council:
  - workplace stoppage and agreement
  - works council management
  - employee foreman works council management at works level.
  - works council management
  - job released councillors personnel department.
  - works council protests to management thus far
  - labour court
  - conciliation board reference, for example, on payment of overtime rate in a works agreement.
  - works council protests to management thus far
  - 1973 works stoppage
  - labour court and conciliation boards (2)
  - protests of works council to management
  - labour court, conciliation board, Factory
  - labour court, conciliation board. Inspectorate
  - works council appeal in
**Firm D**

**Key Influences (context)**

A) Those promoting management dominance and low conflict levels

(i) Economic and market pressure - creates an awareness of the instability of jobs and the business itself and supports management policy on overtime etc.

(ii) Technology - not especially problematic. No shifts, no mass assembly, no rationalisation of production.

(iii) Company organisation and size - simple management structure based on the dominance of 2 owner-managers. The small size of the firm and its dependence on individual customer orders reinforces the economic arguments of management. The simple wages system does not provoke many conflicts.

(iv) Workforce - relatively low level of trade union organisation and lack of motivation to become embroiled in conflicts with management. This, of course, weakens the position of the works council and shop stewards, whose expertise and facilities are limited anyway.

B) Those promoting some works council resistance and conflicts in the workplace

(i) Economic and market pressures promote a 'penny-pinching' attitude of management. A downturn in the economic cycle in the late 70s led to some redundancies, an upturn to increased overtime to meet orders.

(ii) Technology - produces some health risks. A possibility of some staff cuts in the future if NC machines are introduced.

**Conflict Issues**

- no issues

- no issues

- no issues

- no issues

**Resolution Procedures**

- conflict over old and dangerous machinery, e.g. the crane

- conflict over health risks

- 18 dismissals (1978)

- overtime in the face of a 'no new hirings' policy

- conflict over glue

- problems of noise levels

- resolved after involvement of factory inspectors and trade association officials.

- see below

- reference to labour court

- works council refuses some overtime and management reference to factory inspector.

- works council calls in an industrial doctor.

- as yet unresolved

continued overleaf
**Key Influences (context)**

(iii) **Management policy and personalities of 2 owner managers in opposing the WCA 1972.**

(iv) **Works council chairman policies and personality - including the active use of 3rd parties to ensure works council rights are recognised in the workplace and the definition of specific policy objectives. Also indication of influential personality of the head of the shopsteward body on the technical staff side, who was instrumental in the introduction of shopstewards into firm D in 1976.**

(v) **Works Constitution Act 1972 - provides the legal basis for the works council's policy of resistance to certain management decisions and for the existence of the works council as a workplace representative body in the first place. Seems to have provided the impetus for a new works council with a more aggressive policy vis a vis management in 1972.**

<table>
<thead>
<tr>
<th>Conflict Issues</th>
<th>Resolution Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>- e.g.s include no time off for works council duties, no facilities, refusal to meet the works council, lack of information to works council</td>
<td></td>
</tr>
<tr>
<td>- reduction in the number of wage groups in production</td>
<td></td>
</tr>
<tr>
<td>- reduction in wage groups and equitable wage grouping of individuals in white collar sector</td>
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<tr>
<td>- continuation of wages during visits to doctor/dentist</td>
<td></td>
</tr>
<tr>
<td>- fixing of workplace bonus to 60 German pennies per hour</td>
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<tr>
<td>- time off for shopsteward training</td>
<td></td>
</tr>
<tr>
<td>- ameliorated by involvement of trade union and employers' association officials on an informal basis</td>
<td></td>
</tr>
<tr>
<td>- unresolved and works council resorts to informal means to obtain necessary information</td>
<td></td>
</tr>
<tr>
<td>- meeting of works council - management</td>
<td></td>
</tr>
<tr>
<td>- works council - management meeting</td>
<td></td>
</tr>
<tr>
<td>- works agreement drawn up by works council - management</td>
<td></td>
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<td>- &quot; &quot;</td>
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<td>- &quot; &quot;</td>
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</tbody>
</table>
Firm E

Key Influences (context)

(A) Those promoting management dominance and low conflict levels

(i) Economic/market context - structural high unemployment in the region and negative experiences of firms drawn to the region by government subsidies. The company is faced with increasing market competition and has introduced large scale rationalisation measures in the 1970s, continuing in 1980s.

(ii) Technology - no mass assembly or very bad working conditions.

(iii) Company organisation - the centralisation of personnel policy at company level (no works agreements) and resistance to works councils. Firm E occupies a precarious position within the company.

(iv) Management at firm E - patriarchal policies vis-à-vis the workforce and open resistance to the works council and trade union at plant level.

