# Embedded collectivism? Workplace representation in France and Germany

**Rebecca Gumbrell-McCormick and Richard Hyman**

**ABSTRACT**

In most countries of western Europe it makes little sense to speak of non-union employee representation, as this is understood in the Anglo-American world, for the principle of collective representation independent of the employer is strongly institutionalised. In this article we examine experience in two countries. In Germany, works councils with a wide repertoire of rights typically work in close partnership with trade unions. The system has experienced strains in recent years, and a growing proportion of mainly smaller workplaces are covered neither by councils nor by collective agreements; but there is virtually no evidence of alternative 'voice' mechanisms, and systems of direct participation are normally introduced by negotiation with councils. In France, works committees have fewer powers, and a divided trade union movement has been less successful than its German counterpart in 'embedding' the legally mandated institutions, at least in the private sector. Despite some common trends in both countries, national distinctiveness remains very apparent. There is growing scope for managerial strategic choice, but this is still institutionally bounded. Much more generally, countries displaying characteristics of a 'European social model' can be expected to sustain a close articulation between union and 'non-union' channels of representation.

---

## INTRODUCTION: WHY NON-UNION REPRESENTATION IS NOT A EUROPEAN CONCEPT

The notion of non-union employee representation, as that term is usually understood in the English-speaking world, has little resonance in most countries of continental western Europe. Anglo-Saxon usage has three typical implications. First, whether to establish representative mechanisms, and if so in what form, is at the discretion of the employer. Second, in-house machinery may be created with the deliberate purpose of union exclusion. Third, it can be tailored to fit company-specific approaches to the management of employees as individuals. The EU Information and Consultation Directive was contentious in the UK precisely because it seemed to challenge all three areas of employer discretion.

However we choose to interpret the idea of a 'European social model' (and its meaning is notoriously imprecise and contested), it allows limited scope for such approaches. Almost universally there exist national procedures for workplace information and consultation, typically obligatory by law but otherwise mandated by peak-level collective agreement. Even in countries where trade unions are relatively weak, and where workplace representation is formally independent of union organisation, in practice the mandatory structures provide a foothold for union involvement which inhibits exclusionary strategies on the part of the employer (Streeck, 1995: 323). (France, as we indicate below, is a partial exception.) This is true also because of a broad social and political acceptance that labour possesses distinctive interests which are not necessarily antagonistic to those of the employer but need independent representation. In other words, collective identities assume priority in industrial relations (Hyman, 2004); one indicator is

Rebecca Gumbrell-McCormick is in the Department of Management at Birkbeck College, University of London (email: r.gumbrell-mccormick@bbk.ac.uk); and Richard Hyman is in the Department of Industrial Relations, London School of Economics (email: r.hyman@lse.ac.uk).

that collective bargaining coverage is typically far in excess of trade union density. Hence as Weitbrecht argues (2003: 64), 'it can... be questioned whether organizations are able to individualize their communication within an institutional setting of collective constraints'.

What are the implications of *embedded*[1] systems of employee information and consultation for the actual functioning of institutional arrangements? More specifically, how far can one expect standardisation of actual practice across firms; and does embeddedness result in long-term institutional stability? Most of the literature on 'varieties of capitalism' assumes some form of functional interdependence between different elements of each nation's institutional architecture. For example, Dore (2000: 45-7) refers to 'institutional interlock' as typical of national economies and of the relationship between economy and broader society; Aoki (2001) writes of 'institutional complementarity'; Marsden (1999) argues that the institutions which constitute the 'employment system' within any country tend to 'cluster' over time, according to an underlying structural logic. As Hollingsworth and Boyer (1997: 2-3) put it, the industrial relations system and other institutional arrangements tend to be 'tightly coupled with each other' and thus 'coalesce into a complex social configuration'. The consequence, but also the reinforcing dynamic, is that 'firms will gravitate toward the mode of coordination for which there is institutional support' (Hall and Soskice, 2002: 9). This interdependence constitutes a source of at least relative national uniformity and also an important obstacle to rapid institutional transformation.

Such a conclusion is however challenged by the literature which focuses on intra-national diversity. While Whitley (1999) insists that the embeddedness of 'dominant institutions' in each national business system is a force for internal homogeneity and a bulwark against cross-national convergence, others challenge the coherence of national models. Gospel and Pendleton, though in general adopting a 'varieties of capitalism' approach, stress (2004: 9, 19) that the idea of complementarity is 'suggestive, but somewhat problematic', and that it is important to recognise the existence of 'diversity within national systems'. For others, the very idea of a national system must be abandoned: as with the thesis of 'converging divergences' presented by Katz and Darbishire (2000), who argue that industrial relations practices are becoming increasingly differentiated *within* countries, and (at the level of individual firms or sectors) increasingly similar *across* countries.

Systems of workplace information and consultation provide an interesting test of these conflicting perspectives. In virtually all EU countries at the time when the 2002 Directive was adopted, national legislation already met the requirements or needed only minor amendment (Broughton, 2005: 201). Did this mean that actual practice within each country was uniform, and that the distinctiveness of national approaches would persist? We address these questions by considering the cases of Germany and France, in both of which statutory mechanisms have long existed but with very different contexts and characteristics,[2] and where there is much recent debate on whether processes of employee representation are undergoing transformation, possibly in a more 'Anglo-Saxon' direction. Our primary concern is not to describe the formal institutional arrangements, which are already well covered elsewhere (for recent examples see Carley et al., 2005; Gospel and Willman, 2005), but rather to explore variation and change in their actual functioning.

## GERMANY: SHIFTING BOUNDARIES OF AMBIGUITY

[1] We use this term in what is by now the familiar sense of established, institutionalised (though not necessarily legally buttressed) systems of interaction and regulation. See the classic discussions by Polanyi (1944), Granovetter (1985) and more recently, for example, Jacoby (2004).

[2] In both cases we consider only the workplace or enterprise structures, not the combine-level bodies which exist in both countries.

**The institutional foundation**

The hallmark of German industrial relations is the detailed legal prescription of the status of the actors and their rights and responsibilities. The so-called 'dual system' of employee representation assigns trade unions the right to bargain collectively over terms and conditions of employment, and the monopoly of the strike weapon, while establishing mechanisms of 'codetermination' (*Mitbestimmung*) in individual companies.[3] Codetermination operates at two levels. In all firms with over 2,000 employees the latter are represented on the supervisory board, in practice through a combination of works councillors and outside trade union officials; and in all but the smallest companies (fewer than five employees) there is a requirement to establish a works council (*Betriebsrat*).[4]

The size of works councils varies in line with the number of employees (only one representative in workplaces with between 5 and 20 employees, over 30 where there are more than 5,000 employees). In larger establishments (over 200 employees), one or more works councillors have full-time release from their normal work. There are detailed sets of rights to information over a range of business and financial questions, consultation over a broader set of employment matters, and codetermination on a more limited number of issues (aspects of hiring and firing, payment and grading systems, regulation of working time).[5] Councils are obliged to cooperate with management and may not engage in conflictual action. An important ambiguity in the law is that while councils are mandatory, there is no obligation on the employer to take the initiative to establish one; this must be triggered by a group of employees or a trade union with membership in the workplace. In practice, many firms, particularly the smallest, lack councils, and – as discussed below – the proportion is growing.

