

Trade unions and institutionalised workers' participation: The German experience

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1 INTRODUCTION

1.1 The problem

The introduction of workplace forums by the LRA in South Africa was meant 'to facilitate a shift, at the workplace, from adversarial collective bargaining to joint problem-solving and participation on certain matters'.¹ This attempt met with strong resistance from the trade unions, which feared unwanted competition and a significant weakening of the trade union movement. Therefore, the original draft had to be changed in order to gain acceptability. The initiation and control of the workplace forums were put into the hands of representative trade unions (ie, trade unions representing a majority of employees at the workplace)² and collective bargaining became the instrument to extend the powers of the workplace forums.³

This, however, failed to destroy the fears of the trade unions which Du Toit, Godfrey and Jordan once labelled 'fear of the unknown'.⁴ This fear not only explains the very modest success of workplace forums thus far;⁵ it also explains why proposed amendments were not passed in 2002 according to which (a) a registered trade union could have applied to establish a workplace forum in a workplace in which the majority of employees were not trade union members, provided the application was supported by a majority of employees in the workplace; (b) the majority of employees in a workplace in which there was no registered trade union

1 See Explanatory Memorandum to the Draft Negotiating Document in the Form of a Labour Relations Bill (GN 97 in *Government Gazette* No 16259 dated 10 February 1995 at 135-138.

2 S 78, Labour Relations Act 66 of 1995 ('LRA').

3 For this development see Weiss M *Innovation durch Gesetz? - Das neue Arbeitsrecht in Suedafrika*, in HD Assmann et alii ed *Wirtschafts- und Medienrecht in der Demokratie*, Heidelberg (1997), 59 *et seq*.

4 Du Toit D, Godfrey S and Jordaan B 'Workplace forums in comparative perspective' 2000, unpublished research report for the South Africa Netherlands Project on Alternatives in Development (SANPAD).

5 See for example Barchiesi F 'Trade unions and organisational restructuring in the South African automobile industry: A critique of the co-determination thesis' *African sociological review* (1998) 2.2, where the author not only describes but supports this bias.

could have applied to establish a workplace forum; and (c) it would have become possible to establish workplace forums in workplaces with fewer than 100 employees.⁶

One of the most important findings of a recent study by the Sociology of Work Unit (SWOP) at the University of the Witwatersrand is the fact that 'unions continue to regard workplace forums with considerable suspicion, fearful that they will undermine the role of the union'.⁷ At the same time empirical studies show that employers' resistance to workplace forums results, among other reasons, from the belief that 'workplace forums will meet unions' interests but that employer interests will not be met'.⁸ This indicates that perception and reality somehow may be confused: otherwise the contradiction between the fears on both sides cannot be explained.

Since evidently there are not yet enough pilot projects which might transform the irrationality of the trade unions' fears into a more rational discourse, the question arises what input can be found after ten years to finally stimulate the implementation of workplace forums to a significant extent. Felicity Steadman in her brilliant essay, referred to above, suggests that 'further inquiry into international benchmarks is of little practical value'.⁹ In spite of the fact that I am highly impressed by her analysis, on this point I strongly disagree. The study of foreign experience is always extremely helpful to question ideological positions. Of course such research should not be seen as providing answers which simply might be transferred from one country to another. However, it is useful if it is understood as an indication that things elsewhere in the world might work differently than assumed, thereby providing food for thought on how experiences undergone in one country might be of some relevance to others.¹⁰

It is in this spirit that I would like to refer to the experiences of trade unions with the system of institutionalised workers' participation in Germany. In order to present a fair assessment of this relationship it is necessary to start far back in history: in the nineteenth century, where the origins of the present system are to be found.

1.2 The trade unions' early perceptions of institutionalised worker participation

The most important and by far the strongest trade union movement in Germany in the nineteenth century was the socialist trade union movement (or 'free trade unions', as they also were called).¹¹ At least officially

6 On these proposals see Steadman F 'Workplace forums in South Africa: A critical analysis' (2004) 25 *Industrial Law Journal* 1170 at 1174.

7 *Ibid* at 1183.

8 *Ibid* at 1191.

9 *Ibid* at 1182.

10 For the merits of such an approach see Weiss M 'The future of comparative labor law as an academic discipline and as a practical tool' *Comparative Labor Law & Policy Journal* (2003) 25 at 169 *et seq* (178 *et seq*).

