



**Interplay between union
and works council**
工会与企业委员会间的互动

Two case studies 两个个案:

**1. US multinational with anti-union
management** 反工会管理的美国跨国公司

**2. Big car company with well-established
industrial relations** 拥有良好劳动关系的大型
汽车公司



Legal issues 法律问题

- **Works council 企业委员会**
- **Works council members protected against dismissals**
企业委员会成员受到保护，不能被开除。
- **Works council members paid by the employer**
雇主需要支付企业委员会成员工资。
- **By law, works council has to stick to neutrality.**
根据法律，企业委员会必须保持中立。
- **By law, works council has to be cooperative**
根据法律，企业委员会必须是合作的。
- **By law, works council can't call for industrial action**
根据法律，企业委员会不能号召工业行动。
- **By law, works council has a say only in the distribution of wages & benefits, in the shift model etc. No say in economic affairs**
根据法律，企业委员会只能讨论工资和利益的分配，模式转换等。不能讨论经济事务。

Union 工会

- **By law, union officials have the right to visit the workplace**根据法律，工会官员有权到工作场所视察。
- **Shop stewards not protected by law** 基层干事不受法律的保护。
- **Union work at the shopfloor is no working time** 基层的工会工作不算为工作时间
- **Union job: How many hours? How much salary increase?** 工会工作：多少个小时？工资增长多少？



Case 1: Digital Equipment DEC 个案1:数字设备公司 (DEC)

- **US-based IT multinational (taken over by Compaq, then HP)** 总部在美国的跨国IT公司 (先被康柏收购了, 后被惠普收购了)
- **10.000plus workforce: IT professionals, Sales, Customer Service** 一万多名员工: IT专业人士、销售、客服
- **Wages & benefits superior to collective agreements (IG Metall)**
工资和福利优先于集体协议
- **But intransparent salary system, increases at mercy of managers**
但是不透明的工资制度, 只是在经理的怜悯下增加工资
- **Yearly reorganizations, restructurings, downsizing ...**
每年进行重组、重构、裁员
- **Corporate and local management strongly anti-union**
公司和地方管理层都强烈的反对工会
- **Union membership below 2 percent (80ies)**
工会成员低于2%
- **Works council only formally accepted by local management**
地方管理层只接受企业委员会
- **Management with no experience in co-determination**
与没有经验的管理者共同决议
- **Works council members became union members on individual base to get support against management** 企业委员会的成员在个人的基础上成为工会的会员, 以此来获得对抗管理者的支持

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DEC works council strategies (DEC企业委员会的战略)

- **Insisting on workers' rights and works council co-determination rights**
坚持工人的权利，以及与企业委员会共同决策的权利
- **Extensive use of legal framework**
广泛使用法律框架
- **Company fined for violations of co-determination rights (overtime)**
公司对侵犯共同决策权利的行为进行罚款
- **Communications network (employees assemblies, Works council journal, Intranet ...)**
通信网络，(员工的手机、企业委员会的杂志、内部网)
- **Educating the workforce on the limits of the works council model**
对员工进行企业委员会模型局限的教育
- **Works council has no say on wages & benefits, can't call for industrial action ..**
企业委员会不能讨论工资和福利，不能倡议劳工行动
- **Works council leaders exposed in public their different roles**
企业委员会的领导可以在公共场合暴露自己其他的身份
- **As works council members they are bound by law: neutrality, cooperation with management ...**
企业委员会的成员受到法律的约束：需保持中立、与管理者合作
- **As union shop-stewards they can call for industrial action**
工会的基层干事可以倡议劳工行动



DEC union strategies (DEC工会的策略)

- **First step: organizing the works council members**
第一步：把企业委员会的成员组织起来
- **Educating the works council on the system of industrial relations**
对企业委员会进行劳资关系的教育
- **Works council members became multipliers**
企业委员会的成员成为了放大器
- **Quietly building up a position. Individual membership rose to 30-50% (90ies)**悄无声息地把会员的比率提升到30%-50%
- **Developing a counter-culture against DEC corporate culture**
对于DEC的公司文化进行反抗
- **Building-up economic, business competence in the IT industry**
在IT行业建立起自己的经济和业务竞争力
- **Improving the union image: "We - the members - are the union at DEC"** (提高工会的形象：在DEC，我们员工就是工会)
- **Exploiting the chances & opportunities (i.e. management failures ...)**
利用各种可能性和机会 (例如管理上的失误)