Trade unions are highly centralised, organised on a broadly industrial basis, and the main confederation (*Deutscher Gewerkschaftsbund*, DGB) has a near-monopoly in the private sector. In comparative European terms, there is a medium-to-low membership density. Levels rose initially after German unification in 1990, with substantial accession of new recruits in the east, but there has since been a considerable decline in both parts of Germany; current density is on most calculations below 25 per cent. Membership tends to be concentrated in traditional (and shrinking) sectors and occupational groups. Collective bargaining occurs primarily at multi-employer level (although, as discussed below, there has been a trend to increased company-level negotiation); as a corollary, the coverage of collective agreements is high (until recently, over 70 per cent), far above the rate of unionisation.

**A dual system?**

The separation of functions between unions and councils was initially regarded by the labour movement as a recipe for divide and rule. The legislation establishing codetermination in 1952 was thought doubly deficient: union demands for parity representation on supervisory boards were conceded only in the special case of coal and steel; and councils were criticised as weak and too detached from union influence. Systematic efforts were made to build up workplace union

[3] Müller-Jentsch (2003: 39) argues that 'the meaning of the German word Mitbestimmung is much broader than the English term co-determination'. Since the latter concept scarcely exists in English except as a literal translation of the German, this is perhaps debatable. However, one may note a double ambiguity: as indicated below, the term applies both to board-level and workplace employee representation; and at the latter level, it covers both the general processes of representation through the works council, and the specific powers of quasi-veto over a restricted set of issues.

[4] In the public sector there exists a parallel system of personnel councils (*Personalräte*) with somewhat weaker powers. The system of employee representation here is complicated by the existence of different regulations in the various *Länder* and by the distinctive employment status of many groups of public employees. See Jacobi et al., 1998: 225.

[5] This entails that the more strategic the issue for management, the weaker the powers of the council (Briefs, 1989).

representatives (*Vertrauensleute*) as a counter-force (Koopmann, 1981). But the challenge failed; today, where *Vertrauensleute* exist they function in effect as a junior partner to the council.

In part this is because the unions came to recognise that the notion of a 'dual system' of industrial relations is a misnomer; though in formal terms unions are largely (but not wholly) separate from works councils, in practice 'the two levels in the dual system are mutually reinforcing' (Thelen, 1991: 16). According to the unions' own calculations, over 75 per cent of councillors (and an even higher proportion of council presidents) are members of a DGB union, typically elected on a union 'slate'.[6] It is interesting that Addison et al. (2000: 382), in a paper supposedly on the theme of non-union representation, insist that 'works councils as they have developed in Germany are complements to, rather than substitutes for, conventional unions'. Streeck (1992: 153) has written, more forcefully, that 'more than ever, industrial unions use the works council as the institutional framework and the major source of support for their activities at the workplace and in the enterprise'. In general, both parties perceive a need for mutual support (Müller-Jentsch, 1995: 75): unions require the councils to provide a channel of information and communication, to monitor the application of collective agreements, and often to help with recruitment; councils need the union for training, information and advice, and more intangibly as a source of legitimacy in defending broad collective principles against the particularistic interests of their constituents (Hege and Dufour, 1995). In addition, the theoretically clear demarcation between the functions of trade unions in collective bargaining and works councils in codetermination were never in reality precise. Nor did the absolute peace obligation for works councils match actual practice. The latter were entitled, if they saw fit, to call a general works assembly – during which little work was performed! Moreover, as Streeck notes (1995: 343), 'most unofficial strikes in Germany are more or less openly led by works council members, with employers usually refraining from invoking the legal sanctions that exist'.

A corollary of the strong collective foundations of workplace governance is that individual-oriented HRM practices are less common in Germany than in most other countries, and that where such initiatives as direct participation are introduced this is typically by negotiation (Weitbrecht, 2003: 67, 72). Likewise, the introduction of team-working – once viewed by German unions as a serious threat because it established a form of collective participation below the level where codetermination applied – has typically occurred in a manner acceptable to works councils. As an illustration, only 10 per cent of works council presidents in the survey by Müller-Jentsch and Seitz (1998) reported that organisational and technical changes had been imposed against their will.

**Diversity and the reinforcement of institutionalisation**

Appreciation of the interdependence between unions and works councils often led commentators to assume a stereotype of the strong works council functioning as the extended arm of the union. Such a situation was indeed typical of large manufacturing establishments such as car factories, which authors in many countries in the past have treated as the industrial relations norm. Yet reality was more diverse, in part because of the salience of the *Mittelstand*: smaller, owner-managed firms which represent the large majority of enterprises but cover a far smaller proportion of total employment. The first substantial empirical account of works council status and practice, undertaken in the mid-1970s by Kotthoff (1981), covered mainly workplaces with under 600 employees. He reported that roughly two-thirds of works councils – for the most part in small firms – were indeed management-dominated union substitutes, or else had some union linkage but lacked the capacity to exert independent influence on the employer. Only about a third could be considered strong bodies with more substantial union engagement; though many of

[6] In contrast to the French case, there is no official compilation of the results of works council elections in Germany.

these were ambivalent in orientation, criticised by some workers as autocratic and too close to management.

This research was undertaken only shortly after the legislative changes in 1972 which strengthened the links between unions and works councils. When Kotthoff (1994) returned to the same workplaces in 1990 he discovered a significant transformation, attributable to a gradual (and sometimes painful) mutual learning process, with some two thirds of works councils by his criteria now effective representatives of employee interests and cooperating on equal terms with the external union. 'Today, in contrast to 1975, the bulk of works councils have become at one and the same time closer to and more independent of the trade union.... The relationship is a perfect example of a very complex, ambivalent, both close and reserved partnership which is very productive for both sides.' The councils recognised that their power within the workplace owed much to their identification with the external union, as a source of both material and ideological resources, but 'the council is no longer just a junior partner' (1994: 43-4)[7]. Even smaller employers, often as a result of a generational change from a patriarchal founder-owner to a more pragmatic and professional successor, saw the value of a strong works council which could provide a stable and cohesive counterpart on the employee side. In short, codetermination had become a form of workplace citizenship, firmly embedded in German industrial relations culture.

Rather similar results were reported by Schmidt and Trinczek (1991) from a study of larger firms in the same period. Unions and works councils constituted a 'contradictory unity'. In half the cases studied, the council acted both as an autonomous representative of its own workforce, and a loyal advocate of trade union policy. Only one in six were primarily subordinated to the outside union, while at the other extreme only a third tended to distance themselves from union policy. An account by Bosch (1997) based on the same research programme also echoed Kotthoff: she found a reciprocal process involving a professionalisation of personnel management and a self-confident, relatively autonomous works council leadership. The two sides were engaged in close day-to-day relationships, each party recognising that a strong counterpart could paradoxically enhance its own status in dealing with other managers on the one hand, the workforce on the other. Only in smaller owner-managed firms was such a collaborative pattern absent.[8]

**Recent challenges: Is a strongly embedded system disintegrating?**

In recent years this delicate interconnection of institutions has faced three major challenges: German unification, intensified international competition and, to an important extent interrelated, a decentralisation of bargaining.