(v) Workforce - large proportion of white-collar employees with low trade union organisation and lack of support for the works council. Production workers cowed by economic circumstances and discriminatory management policies against the trade union

(vi) Works council - inexperienced and relatively new works council exhibiting a low level of motivation in their role as workplace representatives for a number of reasons.

Conflict Issues

- no conflicts arising

Resolution Procedures

- no resolution procedure

continued overleaf
### Key Influences (context)

<table>
<thead>
<tr>
<th>(B)</th>
<th>Those promoting some works council involvement and conflicts in the workplace</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td><strong>Technology</strong> - the introduction of NC machines in the production sector and computerisation of the white-collar sector with resultant job losses.</td>
</tr>
<tr>
<td>(ii)</td>
<td><strong>Company organisation</strong> - production is customer specific and a lot of emphasis on design and development. Problems arise with production planning which is often ad hoc responses to pressures such as trade fairs and urgent customer orders.</td>
</tr>
<tr>
<td>(iii)</td>
<td><strong>Management policy</strong> - based on patriarchal attitude to the workforce and resistance to the works council together with a cost-cutting mentality in all areas.</td>
</tr>
<tr>
<td>(iv)</td>
<td><strong>Works council composition</strong> - all members of IGM and attend training courses, receive trade union information. Sees the need for an active works council, though as yet unable to develop and put into effect a policy to achieve this goal.</td>
</tr>
</tbody>
</table>

### Conflict Issues

| - lack of information to the works council about the introduction of the NC machines and their effects on personnel |
| - workforce does overtime one week and on short-time working a few weeks after |
| - management does not seek works council permission for overtime etc. |
| - management deliberately seeks to undermine the position of the works council in its interpretation of the WCA 1972 and its policy towards the workforce of heating breakdown case. |
| - penny-pinching attitude expressed in the refusal to pay wages for hours lost due to heating breakdown, which itself was the result of management refusal to replace the old worn out system. |

### Resolution Procedures

| - works council obtains its information by vigilance on the shopfloor and information from employees but this is always after the event. Discussing the possibility of reference to a conciliation board. |
| - works council is unhappy but feels unable to resist appeals for overtime to complete urgent orders. |
| - works council often only learns after the event. |
| - at present, works council feels helpless against management strategies - economic circumstances are against them. |
| - labour court reference which resulted in the rejection of the works council's case. |

continued overleaf
Firm F

Key Influences (context)

(A) Factors promoting a low conflict level
   (i) Economic/market context - favourable conditions with production secured until the late 1980s.
   (ii) Technology - favourable conditions due to craft-based production and normal shift working. Time-rate based wages systems creates no problems.

(B) Factors promoting workplace conflicts and works council involvement
   (i) Economic/market context - some redundancies and transfers due to need to restructure production towards the expanding export market.
   (ii) Technology - rationalisation and introduction of microtechnology in the white-collar sector. Some difficult working conditions in certain production sectors.
   (iii) Company organisation - the highly diversified operations of the company limit centralised regulation of issues at company level and favour an extensive role for the works council. The company board has acted to reduce the resistance of the worker director to the works council.
   (iv) Worker director - attitude and policy of opposition to the works council, although experience of 3rd party involvement is promoting greater recognition of the works council and internal resolution of issues.

Conflict Issues
- no conflicts
- " "
- redundancies
- transfer of employees
- risks of dequalification, wage and job losses, health risks
- strenuous physical work and safety risks
- some overtime problems

Examples of conflicts:
- economic information to be in writing
- travel expenses of works council
- delay over resolution of overtime grievance and bad behaviour of foreman

Resolution Procedures
- involvement of a conciliation board in the drawing up of a redundancy plan by works council - management
- transfers resolved by departmental works council - works council committees and management
- involvement of medical experts
- discussion works council - management on works agreements
- works agreement on allowances and safety equipment
- discussion works council - management after workplace strike
- company organisation favours a large number of works agreements and its policy has further promoted the role of the works council in the regulation of workplace issues.
- agreement after threatened reference to labour court
- labour court
- workplace strikes induced a speedy management response and internal settlement with works council.

continued overleaf
Key Influences (context)

(v) Workforce - skilled workforce with a high level of trade union organisation and motivation.

(vi) Shopsteward body - good organisation and support from the workforce to enable it to function effectively.

(vii) Works council - high level of trade union organisation and motivation to secure an influential role for the works council. High level of expertise in relations with management.

Conflict Issues

Resolution Procedures

- workforce and shopstewards support the works council's policies by strike action if necessary. This promotes internal settlement of issues.

- works council policy supports references to 3rd parties to secure works council rights in the WCA 1972.
Firm G

Key Influences (context)

(A) Factors promoting conflicts
(i) Economic/market context - a highly competitive, consumer-orientated market context requiring frequent changes in models and sensitivity to the general economic cycle as it affects consumer purchasing power. Frequent changes in technology outlined below.