11 For details see Grebing H *Geschichte der deutschen Arbeiterbewegung* (1970) 61 *et seq*.

they were focusing not on reforms but on the destruction of the capitalist system. In this ideological framework their proclaimed goal was to replace capitalism by socialism.¹² On the rhetorical level reforms were considered to be a stabilising factor of the capitalist system. Therefore, the socialist trade union movement was trying to prepare for radical change by way of revolution. The main task in this context consisted of the creation of class consciousness among the workers. This explains why the socialist trade unions were not interested at all in structures which might lead to mere 'company egoism', thereby destroying the solidarity of the workers as a class with a common interest. And it also explains why these trade unions, in 1878, were prohibited by law.¹³ This law, however, turned out to be ineffective.¹⁴ The socialist trade union movement developed under-cover activities in order to survive, which led, in the end, to a significant strengthening of the movement and the abolition of this statute in 1890.

However, even if collective agreements from the perspective of the socialist trade unions were considered to be pacts with the class enemy, providing unwanted legitimacy for the capitalist system, the unions turned out to be much more pragmatic in practice and already in the early 1870s - of course to a marginal extent - started concluding collective agreements.¹⁵

It is important to know that bodies of workers' representation were not a creation of trade unions. The first steps in this direction were taken in the context of the political events of 1848, in the so-called 'Parliament of the Paul's Church' of that year.¹⁶ The members of this Parliament, however, were neither trade unionists nor workers but came from a bourgeois milieu, the majority of them being scholars. For reasons of promoting democracy in the workplace and for humanitarian reasons a draft document on bodies of workers' participation was elaborated by a subcommittee of the Parliament. Since, however, the Parliament as such had only a brief existence, this draft had no further effect whatsoever.

Bodies of workers' participation were first introduced on a voluntary basis by employers in some big companies since the early 1870s. This development was mainly based on four reasons¹⁷:

First, rules on workers' behaviour in the workplace were playing an ever-increasing role, and employees' resistance against sanctions for violation of such rules steadily was growing. Therefore, from an employer's perspective, the idea to increase legitimacy by transferring the

12 *Ibid* at 100 *et seq.*

13 Gesetz gegen die gemeingefährlichen Bestrebungen der Sozialdemokratie, *Reichsgesetzblatt* (1878) 21 at 351 *et seq.*

14 See Grebing H (n 10 above) 75.

15 See Seifert A *Umfang und Grenzen der Zulässigkeit von tarifabweichenden Betriebsvereinbarungen* (2000) at 62.

16 For a detailed assessment of this development see Reichold H 'Betriebsverfassung als Sozialprivatrecht' (1995) at 40 *et seq.*

17 See for this development Freese H *Die konstitutionelle Fabrik* 4 ed (1922); Schippel M *Arbeiterausschüsse Neue Zeit* (1890/91) at 129 *et seq.*, reprinted in Blanke T *et al ed Kollektives Arbeitsrecht- Quellentexte zur Geschichte des Arbeitsrechts in Deutschland 1840 - 1933*, 1 ed (1975) at 86 *et seq.*; Reichold H (n 15 above) at 98 *et seq.*

establishment and the sanctioning of these rules partly to the employees themselves seemed to offer a means of eliminating such conflicts.¹⁸

Secondly, in the period before the introduction of the Bismarck social security system¹⁹ company schemes of social assistance in cases of sickness, retirement etcetera, played an important role. However, these schemes implied significant administrative efforts which, from the employers' perspective, were burdensome but not profitable at all. Therefore it seemed a clever strategy to shift this burden to the employees themselves, transferring the administrative responsibility without changing the power structure in the company.

Thirdly, the members of these representative bodies were not elected by the workforce but appointed by the employer. This meant, for them, a sort of promotion and tended to produce an attitude of gratefulness to the employer for having chosen them. Therefore, they could easily be used by the employer as instruments of communication, letting the employer know whether there were dangers of unrest within the workforce or whether individual workers were linked to the socialist trade unions, thereby enabling the employer to counteract such activities in an early stage.²⁰

The fourth reason for establishing such bodies was based on the idea that it promoted the integration of the employees into the company, creating among them a spirit of identification with the company and thereby keeping them away from the socialist trade unions.