If it required decades of mutual learning to embed codetermination in German industrial relations, how would the system function in unfamiliar territory? With unification in 1990, west German labour law, and hence the institutional form of works councils, was transferred to the east; but what of its substance? Most commentators were very sceptical.[9] However, a study by Frege (1999) suggested that the orientations of east German workplace representatives were remarkably similar to their counterparts in the west, and that the normative underpinnings of representational effectiveness had been rapidly assimilated. What much research did however indicate – arguably a situational more than a cultural difference – was that the readiness to disregard union policy in defence of workplace interests ('company egoism' or *Betriebsegoismus*), found by Schmidt and Trinczek in a minority of west German councils, was more widespread in the east in a context of intense industrial restructuring.

[7] All translations in this article are by the authors.

[8] That such collaboration may degenerate into corruption was demonstrated by the Volkswagen scandal in 2005, when it was revealed that senior managers and leading works councillors had enjoyed luxury foreign trips together, with the expense account extending to up-market prostitutes.

[9] For an overview of debates in the 1990s see Hyman, 1996.

Some years earlier, when the German economy still appeared highly successful, Streeck (1984) had anticipated the possibility that councils might engage in 'wildcat cooperation' where management argued persuasively that the company could survive only by undercutting the terms and conditions agreed with unions at sectoral level. In the 1990s this risk became increasingly a reality, and not only in the east. A growing number of firms confronting economic difficulties (in particular, smaller establishments) withdrew from their employers' associations or merely disregarded the collective agreements to which they were committed. This required at least the acquiescence of works councils, while unions often turned a blind eye if the only alternative seemed to be job losses (Streeck and Hassel, 2003: 113).

Collective bargaining in Germany can take three forms: the traditionally preponderant multi-employer agreement (*Flächentarifvertrag*), which binds all members of the relevant employers' association and is customarily observed by many non-members; union agreements with non-federated firms (*Hausverträge*), of which the best known is Volkswagen; and agreement between employers and their works councils (*Betriebsvereinbarung*), which legally should not encroach on the core agenda of trade union bargaining and is in any event bound by a 'favourability principle' (*Günstigkeitsprinzip*) not to undercut any collectively agreed terms. However, the balance has been shifting. The landmark metal-working agreement of 1984, which broke through the employers' resistance to a shorter working week, provided as a quid pro quo that more flexible working-time schedules could be negotiated with works councils at enterprise level. This initiated a more general trend to the inclusion in sectoral agreements of 'opening clauses' (*Öffnungsklauseln*) delegating specific issues to plant-level regulation.

A qualitative shift occurred when agreements in east Germany – partly in order to maintain some coordination of the growing trend to 'wildcat cooperation' – included 'hardship clauses' permitting firms in economic difficulties to negotiate exemptions from the prescribed wages and conditions (though each case required the approval of the signatory union and employers' association). From the late 1990s a similar trend has occurred in the west, with 'employment pacts' in many major firms allowing deviations from sectoral agreements in exchange for job security guarantees (Kommission Mitbestimmung, 1998). Following the defeat in 2003 of the metalworkers' strike to reduce the east German working week to western levels, there has been a widespread process of 'concession bargaining' throughout Germany with works councils, often in conjunction with the outside union, accepting cost-cutting measures such as increased working time, reductions in wages and bonus payments and greater flexibility in work organisation, in exchange for commitments to maintain employment (Bispinck and WSI-Tarifarchiv, 2006).

Much recent literature has emphasised the growth of an 'exclusion zone' in which employees are covered neither by a collective agreement nor by a works council (Kommission Mitbestimmung, 1998: 90-91). As table 1 indicates, this zone encompasses a high proportion of workplaces, but since the traditional institutions are still firmly established in larger firms, a far smaller proportion of employees. In fact, only 4 per cent of establishments with between 5 and 20 employees have a works council, as against over 90 per cent of those with more than 500.[10] Two-thirds of firms with under 10 employees are not covered by a collective agreement, as against one in ten of those with over 500. The German 'industrial relations system' barely seems to apply to the smallest workplaces (Abel and Itterman, 2003), where presumably direct employer-employee communications are the norm; but was this always the case?[11]

*[Table 1 about here]*

[10] A change to the law in 2001 was designed to simplify the procedure for establishing a works council in smaller firms. In the elections in 2002 the position in such firms at least showed no deterioration; new elections are taking place in the second quarter of 2006.

[11] The annual IAB survey, cited below, commenced only in 1993 in west Germany and in 1996 in the east.

These figures – derived from the large-scale IAB survey[12] – indicate a significant disparity between east and west Germany, and an even more substantial difference between manufacturing and services. Data also show that the 'exclusion zone' is far more likely to cover new firms than old ones. This may seem ominous for the future of institutionalised representation. Streeck and Rehder (2005) suggest that the survival of the whole system hangs in the balance; and many other observers are highly pessimistic. Hassel has written of the 'erosion of the German system of industrial relations', arguing (1999: 484) that 'employers are increasingly resigning from employers' confederations or are undercutting – often illegally – terms and conditions provided by collective agreements. Trade union strength is declining rapidly. The coverage of collective agreements is shrinking and the heterogeneity of labour market conditions is increasing.' Likewise, Whittall (2005: 586) concludes that 'evidence suggests that *Modell Deutschland* is in a state of crisis. This is no more evident than in the changing geometry of works council and trade union relations.' To reinforce pessimistic readings, one might also note recent political challenges to the *Günstigkeitsprinzip*: the CDU, now the largest parliamentary party, favours a legislative change (probably impossible in the current political constellation) allowing works councils to agree to conditions undercutting the terms of a collective agreement to which their employer is committed.

However, more optimistic readings are possible. As Frege argues (2002: 233), 'most available empirical evidence suggests that works councils currently remain a stable institution in spite of the current deregulation and decentralization pressures on the German model'. Kotthoff (1998), in a review of the role of works councils in circumstances of intensified competitive pressure, insists that while substantively they have been weakened in their relations with the employer, procedurally they remain strong: they are if anything more necessary as 'co-managers' of painful restructuring (though this may provoke opposition within their own ranks). And as Müller-Jentsch notes (2003: 54), the growing workload with which works councils have to deal in hard times makes them more, not less dependent on the union.

Hence is the German model undergoing marginal changes or a quantum shift? Is it a case of organised decentralisation (Traxler, 1995) rather than disintegration? Have the traditional institutions the capacity to cope with radical challenges? This remains uncertain and disputed; we may note, however, that the 'exclusion zone' is not currently expanding significantly, according to IAB data; while Hassel's statistics hardly demonstrate a dramatic erosion. Despite the falling coverage of collective agreements, the IAB shows that nearly half the firms not covered remain 'oriented' to the specified terms and conditions and many others claim to provide *better* than these. It is also clear that there is minimal use of management-initiated representative structures; Ellguth (2005: 153) finds that only 5 per cent of firms in west Germany without a works council have an alternative representative mechanism, and only 3 per cent in the east.

In summary, Wever concludes (1997: 221) that 'what is happening in Germany is not the rejection, one company at a time, of centralized "constraints" and negotiated labor-management adjustment processes, but rather a widespread effort to renegotiate that model.... The dominant process of renegotiation... actually assumes certain key features of the German model'. This is supported by the sophisticated analysis of Behrens and Jacoby (2004): unions are still too strong to make the unilateral deconstruction of the established model attractive to most employers, encouraging an 'experimentalist logic' of negotiated change. Likewise, Jackson (2005: 245) suggests that 'the very ambiguity of codetermination' (requiring both the effective representation of distinctive employee interests and collaborative relations with management) 'seems to have allowed flexibility in adaptation to new circumstances'. French experience, as we outline below, is very different.