DEC GY split-up: case for collective bargaining

(DEC的GY分裂：一个集体协商的案例)

- **Project to break up the German subsidiary into 5 - 8 legal entities**
把德国子公司分解为5-8个法律实体的项目
- **Scenario for co-determination: small powerless works councils; no say on redundancies; no labor seats at the supervisory board ...**
共同决策的方案：小且没有实权的企业委员会、不能干涉裁员、在监事会没有员工席位
- **Works councils have no say, no veto rights against break-up plans**
企业委员会对于分拆计划没有说话权、没有投票权
- **By German law an issue for collective bargaining**
依据德国的法律这是一个集体谈判的案例
- **Therefore IG Metall called DEC management to sign a contract for basic workers rights and co-determination rights**
因此德国五金工会让DEC签署一个合约来保证员工的基本权利和共同决策的权利
- **When management refused IG Metall called for warning strikes**
当管理者拒绝五金工会的要求时，五金工会发出了呼吁罢工的警告
- **Later successful balloting about a full-scale strike. Two weeks strike.**
后来对全面的罢工进行了成功的投票，发动了一个维持了两周的罢工
- **Finally management for the first time negotiated with IG Metall**
后来管理层与五金工会进行第一次谈判
- **Results: No break-up of DEC Germany. Acceptance of metal industries contract while superior salaries remained untouched.(结果：德国DEC公司没有分解，在没有触碰优越工资的条件下接受了五金行业的合约)**



Case 2: AUDI - strong union, strong works council

(案例2: 奥迪-强工会、强企业委员会)

- **37.000 employees. 17.000 production workers** (37万员工, 1万7千制造工人)
- **Audi works council with 53 full-time members** (奥迪企业委员会有53名全职成员)
- **Union membership: 90% blue-collar, 65% white-collar**
工会的成员: 90%的蓝领, 65%的白领
- **Shop-stewards assembly with > 700 members. Decision on union issues (i.e. wages). Decision whom to propose for works council.**
工会干事大于700个, 决定工会的事情, 如工资, 也决定企业委员会的事情
- **Audi works council members are also shop-stewards**
奥迪企业委员会的成员同时是工会干事
- **Regional contracts for wages, working hours etc. in place.**
适当的区域合同工资、工作时长
- **Regional IG Metall board takes the final decisions.**
五金工会的地区分会做最后的决定
- **Works councils (Audi, BMW, MAN, Siemens ...) represented.**
企业委员会代表奥迪、宝马等
- **Regional IG Metall board plans & decides on industrial action and which supporting measures to be taken by works councils.** (五金工会的地区分会对劳工行动进行计划和决定, 并且支持企业委员会的措施)
- **Example: works council veto against overtime during strike preparations ..**
(例举: 企业委员会投票否决了罢工筹备期间的加班)
- **Example: works council veto against contract workers at the assembly line**
(例举: 企业委员会投票否决了在组装线上使用合同工)



Summary总结:

Works council issues and union issues complementary

企业委员会的事务和工会的事务互为补充

- **Workforce perception: no clear-cut lines between works councils and union**
员工的认知：企业委员会和工会不要划清晰的界限
- **Workforce perception: union & works council same thing!**
员工的认知：企业委员会和工会性质相同
- **Workforce perception: Why become union member when we've got a strong works council? No need for union membership?**
员工的认知：当我们有一个强大的企业委员会时，为什么要成为工会的成员？没有必要成为工会成员吗？
- **Double role of works council members: As union shop-stewards they can call for industrial action**
企业委员会的双重作用：当成为工会干事时，他们有权倡议劳工行动
- **Successful interplay between union & works council key !**
工会和企业委员会之间成功的互动是关键
- **Forms of interplay depending on understanding & acceptance of system of industrial relations**相互互动的形式取决于对劳资关系的理解和接受