Against this background it was no surprise at all that there was strong opposition from the socialist trade unions (as well as the Social-Democratic Party)²¹ when in 1891, with the support of a majority of the conservative parties, statutory rules were passed making it possible to introduce representative bodies for workers in establishments of at least twenty employees.²² This opposition was not weakened by the fact that there was a significant difference between these bodies and those introduced voluntarily by big companies since the 1870s: the representative bodies no longer were appointed by the employer but elected by the workforce of the establishment, and it was the workforce who decided whether such bodies should be elected or not.

The socialist trade unions' fundamental opposition to patterns of institutionalised workers' participation, however, was relinquished in the course of the so-called 'strategy debate' which characterised the period around

18 This legitimacy aspect is brilliantly demonstrated in the foreword by Freese H (n 16 above).

19 In 1889 Germany became the first country in the world to establish a social insurance system, including retirement and disability benefits. Driven by Chancellor Otto von Bismarck, the purpose was to enhance the efficiency of the economy and stave off calls for more radical reform - *Editor*.

20 Schippel M (n 16 above) at 88, offers interesting examples in this respect.

21 This opposition was brilliantly articulated by August Bebel in his speech in the *Reichstag* of 15 April 1891, 'Protokolle des Reichstags' at 100. Sitzung, 23 *et seq.*, reprinted in Blanke T *et al* (n 16 above) at 91 *et seq.*

22 For details of this law and its factual impact see Reichold H (n 15 above) at 125 *et seq.*

the turn of the nineteenth to the twentieth century.²³ In this debate the maintenance of the existing revolutionary strategy was questioned as more effective alternative reformist strategies were suggested, not calling into question the capitalist system as such but trying to give this system a more human face by legally restricting the employers' powers and by introducing employees' involvement in management's decision-making. Participation became one of the catchwords in this strategy as suggested by the reformists. After prolonged and very controversial debate, this strategy came to replace the former revolutionary philosophy of the socialist trade union movement. This shift, of course, made it difficult to maintain a fundamentalist opposition against patterns of institutionalised workers' participation.

Another impact of the abandonment of revolutionary ideas was the recognition of trade unions (including the socialist ones) as legitimate representatives of the workforce by the employers' associations in a formal agreement signed in 1918.²⁴ In terms of this agreement collective bargaining was agreed upon as being the predominant instrument of determining working conditions.²⁵ Thus, from the trade unions' perspective, the task was no longer to prevent patterns of institutionalised workers' participation but to work for a fruitful co-existence of the two systems of representing employees' interests. Or, putting it differently: it was necessary to turn the works councils into an extended arm of the trade unions at the workplace.

This attempt is reflected in the first comprehensive statute of 1920 establishing bodies of employees' representation, known as works councils, in all workplaces of at least twenty employees.²⁶ The trade unions succeeded in inserting a section which guaranteed that their activities – in particular, collective bargaining – were not affected at all.²⁷ This shows a certain tension between the basic acceptance of a system of institutionalised workers' participation on the one hand and the still-continuing mistrust of it on the other.²⁸ The trade unions' attitude was comparable to that of the South African trade unions when workplace forums were introduced. In spite of the change of spirit provoked by the strategy debate, trade unions in the beginning were still rather reluctant to co-operate with these newly established bodies.

23 For this debate see Grebing II (n 10 above) at 118 *et seq.*

24 Zentralarbeitsgemeinschaftsvereinbarung zwischen Arbeitgeber- und Arbeitnehmerverbänden (1918) vom 15 *Deutscher Reichsanzeiger* at 273.

25 S 6 of this agreement states: 'Working conditions for all workers are to be regulated by collective agreements according to the circumstances within the different branches . . .' (translation by MW).

26 Betriebsrätegesetz of 4 february 1920 *Reichsgesetzblatt* at 147 *et seq.*; the genesis of this statute is well described in Hemmer 110 'Betriebsrätegesetz und Betriebsrätepraxis in der Weimarer Republik' in: U Borsdorf *et al* ed *Gewerkschaftliche Politik: Reform aus Solidarität* (1977) at 24) *et seq.* (246 *et seq.*)

27 Section 8 of this statute reads as follows: 'The competence of employees' associations to represent the interests of their members is not to be affected by the provisions of this statute . . .' (translation by MW).