[12] The IAB (*Institut für Arbeitsmarkt- und Berufsforschung*) is part of the Federal Labour Agency.

## FRANCE: COLLECTIVE REPRESENTATION BETWEEN INSTITUTION AND ILLUSION

### The institutional setting

Workplace employee representation in France is complex and paradoxical: complex, because of the historical tendency to add one legally prescribed representative institution onto another; paradoxical, because while France pioneered much of the interest in and early attempts at employee 'expression' or 'participation', few of these initiatives provide effective 'voice'. The key institutions were created at times of labour movement advance (Eyraud and Tchobanian, 1985: 245-6), never sustained, while employers typically displayed 'strong opposition and then eventually grudging acceptance of state-initiated reforms' (Jenkins, 2000: 18-19). Unilateral employer prerogative and marginal union influence in the workplace are common to both the private and public sectors, though the pattern of industrial relations in the two parts of the economy has grown further and further apart. Below we describe the key representative institutions, the relations between these and among the major actors in the system, then explore the impact of the changes brought about from the 1980s onwards.

As in Germany, it is difficult in practice to distinguish between union and non-union forms of representation, but for distinctive reasons. First, the institutions created by legislation in 1936, 1945/6 and 1968 follow different and sometimes conflicting logics. Second, workplace representation was never as ingrained in France as in some other European countries, partly because of the large number of small firms and the tradition of paternalistic or authoritarian management. Third, trade unions – as described below – are fragmented; and their membership levels, always relatively low, have declined catastrophically in recent decades. Fourth, both parties traditionally tended to value conflict above cooperation, and looked to the state to impose a solution to their disputes. Paradoxically, despite extensive coverage of collective agreements, there is little real tradition of negotiation.

The institution of *délégués du personnel* (personnel delegates, DPs) was established by the 'popular front' government in 1936, following the general strikes earlier that year. They are to be elected in all establishments with more than 10 employees, with separate electoral colleges for different categories of staff (manual, non-manual, supervisory and managerial); the employer is legally obliged to organise these elections. The function of the *délégué* is to represent employees (individually or collectively) with grievances regarding the application of legal or contractual rules, in meetings with the employer on a monthly basis (Tchobanian, 1985: 117). *Délégués* have no bargaining powers and no formal links to trade unions, though practice is often very different.

The end of the second world war and a new upsurge of labour militancy brought the creation of *comités d'entreprise* (works committees, CEs), established by government decree in 1945 and ratified by legislation in 1946 (Tchobanian, 1995: 257). They are mandatory in firms with more than 50 employees, and intended as a forum for information and consultation on social and economic matters between the employer, who chairs the *comité*, and employee representatives elected on a similar basis to the *délégués*. Like German works councils they lack formal bargaining powers, but unlike the latter they have no codetermination rights. Though they are not trade union bodies, 'representative' unions (see below) have a privileged role in their election: they alone can nominate candidates in the first round, and only if these fail to attract half the available votes is there a second round open to all. *Comités* have a budget of at least 0.2 per cent of the company's revenues, to be spent on social and welfare activities (Dufour and Mouriaux, 1986; Tchobanian, 1995).[13]

The third institutional innovation followed the mass social protests and general strike of May 1968. The intensity of the unrest was widely seen as in part a protest against authoritarian

[13] In multi-plant firms there can be two-tier structure (in which case the workplace body is called a *comité d'établissement*).

management, rigid occupational hierarchies and the dehumanising effects of Tayloristic work practices. These problems were not directly addressed, but the new legislation entitled unions to appoint workplace delegates (*délégués syndicaux*, DSs) and branches (*sections syndicales*) so that workers might express their grievances through shop-floor union representatives.

French trade union membership is almost impossible to assess accurately but has long been relatively low and is now the lowest in western Europe (probably 8 per cent at most). But the meaning of union membership has traditionally been distinctive: most French unions have not attempted to recruit extensively, preferring their members to constitute a cadre of activists. They have little need for membership subscriptions, since they receive large subventions for their role in state labour market and welfare institutions, and significant entitlement to paid time off for company-level representatives (Andolfatto and Labbé, 2000: 61-4). There is a major contrast between the public and private sectors: unionisation in the former is (relatively) high, at about 25 per cent, and union workplace representatives enjoy particularly generous release from work.

Unions are fragmented on ideological lines, and in recent years new divisions have occurred (Amadieu, 1999; Pernot, 2005). By law, five confederations (CGT, CFDT, FO, CFTC, CFE-CGC)[14] enjoy an 'incontestable presumption' (*présomption irréfragable*) of representativeness. This gives them privileged access to peak-level dialogue, company-level recognition wherever they have at least one member, and a monopoly of nomination at the first round of *comité* elections. Other unions acquire such rights only if they can demonstrate *de facto* representative status.

French unions have always enjoyed greater strength in the macro-political arena (where a high proportion of employment regulation occurs, for example the national minimum wage) than in collective bargaining. The latter has traditionally taken place at the level of the industry or the economy as a whole; in formal terms, collective agreements cover the overwhelming majority of employees, but in actual content they have typically provided little or no improvement on statutory conditions. With the creation of *délégués syndicaux*, bargaining became possible at company level, but initially this change had little impact. Unions' workplace activity has focused on attempts to raise their profile by colonising the formal structures of the DP and CE, with elections to the latter serving as a kind of 'beauty contest' between rival organisations. The national results set out in Table 2, collated by the ministry of labour, are widely viewed as a more important indicator of union influence than actual membership figures.

*[Table 2 about here]*

**The paradoxical 'modernisation' of representation**

The most comprehensive reform of French industrial relations came in 1982 with the four pieces of legislation known as the *lois Auroux*. Enacted by the newly elected socialist government, the laws followed a decade of widespread debate. Within the unions (in particular CFDT) there was support for *autogestion* (workers' self-management) as a militant solution to management authoritarianism (Pinaud, 1996: 5). Among the political elite, the lack of effective mechanisms of workplace negotiation was seen as an obstacle to the modernisation of French industry. Most notably, the Sudreau Report of 1975 made a range of proposals for the improvement of working conditions and the development of employee participation in management decision-making. Some large employers also initiated experiments in employee 'participation' and 'expression' (Parsons, 2005: 139-40).

The most innovative of the Auroux laws provided for 'expression groups' (*groupes d'expression directe*) in enterprises with over 200 employees, as a forum through which all

[14] Respectively *Confédération générale du travail, Confédération française démocratique du travail, Force ouvrière, Confédération française des travailleurs chrétiens* and *Confédération française de l'encadrement-Confédération générale des cadres.*

employees could voice their views on the content, conditions and organisation of their work. The actual form and procedures of the groups was left to collective bargaining at establishment or company level. The second major reform was the obligation for all firms above the 200 employee threshold to negotiate each year over pay and working time; company agreements could 'derogate' from provisions in sectoral or *interprofessionnel* collective agreements (but not on wages) under closely defined conditions. Sectoral negotiations annually on minimum pay rates, and every five years on job classifications, became mandatory. Workplace health and safety committees were made obligatory in firms with over 50 employees, while CEs were given powers of scrutiny over a wider range of issues, including hiring and firing, and rights to receive more company information than hitherto.[15]

But though the Auroux project was intended to create a new, more participative and less conflictual pattern of workplace industrial relations, in part by strengthening the role of trade unions, few of the new measures offered a direct remedy for union weakness. The laws extended to smaller firms provisions such as paid time off for union activities, but did little else to protect trade union representatives in the firm. The requirement for all firms and industries to negotiate annually was meaningful only where there were already trade unions with which to negotiate. Even then, there was no obligation to bargain 'in good faith' or to reach an agreement.

