

Labour Disputes in Germany

Machinery and Statistics

Kinds of conflicts

- Individual conflicts

- Collective conflicts of interest

Examples: Wages and working conditions

Individual conflicts – First step to a solution

- Exchange of arguments
- Participants: Worker and his boss
- Other Participants: Groups of workers and workers' representatives

Human resources department

Way of discussion depends on national cultural tradition

Individual conflicts –Second step to a solution

- Grievance procedure
- Intervention of a mediator
- Formal Procedure of conciliation
 - inside the plant
 - outside the plant

Individual conflicts – Third step to a solution

- Referring to legal rules to get a better position
- Informing the labour inspection?
- Going to the labour court – obstacles for the worker (in most of the cases the complaint is introduced after the end of the labour relationship)

Labour Courts

- Specialized courts dealing exclusively with labour matters
- A panel is composed of one professional judge, one representative of the employers and one representative of the workers
- Within 2-6 weeks, the procedure starts with a voluntary conciliation

Number of court procedures

- Between 2006 and 2008 about 600.000 complaints every year
- During the crisis 1996/1997 more than 930.000 complaints, in 2003 850.000 complaints
- 38 million of salaried workers in Germany
- Between 1.5 and 2 % of all workers go to court every year – what would that mean for 200 or 300 million workers?

Decisions of the Labour Courts

- Only in about 7 – 8 % of the cases judgements are made
- In 45 % voluntary compromises
- In the other cases the worker withdraws his complaint or the employer accepts the worker's demands
- Solutions are found outside the court

How much time does a court procedure take?

- About one third of the conflicts is resolved at the voluntary conciliation within 2 and 6 weeks
- Within 6 months 90 % of all cases are resolved
- About 5 % of the cases go to the second instance

Advantage or disadvantage for the worker

- The worker normally needs a lawyer
- Trade union members will not pay for him
- About 40 % of all cases deal with dismissals
- Only a very small percentage of workers return to the plant, most of them get a severance pay
- The court procedure replaces in a certain way collective actions