28 For the complexity of the trade unions' fears see Brigl-Matthias K *Das Betriebsräteproblem in der Weimarer Republik*. Berlin/Leipzig (1926) reprinted in Crusius R *et al* ed *Die Betriebsräte in der Weimarer Republik* vol 2 (1978) at 22 *et seq.*

2 THE DEVELOPMENT OF CO-OPERATION

However, in spite of all their initial reservations, the trade unions quickly learned how to use the works councils for their own purposes. Once such systems are in place the actors have to cope with them and to find out how to make the best use of them. This, perhaps, is the most important lesson to be learned from the German experience. In their day-to-day activities it turned out that works councils could be used very efficiently as a sort of police force for monitoring the implementation of collective agreements. This was extremely important in a situation where other mechanisms were not yet developed sufficiently to guarantee such implementation.

Works council members also felt the need for training to be adequately equipped for their tasks. This training was provided by the trade unions, which quickly discovered that this was an excellent tool for integrating the works councils into the trade union movement.²⁹ As will be shown later, training provided by trade unions has been the decisive instrument up to the present for integrating the works council system into the overall trade union strategy.

In addition, to promote such co-operation, the trade unions more and more understood the importance of ensuring that the members of the works councils should be trade union members. Therefore they fought for a statutory amendment, passed in 1928, which allowed trade unions to present lists of candidates for the works councils' elections.³⁰ This was the beginning of a development which has been crucial to the relationship between trade unions and works councils. To a greater and greater extent, members of works councils have been members (and sometimes leading officials) of trade unions. Today the percentage ranges up to almost 90 per cent. The significance of this personal identity cannot be overestimated. It certainly is more important than any rule which tries to institutionally combine trade unions' and works councils' activities.

The trade unions, in addition, quickly learned something else. Works council members, being constantly exposed to problems needing to be solved, acquired technical skills and developed a sort of professionalism which could be put to good use within the trade union movement. To be a professionally skilled works council member meant, at the same time, being important to the trade union movement and able to make a career therein. This also has remained a characteristic feature to this day.

Following the destruction of the democratic system by the Nazi regime between 1933 and 1945, the works council system was re-established after the Second World War. As before, it remained institutionally separate from the trade unions; it was and still is exclusively up to the workers in a workplace whether they want a works council, no matter whether they are unionised or not. The co-operation between trade unions and

²⁹ See for a detailed analysis of this strategy Brigi-Matthias K (n 28 above) at 59 *et seq.*

³⁰ According to the statistics at the elections in 1930, 94.1% of the works council members were also trade union members: see Popp L 'Das Betriebsraetewesen in der Praxis' in: Crusius R *et al*, *op cit*, vol 1 232 *et seq* (234).

works councils, however, not only continued but was strengthened. The Statute on Works Councils (first passed in 1952,³¹ replaced by the Statute of 1972³² and amended several times since then, most recently in 2001³³), establishing works councils in all establishments with at least five employees, now promotes this co-operation by providing a whole set of instruments giving the trade unions formal powers to influence the works council system.³⁴ First, the trade unions are able to initiate the election of a works council by calling a workforce meeting to decide this question by majority vote. Secondly, the trade unions have the power to monitor the functioning of the system by having access to the labour court if the works council's election is not conducted according to the rules. Elections can in that event be nullified, members of the works council expelled and works councils dissolved. Thirdly and more importantly, however, the trade unions have possibilities of providing support to works councils. To give just a few examples: external trade union officials have a right of access to the establishment's premises – whether the employer likes it or not – in order to assist the works council in performing its tasks; the works council as well as its subcommittees are entitled to request the presence and assistance of an external trade union official; external trade unions have a right to be present in workplace meetings, etcetera. Similarly, expert knowledge to which the works council is entitled under certain conditions is quite often provided by experts coming from the trade union system.

Fourthly, as was already the case in the period between 1920 and 1933, there is an educational link which is most important in this context. According to the Statute on Works Councils the works council members are entitled to training courses in which they are supposed to learn what they need to know in order to perform their tasks. To begin with, there was a big discussion on the scope of subjects to be taught in such courses.³⁵ The controversy was finally resolved by the Federal Labour Court,³⁶ which ruled that all legal, economic and general topics which might be relevant for the performance of works council members' duties can be included. As a result, works council members receive a broad education empowering them to be efficient actors. Almost all these courses are offered by the trade unions at special schools where they train their own officials and also offer the courses for works councils. Impressive curricula have been developed, using the most modern pedagogic tools. Through this medium the trade unions dispose over an excellent instrument to inform works council members on how to perform their duties in a way that is in line with trade union strategy and to communicate with them on issues of common interest.