For Howell (1992), the limited practical support for union representation reflected the weight of a conflicting, managerial logic, that workforce agreements (not necessarily through union channels) were the most effective basis for technological and organisational change. For many of the unions, the Auroux reforms were therefore suspect, giving employers new scope for union avoidance, and encouraging what in Germany (as noted above) was seen as *Betriebsegoismus*. Conversely, many employers welcomed the Auroux laws for similar reasons.

Certainly the weight of research suggests that on balance Auroux contributed to the continued weakening of trade unionism. The *groupes d'expression* had an ephemeral impact, with some 4,000 agreements signed between 1983 and 1986 (Tchobanian, 1995: 137) and a total of 10-12,000 by 1990 (Parsons, 2005: 143). But rather than serving as a vehicle for autonomous employee voice, they tended to provide the basis for management-controlled 'participation' initiatives: a French form of quality circles.[16] For the most part they soon disappeared or were absorbed into company HRM structures (Erbès-Seguin, 1988; Eyraud and Tchobanian, 1985). The main long-term impact of Auroux has been a marked increase in collective bargaining at the level of the establishment or firm, though (in partial contrast to Germany) company agreements almost always supplement, rather than substitute for, sectoral agreements. However, until recently a valid agreement only required the signature of a single 'representative' union, whatever its actual support in the workplace. Such bargaining can thus be seen as a means of facilitating decentralised management control. In effect, Auroux may have led to more collective bargaining but less joint regulation.

A new procedure for non-union workplace bargaining representatives 'mandated' by a trade union, targeted at SMEs, was approved in a 1995 central agreement. Its terms were strengthened by the *loi Robien* of 1996 and the *lois Aubry* of 1998 and 2000, both concerned with the reduction and reorganisation of working time. The initiative was strongly supported by the CFDT as a route to unionise SMEs. It has had minimal effect. Another attempt to regulate the decentralisation of industrial relations was the reform in 2004 of the anomalous right of minority unions to sign binding agreements (*Liaisons sociales*, 2004). Sectoral agreements now require majority union support; and a company agreement can be invalidated if unions supported by a majority of employees register their opposition (already the case with agreements which derogate from sectorally agreed conditions). Derogation was itself facilitated: higher-level agreements only preclude less favourable conditions being adopted at lower level only if this is explicitly

[15] A fifth law, in 1983, extended representation rights in firms with majority public ownership.
[16] Parsons (2005: 102) speaks of 'selective Japanisation'.

prohibited. So far, this has had virtually no effect: the sectoral actors see enterprise regulation as competitive, not complementary, to their own role (Jobert and Saglio, 2005).

**The new managerialism**

Some recent commentators describe an 'implosion' of French industrial relations (Rosanvallon, 1998: 240): a de facto individualisation of employment regulation within an elaborate framework of collective representation. Labbé (1996) contrasts increasingly bureaucratic national trade union machines with an often token presence at the workplace. Andolfatto and Labbé (2000: 49-50, 111) report that workplace representatives are ageing; fewer activists combine more tasks, reinforcing the long-established practice of *cumul de mandats*. This results in a 'professionalisation of representation', with declining contact with the workforce. On this reading, the whole structure of collective representation has become a facade while workplace reality involves a new managerialism. As Goyer and Hancké put it (2005:176, 189-93), 'the organizational weakness of unions within companies meant that managerial unilateralism became the norm for corporate decision-making', with restructuring through 'crude workforce reduction strategies' (despite the formal protections of the law) made easier by the weak powers of the CEs. Employers can thus bypass the formal institutions of collective representation (Bunel and Thuderoz, 1999). Extensive privatisation in recent years has accelerated this tendency.

The *lois Aubry*, enforcing the 35-hour week, were bitterly resisted by employers; but in fact they provided the framework for restructuring the working-time regime at company level, for example through the annualisation of hours. In general, unions and CEs in the private sector have lacked the capacity to resist such initiatives. As Jenkins puts it (2000: 129), 'in effect, the decentralisation of collective bargaining in France has made possible and legitimised the deregulation of the labour market'. The European Foundation (2006) reports a sharp deterioration in working conditions in France in the past decade; while Coutrot (1998: 253-61) refers to 'a regime of silent violence': control through a combination of external economic pressures, internal management authority and 'material and symbolic incentives'. This view seems supported by the 'withering away' of workplace-specific strikes, today only a tenth of the level in the 1970s. Employer 'violence' is manifested in a wide repertoire of anti-union practices (Boltanski and Chiapello, 1999: 352-5); for example, Andolfatto and Labbé (2000: 108) report that 15,000 'protected' representatives are dismissed each year despite the legal provisions. One may also note that France is the continental European country with the most developed American-style HRM; there has been a 'spread of individualization' (Jenkins, 2000: ch. 4).

But arguably the situation is more complex: alternative readings are possible. The discourse of democratic participation and expression has become rooted in the trade unions, especially the CFDT. Some authors, such as Parsons, argue that 'direct expression' has had a creative, empowering effect where unions are well represented and employers have a modern, constructive approach (2005: 144). Further, it appears that trade unions, after a long period of declining influence, are now 're-unionising' many *comités* (see Table 2). Dufour and Hege (2005) find that the traditional distinction between 'unionised' and 'non-unionised' employees may be breaking down. This finding goes along with the observations of other authors, such as Rosanvallon (1998: 21), that the decline in trade union membership need not mean a decline in influence, because of the distinctive nature of union identification and activity in France.[17]

One interpretation might be that because the organisational shell of autonomous collective representation remains, it is easier to give it new content than to fill an organisational vacuum. An official survey in 1998 showed that a DP, CE and/or DS existed in 75 per cent of establishments with 20 or more employees, and 97 per cent of those with 100 or more; only 12 per cent of all employees in firms with 20 or more workers had no independent representation. The coverage rate, particularly in smaller firms, was higher than in Germany (let alone Britain). Even in small

[17] see also the analysis by DARES (2004).

workplaces, formal trade union representation was the norm (Dufour et al., 2004: 15). In the last few years, moreover, there has been an increased number of strikes over job protection and the organisation of working time.

Do these conflicting assessments reflect increasingly different realities? As in Germany, representative institutions are virtually omnipresent in large manufacturing firms and the public sector, commonly with a significant cadre of union activists who control the CE, systematic links to external union(s), and a continued ability to mobilise collective action.[18] In small firms, and in the private service sector, the pattern is at best more mixed. Yet there is little evidence that alternative systems of non-union collective representation are filling the void.

## CONCLUSION

In his studies of German works councils, Kotthoff analyses collective interest representation as part of the 'social order' of the enterprise. But firms do not exist in a political vacuum: they form elements in national 'systems' of employment regulation. The micro and macro levels can be seen as reciprocally conditioning, but they are not necessarily isomorphic: there is much scope for local variability. This is clear in the case of Germany, even more so for France.