(ii) Technology - problems of assembly-line system of production including the maintenance of the production flow. Major changes in the technological process which reduce staff levels, alter the organisation of work and increase work pressure due to the need to operate new belts at full capacity.

(iii) Workforce - a high craft component to the workforce with traditional concern to maintain differentials in the face of the leveling effect of the new wages system. A high level of trade union organisation and developed shop steward body provides a basis for some workplace action against management.

Conflict Issues
- threat of plant closure and mass redundancies
- short-time working
- reduction in staff levels and problems with overtime levels in stores and maintenance
- management attempts to cut bonuses and a hard stance in wage negotiations in an economic downturn in cycle
- price rises in product which threaten jobs
- working conditions: - noise, ventilation, heavy physical work, shifts.
- threat to wage levels, qualifications
- high level of transfers to maintain production flow
- work pressure
- breakup of the social organisation of work and reluctance to transfer to new belts
- lack of management information on the effects of new technology on jobs
- problem of differentials in maintenance section
- individual grievances
- strike action and workplace meetings

Resolution Procedures
- resolved via voluntary redundancies after intervention of government and trade union officials
- company agreements with restrictions on future job cuts and overtime levels
- stalemate at moment, works council bans overtime in certain instances
- workplace action to resist cuts and increase in number of warning strikes to aid trade union in negotiations
- workplace action to resist rises but no visible effect on management policy
- management attempts to improve conditions through problems of cost and need to work at full capacity
- new wages system negotiated by management and company works council
- new wages system reduces financial problems of transfers
- overtime bans to promote new hirings in some areas
- as yet unresolved

- establishment of a works council planning committee to produce the information
- resolved on individual basis by works councillors and works council committees although no general overturning of the new wages system

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<table>
<thead>
<tr>
<th>Key Influences</th>
<th>Conflict Issues</th>
<th>Resolution Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iv) Works council - ex-shopstewards with trade union commitment to represent workforce interests not act as a social partner to management.</td>
<td>- no conflicts</td>
<td></td>
</tr>
<tr>
<td>(B) Factors promoting cooperation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Economic/market context - firm G is one of the 2 large employers in an area of low job opportunity. This is thought to reduce the general conflict-readiness of the workforce.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) Organisation of the company - a large-size company with a centralised policy of decision-making on all key issues, which removes conflict issues from the level of the individual firms. It has developed a bureaucratic structure of conflict resolution at plant and company level with a large number of information channels which promote a cooperative relationship in the resolution of conflicts.</td>
<td>- &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td>(iii) Company policy - company favours cooperation with the works council to resolve conflicts arising and goes beyond the legal requirements of the law. This can be due to both:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) the historical background of the company with the intervention of government and trade union officials to promote peaceful resolution of conflicts e.g. in the threat of closures in the mid-1970s.</td>
<td>- &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td>b) the intrinsic conflictual nature of the technological processes of production and the ability of the workforce to impede the smooth flow of production if conflicts are not resolved.</td>
<td>- &quot; &quot;</td>
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</tbody>
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continued overleaf
<table>
<thead>
<tr>
<th>Key Influences (context)</th>
<th>Conflict Issues</th>
<th>Resolution Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iv) Workforce - drawn from the self-employed and craftworkers from small businesses who desired the job security and high wages firm G offered. The lack of alternative job opportunities and long commuting distances to work reduce the level of solidarity in conflicts against management. Problems of conflicts between the members of different unions, the salaried and time workers and the production and maintenance workforces.</td>
<td>- no conflicts</td>
<td></td>
</tr>
<tr>
<td>(v) WCA 1972 - the basis of a cooperative policy management - works council</td>
<td>- &quot;</td>
<td></td>
</tr>
</tbody>
</table>
Firm H

Key Influences (context)

(A) Those promoting low conflict levels and informal resolution

(i) Market/economic context - stable levels of production for other plants in the concern and little affected by EEC quotas on steel production. Labour market is based on monostructure of the region and there is a lack of alternative job opportunities outside the steel industry.

(ii) Technology - new rolling mill will create new jobs whilst new coking plant will not lead to job losses. 4 shift system is viewed by the workforce as uncontroversial - intrinsic to their work.

(iii) Company organisation - the person of the worker director at company and concern levels is a crucial source of informal conflict resolution.

(iv) Works council - has formed a bureaucracy for conflict resolution in the shape of committees as well as informal channels via the personnel manager and worker directors.

(v) Historical factors - the steel industry's support for Hitler and its subsequent break-up and transfer to British control forms the background to present day legislation on the involvement of the workforce in the running of the company.

(vi) The Montan Codetermination Law and WCA provide opportunities for informal resolution and the involvement of workforce representatives.