31 Betriebsverfassungsgesetz 11 october 1952 *Bundesgesetzblatt* 1952 I, 681 *et seq.*

32 Betriebsverfassungsgesetz 15 january 1972 *Bundesgesetzblatt* 1972 I, 13 *et seq.*

33 25 september 2001 *Bundesgesetzblatt* 2001 I, 2518 *et seq.*

34 For a comprehensive overview of these rights and their factual implications see Daebler W *Gewerkschaftsrechte im Betrieb* 9 ed (1998).

35 For problems arising in this context see Daebler W *Schulung und Fortbildung von Betriebsratsmitgliedern und Jugendvertretern nach § 37 BetrVG* 3 ed (1978).

36 See the judgement of the Federal Labour Court of 11 december 1973, EzA Nr. 19 zu § 37 Betriebsverfassungsgesetz 1972.

3 THE RELATIONSHIP BETWEEN TRADE UNIONS AND WORKS COUNCILS TODAY

The changes in the institutional framework and the pragmatic attempt to optimise the co-existence of trade unions and works councils have led to significant features which nowadays characterise the relationship between the two actors. Most important are the following:

First, there is a very important division of labour. Trade unions put their energies into sectoral collective bargaining, thereby setting minimum standards for a whole sector or at least a region of it, and leaving the day-to-day arrangements in the company to the works councils. To give just one practical example: the trade unions succeeded by means of collective bargaining in reducing the weekly working time in order to distribute the available work to more persons. Then, of course, it became necessary to ensure that this goal was not counteracted by too much overtime work. Works councils are in a position to monitor this in each establishment. Since they have a right of co-determination in this respect, which means in essence that the employer cannot do anything without their consent, works councils can prevent excessive over-time work. The trade unions, on the other hand, would have been much weakened if they had to put their energies into activities such as these at a micro level.

Secondly, collective agreements provide a framework to be filled in by works councils and individual employers. Sectoral bargaining remains important to promote a macro perspective in the determination of minimum standards in the different branches of economic activity. However, due to the ever-growing differences among individual enterprises, rigid rules in collective agreements have turned out to be increasingly inappropriate. As a result, collective agreements have become more flexible, providing through so-called 'opening clauses' significant lee-way for works councils and individual employers to regulate the implementation thereof by means of works agreements.³⁷ To give another example: collective agreements determine the average working time to be reached in a sector within a certain period. This means that, in practice, it is up to works councils and employers to decide by way of work agreements how the working time in each workplace will be distributed within such period. It has to be admitted that this efficient interrelationship between collective agreements and works agreements is a rather recent phenomenon which can be seen as the result of a prolonged learning process. However, it serves to promote the development of structural patterns within a sector as a whole as well as the necessary flexibility at workplace level.

Thirdly, it has turned out that difficult restructuring processes can only be carried out successfully on the basis of close co-operation between trade unions and works councils. This seems to be the only way to get enough legitimacy – not only among trade union members but among the workforce as a whole – for concessions to be made in order to safeguard

37 On this interrelation see Weiss M and Schmidt M *Labour law and industrial relations in Germany* 3 ed (2000) at 206 *et seq.*

the future of existing jobs. Recent examples in prestigious companies such as Daimler-Chrysler, Volkswagen, Opel and Siemens teach very impressive lessons in this respect.

Fourthly, in companies where works councils are established, trade unions are significantly better represented than in companies without works councils. According to the law it is irrelevant for the election and the functioning of a works council whether a trade union is represented in the establishment. This, however, is pure theory and has no bearing on reality. The trade union, as an informal supporter of the works council system, offers employees the necessary information on the advantages of having a works council and thereby stimulates the election of such a body. The fact that trade unions are more or less absent in small and medium-sized companies, therefore, explains why, in spite of the law (which requires works councils in establishments of at least five employees), no works councils are elected in many small and medium-sized establishments above this threshold.³⁸

Fifthly, works councils in practice have turned out to be very efficient in recruiting members for the trade unions by using all kinds of informal strategies. Without the works councils the membership problem for the German trade unions would have been much bigger than it actually is. The trade unions themselves today consider works councils to be a decisive pillar of their strength.³⁹ In the employees' perception the works council represents the trade union in the workplace: they do not draw the sophisticated distinction which the law suggests by insisting on an institutional separation. The mere existence of a works council tends to create a climate in the establishment which makes the employees more inclined to abide to collective structures, thereby paving the way for actual trade union membership.