To speak of a national system implies not only articulation between vertical levels but also, as discussed in the introduction, horizontal complementarity between institutional arrangements. However, articulation and complementarity cannot be understood as simple outcomes of some self-sustaining functional logic. As the 'new institutionalism' of recent years has emphasised, institutions possess an emergent character, reflecting norms, beliefs and practices as well as formally defined structures: their viability depends on 'informal rules' which 'must be reaffirmed periodically' in order to remain effective (Hall and Soskice, 2001: 12-14).

These considerations frame our comparative conclusions. Dufour and Hege have argued (2002: 171) that 'effective representation normally depends on resources extending well beyond formal rights'. Such resources, one must add, differ between but also within countries, and are variable over time. A key observation which emerges from our two national cases – and a further reason for regarding sceptically the very idea of non-union representation – is the apparent complementarity between firmly implanted workplace trade union organisation and effective independent employee representative institutions: the mutually reinforcing effects of union strength (or weakness) and the representative capacity of *Betriebsrat* or *comité.* This is consistent with the general argument of 'actor-centric institutionalism': that institutions are truly embedded only when sustained by a balance of power and/or a balance of trust. As Behrens and Jacoby conclude (2004: 118), 'strong' embeddedness of representative institutions requires either union strategic competence or else management acceptance. In both respects, France and Germany remain very different. While the firms involved are of course far from nationally representative, Speidel's contrast (2005) between 'codetermined' restructuring in Volkswagen and 'management-determined' change in Renault does match more general research findings that the reorganisation of work and employment is typically still negotiated in Germany but more often (though not universally) unilaterally imposed in France.

There is indeed some evidence pointing to 'converging divergences', particularly as regards the SME sector. What remains uncertain, however, is how radically internal differences in either country are increasing, for the idea of homogeneous *national* industrial relations systems was always in important respects misleading, even in countries with extensive legal regulation such as France and Germany. Nevertheless, key national differences in the formal powers of collective workplace institutions and in the strategic capacity of unions to benefit from available institutional opportunities still result in substantial cross-national diversity. In both countries there is growing scope for managerial strategic choice; but this is still institutionally bounded:

[18] For a graphic example see Dufour and Hege, 2002: ch. 1.

embeddedness remains important. Recent developments fit Jacoby's notion (2004: 19) of 'weak-path-dependence', whereby countries 'adapt to common environmental changes in a similar way' but 'fashion those adaptations to preexisting institutions'. And while this article discusses trends in only two countries, the same argument can be made for all those European countries (virtually all pre-enlargement member states) in which an industrial relations model involving mandatory collective representation of employee interests is firmly embedded.

Finally, what are the implications for the British debate on information and consultation (and for the theme of this issue)? Beyond underlining the familiar point that Britain is a European outlier, there are three main lessons. First, the 2002 EU Directive and the Regulations implementing it in the UK provide only a shadow of the statutory supports for independent collective representation which exist in varying forms across most of western Europe. Second, if the new institutional arrangements do become 'embedded' this is likely to require considerable time. And third, the high degree of uncoordinated decentralisation in British industrial relations over the past three decades provides employers with far greater autonomy than in other European countries in tailoring these arrangements to their own preferences, and conversely poses a far greater challenge to trade unions if they are to utilise them to their own institutional advantage.

**Acknowledgement**
We acknowledge with thanks helpful comments from Christian Dufour, Carola Frege, Adelheid Hege and an anonymous referee.

## References

Abel, J. and Ittermann, P. (2003), 'Exploring the Boundaries of Co-determination', in W. Müller-Jentsch and H. Weitbrecht (eds), *The Changing Contours of German Industrial Relations* (Munich and Mering, Rainer Hampp) pp. 103-18.

Addison, J. T., Schnabel, C. and Wagner, J. (2000), 'Nonunion Representation in Germany', in B. E. Kaufman and D. G. Taras (eds), *Nonunion Employee Representation: History, Contemporary Practice and Policy* (Armonk, M. E. Sharpe) pp. 365-85.

Amadieu, J.-F. (1999), *Les syndicats en miettes* (Paris, Seuil).

Andolfatto, D. and Labbé, D. (2000), *Sociologie des syndicats.* (Paris, La Découverte).

Aoki, M. (2001), *Information, Corporate Governance, and Institutional Diversity: Competitiveness in Japan, the USA, and the Transitional Economies* (Oxford, OUP).

Behrens, M. and Jacoby, W. (2004), 'The Rise of Experimentalism in German Collective Bargaining', *British Journal of Industrial Relations*, **42**, 1, 95-123.

Bispinck, R. and WSI-Tarifarchiv (2006), *Tarifpolitischer Jahresbericht 2005* **(**Düsseldorf, Hans Böckler Stiftung).

Boltanski, L. and Chiapello, E. (1999), *Le nouvel esprit du capitalisme* (Paris, Gallimard).

Bosch, A. (1997), *Vom Interessenkonflikt zur Kultur der Rationalität: Neue Handlungsbeziehungen zwischen Management und Betriebsrat* (Munich and Mering, Rainer Hampp).

Briefs, U. (1989), 'Co-Determination in the Federal Republic of Germany: An Appraisal of a Secular Experience', in G. Széll, P. Blyton and C. Cornforth (eds), *The State, Trade Unions and Self-Management* (Berlin, de Gruyter) pp. 63-74.

Broughton, A. (2005), 'European Comparative Practice in Information and Consultation', in J. Storey (ed.), *Adding Value through Information and Consultation* (Basingstoke, Palgrave Macmillan) pp. 200-18.

Bunel, J. and Thuderoz, C. (1999), 'Le syndicalisme entre participation et institutionnalisation', in H. Pinaud, M. Le Tron and A. Chouraqui (eds), *Syndicalisme et Démocratie dans l'entreprise* (Paris, L'Harmattan) pp. 117-46.

Carley, M., Baradel, A. and Welz, C. (2005) *Works Councils: Workplace Representation and Participation Structures* (Dublin, European Foundation).