Conflict Issues
- no conflicts

Resolution Procedures
- no conflicts

continued overleaf
Key Influences (context)

(B) Those promoting conflict areas and third party involvement

(i) Market/economic context - reduction in the market for steel pipes during 1982 with effects on steel production for the pipe manufacturing plants.

(ii) Technology - changes in the technological process have changed work organisation towards individual jobs, reduced physical exertion and bad working conditions and shut down specific departments. Computerisation in the white-collar sector poses future threats to jobs and wage levels.

(iii) Company organisation - reorganisation threatens the status of the concern under the Montan Act 1951 and is reducing the scope of settlement at workplace level. Management representatives at concern and department levels oppose the trade union and promote an atmosphere of class warfare.

(iv) Workforce - high level of trade union organisation with dominant position of IG M in the concern. High solidarity in certain departments which provides the basis for workplace action against management and the employers' association.

Conflict Issues

- short-time working for 1/3 of the workforce 1982
- in 1977 - a 2 month period of short-time working due to a drop in production
- wage losses due to decline in physical exertion and improved working conditions
- transfers to lower paid jobs
- problems of organising breaktimes
- employees tied to their jobs
- question of whether the concern falls under Montan codetermination
- management disregards the legal rights of the works council and stiff opposition to demands at concern level and during collective bargaining round
- opposition to low wage settlements
- claims for extra breaks during heat wave and a 35 hour working week

Resolution Procedures

- agreement of works council and management on the conditions of short-time working
- resolved by reference to a conciliation board
- works agreement on wages and job guarantees
- " " plus the introduction of a new grade of 'steelworker'
- agreement on no breaks
- introduction of replacement workers (Springer)
- referred to labour court which has decided a 3 year moratorium on any changes to its Montan status
- appeal by the works council to personnel management to call managers into line
- workplace action during negotiation rounds (see below (iv))
- internal settlement based on additional wage increases and breaks
- no resolution of claim for 35 hour week as employers determined not to permit its introduction

2 Those where the workforce is predominately German, works in groups and has a long service record. These departments have a militant outlook.
<table>
<thead>
<tr>
<th>Key Influences (context)</th>
<th>Conflict Issues</th>
<th>Resolution Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>(v) Works council - shopstewards - a power struggle in the early 1970s based on ideological differences led to conflicts and involvement of third parties. Cooperation is greater now the key personalities have retired or stepped down from office.</td>
<td>- workplace action and reference of issues, such as health and safety, to conciliation boards</td>
<td>- pragmatic resolution process resumed when key personalities left or assumed new offices</td>
</tr>
</tbody>
</table>
Firm I

Key Influences (context)

(A) Those promoting conflict at workplace level
   (i) Economic/market pressures to rationalise production and improve the level and quality of productivity.
   (ii) Technology - problems of a steel processing plant in terms of shift work and bad working conditions. Technological changes, such as the shift from hot to cold rolling mills, leading to job losses, a high level of transfers and dismissals, particularly of those unsuited to the operation of the new, highly complex, machinery.

(B) Those promoting internal resolution
   (i) Company organisation - falls under 1976 codetermination legislation with special agreement on a joint committee and worker director at workplace level in firm I, said to promote a greater extent of workplace level resolution than previously. Both the worker director and personnel manager in firm I seek the cooperation of the works council chairman in the running of the firm.
   (ii) Workforce - high level of foreign and unskilled employees leads to a low level of support for the shopstewards and works council in practice. This helps to promote a system of resolution based on the expert knowledge and experience of the works council chairman.
   (iii) Works council - focus on the person of the works council chairman and his deputy with limited role for non-job released works councillors.
   (iv) WCA 1972 - seen as the basis for cooperation and discussion between management and the works council and helps to prevent conflicts arising.

<table>
<thead>
<tr>
<th>Conflict Issues</th>
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</tr>
</thead>
<tbody>
<tr>
<td>- working conditions</td>
<td>- seen as unresolvable due to cost factors, although the level of physical exertion is said to have been reduced by technological changes</td>
</tr>
<tr>
<td>- shiftwork, noise levels,</td>
<td>- social plan agreed internally and voluntary redundancies</td>
</tr>
<tr>
<td>- ventilation, safety,</td>
<td>- works committees - personnel department</td>
</tr>
<tr>
<td>- physical exertion</td>
<td>- executive committee - personnel department</td>
</tr>
<tr>
<td>- redundancies (1,900 in 1978)</td>
<td>- agreement works council chairman - management</td>
</tr>
<tr>
<td>- transfers with ensuing wage</td>
<td>- problems with holidays among foreign workers</td>
</tr>
<tr>
<td>problems</td>
<td>- works council committees - personnel department</td>
</tr>
<tr>
<td>- dismissals</td>
<td></td>
</tr>
<tr>
<td>- short-time working</td>
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</tbody>
</table>

Firm I
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