The sixth and, perhaps, most important feature in this context is the works councils' innovative input into the trade union system. Works councils are confronted with ever-changing day-to-day problems and are thereby

38 According to a study on which the legislature based its reasoning for the amendments of 2001, works councils were elected in only 4% of establishments with between 5 and 20 employees and in only 28% of establishments with between 21 and 100 employees: *Bundestags-Drucksache 14/5741 et seq.* Due to the fact that the amendment facilitated the election procedure in small and medium-sized companies the situation seems to have improved slightly. The figures of the latest works council election show that works councils were formed in 7% of establishments with between 5 and 49 employees and 56% of establishments with between 50 and 249 employees: Ahlers F/Ziegler *A Job-Motor Kleinbetrieb - ein Trugschluss Eine betriebsbezogene Auswertung der WSI-Betriebsraetebefragung*, WSI Mitteilungen (2004) at 41 et seq (43). However, since the reference samples are not identical, it is difficult to say whether there is really an improvement.

39 What Georg Flatow wrote in 1931 is even more true today: 'Only where strong trade unions exist a strong works council structure evolved of which the trade unions significantly benefit': Flatow G 'Betriebsraete' in *Internationales handbuch des Gewerkschaftswesens Heyde L ed vol 1 (1931) at 227 et seq (231) (translation by MW)*. For a good assessment of today's co-existence of the two pillars see Daeubler W 'Einleitung' in Daeubler W/Kittner M ed BetrVG 9 ed (2004) Rdnr. 54.

forced to develop strategies even if the relevant trade union bodies have not yet agreed on a common approach. The spectrum of such problems ranges from questions posed by new technology or new work organisation to questions presented by the ever-increasing segmentation and fragmentation of the workforce within establishments. Due to the pressure from works councils, quite a few trade union congresses on the renewal of trade union strategies and trade union organisation have taken place. The input by the works councils in the debates of these congresses can hardly be overestimated. Seen from this perspective, the works councils are a very important stimulus to make sure that the trade unions stay up to date and able to cope with new challenges.⁴⁰

These few examples may be sufficient to demonstrate that the original mistrust between trade unions and works councils has turned into an almost symbiotic co-operation, thereby strengthening both pillars of the system of employees' representation. For the trade unions works council have in some ways become a guarantee of their survival as relevant actors.

4 CONCLUSION

As shown above, it took rather a long time in Germany until the relationship between trade unions and works councils became a sort of 'love story'. Initially the structures seemed incompatible. This, however, is the important message: trade unions in a pragmatic way learned how to cope with the challenge and thereby to optimise the functioning of the system of workers' representation as a whole. This, of course, was only made possible by the jointly accepted understanding that collective bargaining and workers participation fulfil different functions, that the one cannot simply be substituted for the other, and that each has merits of its own.

Whether and how far this message is of any relevance in the South African context is difficult to say. It is self-evident that conditions in South Africa and in Germany are very different and that these differences imply different institutional arrangements, which in South Africa will need to be developed in the context of the overall situation within the country. This, however, is not the issue here. The question remains whether it might not be worthwhile to at least open the door to gaining some experience of the co-existence between trade unions and workplace-based representative bodies. The history of industrial relations – and this is shown by the German example, as sketched above – is a history of trial and error. There has to be the courage to experiment if progress is to be achieved; and there has to be a pragmatic instead of a dogmatic approach. The Labour Relations Act is offering only the possibility of establishing workplace forums. In the last analysis it is up to the South African trade unions to shape them in a way which optimises the mechanism of workers' representation as a whole. The German experience does not indicate how to

40 See for this aspect Daeubler W 'Einleitung' in Daeubler W/Kittner M ed BetrVG: 9 ed (2004) Rdnr. 57, 110.

do it. It only indicates that the collaboration between trade unions and institutionalised workers' participation can work in spite of initial ideological barriers. My hope is that this message is not ignored in South Africa.

The lesson for South Africa, therefore, is not that the path to be followed is the same as in Germany. However, the lesson might be that it would be worthwhile to try to find out whether, under South African conditions, a fruitful interaction between trade unions and workplace forums could be achieved, resulting in a strengthening of both channels of representation. Any proposals in this direction require close familiarity with the conditions in South Africa which I as a foreigner do not have.

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