Coutrot, T. (1998) *L'entreprise néo-libérale, nouvel utopie capitaliste?* Paris, La Découverte.
DARES (2004) *Mythes et réalités de la syndicalisation en France.* Paris: DARES.
Dore, R. (2000), *Stock-Market Capitalism, Welfare Capitalism: Japan and Germany versus the Anglo-Saxons* (Oxford, OUP).
Dufour, C. and Hege, A. (2002), *L'Europe syndicale: La représentation des salariés en France, Allemagne, Grande-Bretagne et Italie* (Brussels, P.I.E.-Peter Lang).
Dufour, C. and Hege, A. with Dubas, A. (2005), *Resyndicalisation ou changement de paradigme?* (Noisy-le-Grand, IRES).
Dufour, C., Hege, A., Malan, A. and Zouary, P. (2004), *Post-enquête Réponse.* (Noisy-le-Grand, IRES).
Dufour, C. and Mouriaux, M.-F. (1986), *Comités d'entreprise: Quarante ans après* (Noisy-le-Grand, IRES).
Ellguth, P. (2005), 'Betriebe ohne Betriebsrat: Welche Rolle spielen betriebsspezifische Formen der Mitarbeitervertretung?', *Industrielle Beziehungen*, **12**, 2, 149-76.
Ellguth, P. and Kohaut, S. (2005), 'Tarifbindung und betriebliche Interessenvertretung: Aktuelle Ergebnisse aus dem IAB-Betriebspanel', *WSI-Mitteilungen*, **58**, 7, 398-403.
Erbès-Seguin, S, (1988), 'Industrial Relations and Workers' Representation at Workplace Level in France', in R. Hyman and W. Streeck (eds), *New Technology and Industrial Relations* (Oxford, Blackwell) pp. 272-83.
European Foundation (2006), *A Review of Working Conditions in France*, http://www.eurofound.eu.int/ewco/surveys/FR0603SR01/FR0603SR01.htm
Eyraud, F. and Tchobanian, R. (1985), 'The Auroux Reforms and Company Level Industrial Relations in Frace', *British Journal of Industrial Relations*, **23**, 2, 221-48.
Frege, C. (1999) *Social Partnership at Work: Workplace Relations in Post-unification Germany* (London, Routledge).
Frege, C. M. (2002), 'A Critical Assessment of the Theoretical and Empirical Research on German Works Councils', *British Journal of Industrial Relations*, **40**, 2, 241-59.
Gospel, H. and Pendleton, A. (2005), 'Corporate Governance and Labour Management: An International Comparison', in H. Gospel and A. Pendleton (eds), *Corporate Governance and Labour Management* (Oxford, OUP) pp. 1-32.
Gospel, H. and Willman, P. (2005), 'Statutory Information Disclosure for Consultation and Bargaining in Germany, France and the UK', in J. Storey (ed.), *Adding Value through Information and Consultation* (Basingstoke, Palgrave Macmillan) pp. 219-37.
Goyer, M. and Hancké, B. (2005), 'Labour in French Corporate Governance: The Missing Link', in H. Gospel and A. Pendleton (eds), *Corporate Governance and Labour Management* (Oxford, OUP) pp. 173-96.
Granovetter, M. (1985), 'Economic Action and Social Structure: The Problem of Embeddedness', *American Journal of Sociology*, **91**, 481-510.
Hall, P. and Soskice, D. (2001), 'An Introduction to Varieties of capitalism', in P. Hall and D. Soskice (eds), *Varieties of Capitalism* (Oxford, OUP) pp. 1-68.
Hassel, A. (1999), 'The Erosion of the German System of Industrial Relations', *British Journal of Industrial Relations*, **37**, 3, 483-505.
Hege, A. and Dufour, C. (1995), 'Decentralization and Legitimacy in Employee Representation: A Franco-German Comparison', *European Journal of Industrial Relations*, **1**, 1, 83-99.
Hollingsworth, J. R. and Boyer, R. (1997), 'Coordination of Economic Actors and Social Systems of Production', in J. R. Hollingsworth and R. Boyer (eds), *Contemporary Capitalism: The Embeddedness of Institutions* (Cambridge, Cambridge UP) pp. 1-47.
Howell, C. (1992), *Regulating Labor: The State and Industrial Relations Reform in Postwar France* (Princeton, Princeton UP).
Hyman, R. (1996), 'Institutional Transfer: Industrial Relations in Eastern Germany', *Work, Employment and Society*, **10**, 4, 601-39.

Hyman, R. (2004), 'Is Industrial Relations Theory Always Ethnocentric?', in B. E. Kaufman (ed.), *Theoretical Perspectives on Work and the Employment Relationship* (Madison, IRRA) pp. 265-92.
Jackson, G. (2005), 'Contested Boundaries: Ambiguity and Creativity in the Evolution of German Codetermination', in W. Streeck and K. Thelen (eds), *Beyond Continuity: Institutional Change in Advanced Political Economies* (Oxford, Oxford UP) pp. 229-54.
Jacobi, O., Keller, B. and Müller-Jentsch, W. (1998), 'Germany: Facing New Challenges', in A. Ferner and R. Hyman (eds), *Changing Industrial Relations in Europe* (Oxford, Blackwell) pp. 190-238.
Jacoby, S. M. (2004), *The Embedded Corporation: Corporate Governance and Employment Relations in Japan and the United States* (Princeton, Princeton UP).
Jenkins, A. (2000), *Employment Relations in France: Evolution and Innovation* (New York, Kluwer).
Jobert, A. and Saglio, J. (2005), *La mise en œuvre des dispositions de la loi du 4 mai 2004 permettant aux entreprises de déroger aux accords de branche.* (Rapport pour la Direction des Relations du Travail, Ministère de l'Emploi du Travail et de la Cohésion Sociale).
Katz, H. and Darbishire, O. (2000), *Converging Divergences: Worldwide Changes in Employment Systems* (Ithaca, ILR Press).
Kommission Mitbestimmung (1998), *Mitbestimmung und neue Unternehmenskulturen: Bilanz und Perspektiven* (Gütersloh, Bertelsmann Stiftung).
Koopmann, K. (1981), *Vertrauensleute: Arbeitervertretung im Betrieb* (Hamburg, VSA).
Kotthoff, H. (1981), *Betriebsräte und betriebliche Herrschaft: Eine Typologie von Partizipationsmustern im Industriebetrieb* (Frankfurt, Campus).
Kotthoff, H. (1994), *Betriebsräte und Bürgerstatus: Wandel und Kontinuität betrieblicher Mitbestimmung* (Munich and Mering, Rainer Hampp).
Kotthoff, H. (1998), 'Mitbestimmung in Zeiten interessenpolitischer Rückscritte: Betriebsräte zwischen Beteiligungsofferten und "gnadenlosem Kostensenkungsdiktat"', *Industrielle Beziehungen*, **5**, 1, 76-100.
Labbé, D. (1996), *Syndicats et syndiqués en France depuis 1945* (Paris, L'Harmattan).
*Liaisons sociales* (2004) La négociation collective d'entreprise', *Liaisons sociales* supplement, 30 september, 3-21.
Marsden D. W. (1999), *A Theory of Employment Systems: Micro-foundations of Societal Diversity* (Oxford, Oxford UP).
Müller-Jentsch, W. (2003), 'Re-assessing Co-determination', in W. Müller-Jentsch and H. Weitbrecht (eds), *The Changing Contours of German Industrial Relations* (Munich and Mering, Rainer Hampp), pp. 39-56.
Müller-Jentsch, W. (1995), 'Germany: From Collective Voice to Co-management', in J. Rogers and W. Streeck (eds), *Works Councils: Consultation, Representation and Cooperation in Industrial Relations* (Chicago, University of Chicago Press) pp. 53-78.
Müller-Jentsch, W. and Seitz, B. (1998), 'Betriebsräte gewinnen Konturen: Ergebnisse einer Betriebsräte-Befragung im Maschinenbau', *Industrielle Beziehungen*, **5**, 4, 361-87.
Parsons, N. (2005), *French Industrial Relations in the New World Economy* (London, Routledge).
Pernot, J.-M. (2005), *Syndicats: Lendemains de crise?* (Paris, Gallimard).
Pinaud, H. (1996) 'Participation in France', in G. Kester and H. Pinaud (eds), *Trade Unions and DemocraticParticipation: A Scenario for the Twenty-First Century* (Aldershot: Avebury) pp. 4-134.
Polanyi, K. (1944), *The Great Transformation* (New York, Rinehart).
Rosanvallon, P. (1998), *La question syndicale* (Paris, Hachette).
Schmidt, R. and Trinczek, R. (1991), 'Duales System: Tarifliche und betriebliche Interessenvertretung', in W. Müller-Jentsch (ed.), *Konfliktpartnerschaft: Akteure und*

*Institutionen der industriellen Beziehungen* (Munich and Mering, Rainer Hampp) pp. 167-99.
Speidel, F. (2005), *Mitbestimmte versus managementbestimmte Globalisierung in der Automobilindustrie* (Munich and Mering, Rainer Hampp).
Streeck, W. (1984), 'Neo-Corporatist Industrial Relations and the Economic Crisis in West Germany', in J. H. Goldthorpe (ed.), *Order and Conflict in Contemporary Capitalism* (Oxford, Clarendon) pp. 291-314.
Streeck, W. (1992), 'Co-determination: After Four Decades', in W. Streeck (ed face*ation and Cooperation in Industrial Relations* (Chicago, University of Chicago Press) pp. 313-48.
Streeck, W. and Hassel, A. (2003), 'The Crumbling Pillars of Social Partnership', *West European Politics*, **26**, 4, 101-24.
Streeck, W. and Rehder, B. (2005), 'Institutionen im Wandel: Hat die Tarifautonomie eine Zukunft?', in H. W. Busch, H. P. Frey, M. Hüther, B. Rehder and W. Streeck (eds), *Tarifpolitik im Umbruch* (Cologne, Deutscher Instituts-Verlag) pp. 49-82.
Tchobanian, R. (1995), 'France: From Conflict to Social Dialogue?', in J. Rogers and W. Streeck (eds), *Works Councils: Consultation, Representation and Cooperation in Industrial Relations* (Chicago, University of Chicago Press) pp. 115-52.
Thelen, K. A. (1991) *Union of Parts: Labor Politics in Postwar Germany* (Ithaca, Cornell UP).
Traxler F. (1995), 'Farewell to labour market associations?', in C. Crouch and F. Traxler (eds), *Organized Industrial Relations in Europe: What Future?* (Aldershot, Avebury) pp. 3-19.
Weitbrecht, H (2003), 'Human Resource Management and Co-determination', in W. Müller-Jentsch and H. Weitbrecht (eds), *The Changing Contours of German Industrial Relations* (Munich and Mering, Rainer Hampp) pp. 57-79.
Wever, K. S. (1997), 'Renegotiating the German Model: Labor-Management Relations in the New Germany', in L. Turner (ed.), *Negotiating the New Germany* (Ithaca, Cornell UP), pp. 207-25.
Whitley, R. (1999), *Divergent Capitalisms: The Social Structuring and Change of Business Systems* (Oxford, OUP).
Whittall, M. (2005), 'Modell Deutschland under Pressure: The Growing Tensions between Works Councils and Trade Unions', *Economic and Industrial Democracy*, **26**, 4, 569-92.

*Table 1: Coverage of works councils and collective bargaining in private sector, 2004 (establishments with 5 or more employees, excluding agriculture)*

| % of employees in: | Manufacturing | | Services | | All private sector* | |
|---|---|---|---|---|---|---|
| | West | East | West | East | West | East |
| Council, sectoral agreement | 53 | 23 | 20 | 18 | 35 | 20 |
| Council, company agreement | 6 | 10 | 6 | 7 | 6 | 10 |
| Council, no agreement | 8 | 15 | 8 | 11 | 6 | 9 |
| No council, sectoral agreement | 13 | 7 | 24 | 17 | 24 | 16 |
| No council, company agreement | 1 | 3 | 2 | 4 | 1 | 4 |
| No council, no agreement | 18 | 42 | 41 | 44 | 27 | 42 |

* including construction, extractive industries and utilities
*Source*: Ellguth and Kohaut, 2005, from IAB-Betriebspanel.

*Table 2: Works committee elections, 1980-2004*

| % of votes | 1980 | 1982 | 1984 | 1986 | 1988 | 1990 | 1992 | 1994 | 1996 | 1998 | 2000 | 2002 | 2004 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CGT | 36.5 | 32.3 | 29.3 | 27.1 | 26.7 | 22.4 | 22.7 | 24.1 | 23.6 | 24.3 | 24.4 | 24.4 | 24.5 |
| CFDT | 21.3 | 22.8 | 21.0 | 21.2 | 20.7 | 19.9 | 19.5 | 20.8 | 21.5 | 21.7 | 22.9 | 22.2 | 20.0 |
| FO | 11.0 | 11.7 | 13.9 | 14.4 | 13.7 | 12.8 | 12.6 | 12.2 | 12.1 | 12.1 | 12.4 | 12.4 | 12.6 |
| CFTC | 2.9 | 2.9 | 3.8 | 3.8 | 3.7 | 3.6 | 4.0 | 4.3 | 4.5 | 4.9 | 5.3 | 5.5 | 6.1 |
| CFE-CGC | 6.0 | 7.0 | 7.1 | 7.5 | 6.8 | 6.5 | 6.3 | 5.6 | 5.8 | 5.8 | 5.7 | 5.7 | 6.1 |
| Others | 5.0 | 4.4 | 4.8 | 5.0 | 4.8 | 5.6 | 6.0 | 6.8 | 7.3 | 7.0 | 7.4 | 8.1 | 8.3 |
| Non-union | 16.8 | 18.4 | 19.7 | 21.1 | 23.5 | 26.6 | 28.8 | 26.1 | 25.1 | 24.1 | 21.9 | 21.7 | 22.4 |
| Turnout (%) | 71.2 | 71.0 | 68.7 | 68.0 | 66.8 | 64.9 | 65.4 | 66.8 | 66.3 | 65.7 | 63.7 | 64.7 | 65.7 |

| % of votes | 1981 | 1983 | 1985 | 1987 | 1989 | 1991 | 1993 | 1995 | 1997 | 1999 | 2001 | 2003 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CGT | 32.0 | 28.5 | 25.9 | 24.6 | 23.0 | 20.4 | 19.6 | 19.7 | 20.4 | 21.5 | 22.6 | 22.1 |
| CFDT | 22.3 | 21.9 | 20.8 | 20.5 | 20.3 | 20.5 | 20.8 | 20.5 | 20.8 | 22.9 | 23.0 | 22.6 |
| FO | 9.9 | 11.1 | 13.0 | 11.7 | 11.6 | 11.7 | 11.5 | 12.3 | 12.1 | 12.2 | 13.1 | 12.7 |
| CFTC | 2.9 | 4.0 | 4.7 | 4.6 | 4.4 | 4.5 | 4.9 | 5.1 | 5.1 | 5.8 | 6.0 | 6.7 |
| CFE-CGC | 6.1 | 6.5 | 6.7 | 6.5 | 5.9 | 6.5 | 6.5 | 6.4 | 6.4 | 6.3 | 6.1 | 6.6 |
| Others | 4.1 | 4.7 | 5.1 | 5.2 | 5.6 | 5.6 | 6.3 | 6.2 | 5.9 | 5.6 | 6.2 | 6.1 |
| Non-union | 22.2 | 22.8 | 23.8 | 27.0 | 29.1 | 30.9 | 30.3 | 29.9 | 29.3 | 25.8 | 23.0 | 23.2 |
| Turnout (%) | 69.6 | 69.2 | 66.4 | 65.5 | 64.5 | 63.8 | 65.1 | 66.0 | 65.8 | 65.3 | 64.4 | 63.8 |

*Note*: different constituencies elect in alternate years. The SNCF (French railways) moved from odd to even years in 1992.
*Source*: DARES (Direction de l'animation, de la recherche, des études et des statistiques), Ministère de l'emploi.