Die Gewerkschaft- trade union

bangen- fear

Das Verfassungsgericht- the constitutional court

Der Vorzug- advantage, den Vorzug geben- prefer smth.

Tarifeinheit- collective bargaining unit law, 1 system of pay rate for each establishment

* The law stipulates that in the case of several competing collective agreements, the trade union with the most members in the company concerned will prevail. The losing union can only join and sign the contract. (1/3). Been in force since July 10 2015.
* What does the tariff unit law contain?
* Small sectoral trade unions and large associations such as **ver.di,** on the other hand, complained because they could then no longer enforce their demands with strikes and feared from the outset, the accusation was made that it was intended to weaken small trade unions of their existence. (3)
* 2
* One of the plaintiffs is the **Deutscher Beamtenbund (dbb). (2)**
* If the Constitutional Court does not object to the law, smaller unions will regularly face problems of this kind with employers in the future. We have a Plan B for this - and that is called escalation in the companies. In companies where the trade union majority is unclear or scarce, we will be much more aggressive in acquiring new members in order to become the strongest trade union there. This will then inevitably influence company peace. (3)
* 3
* **Since 1 957,** the rule "one company, one collective agreement" has been the principle of jurisdiction in Germany. If there were competing collective agreements in a company, labor courts decided which should be applied. In 2010, the Federal Labor Court abandoned this principle. Since then, therefore, several collective agreements with different trade unions can apply side by side in the same company. This strengthened small trade unions, which were able to negotiate particularly good conditions for their members. (1)
* However, a distinction must be made between companies and businesses**. Deutsche Bahn,** for example, consists of about 300 companies. For everyone it would have to be checked which trade union is the strongest in each case. This could also be the **GDL** in some companies. (2)
* Labour Minister Nahles has the support of the employers' associations for this law.
* But the German Federation of Trade Unions **(DGB)** has also demanded and supported the law. This is mainly due to the fact that it contains very large unions, which would protect the law against competition from smaller, specialized trade unions. (2)
* This should prevent small, well-organised sectoral unions from competing with large industrial unions in the future and companies from being permanently paralyzed by strikes. (3)

4

* **Pilots and train drivers (2)**
* Nahles had already declared in the Bundestag weeks ago that it is not okay for some branch unions to paralyze vital functions of our entire country for their interests. And the strikes had increased expectations with each passing day. (3)
* For four years, the law was highly controversial. In 2010, the Federal Labor Court overturned the principle of the so-called collective bargaining unit, which had been in force for five decades and according to which each occupational group in a company can only be represented by a single trade union. But while the small professional organizations celebrated the ruling as a new freedom, the large trade unions were worried about their power. (1/3)
* The government is now planning a process with several escalation stages: it is increasing the pressure on competing unions to coordinate. Either they should divide among themselves which organization represents which occupational groups - or they should agree on joint negotiations for all. Only if agreements fail will the collective agreement of the union that holds the majority in the company take effect. (1)
* **So it happens that the law will not fundamentally change the current situation, which already has to do with the complex reality in the companies. (1/3)**
* In their discussions in the Nahles department, the employers in particular had urged that this definition be interpreted as broadly as possible: the larger the company, the higher the probability that the established large trade unions will make up the majority of the workforce. Since they are only ever strongly represented in a single occupational group, **small trade unions like the GDL** would have been pushed into the minority role forever (5)
* How many members a union has in a company is known only by the union itself. It does not have to disclose these figures. Since this summer, **GDL and EVG** have been bitterly arguing about who can represent which employees and who has the power in which companies. (3)
* The **GDL** could only save itself by recruiting masses of new members before the law comes into force sometime next year. And supporters are best lured by **strikes**. Claus Weselsky at any rate has recently already prophylactically declared that he feels "provoked and forced" to industrial action.
* For the large trade unions, the legal appeal to count could even hold unpleasant surprises in store in the event of a dispute. Because in some sectors they will suddenly slip into the minority role themselves. The service trade union Ver.di is likely to be one of the main losers. (3)
* It can be a deceptive hope that the law could restore the desired peace in the companies. The Marburger Bund does not want to surrender without a fight and is preparing a constitutional complaint. "We regard the law as a massive attack on our existence as a trade union," says Rudolf Henke, head of the Medical Association. "If we were no longer allowed to conclude our own collective agreement, we would be condemned to collective begging. (3)
* 6
* The wage dispute at **Deutsche Bahn** is only superficially about higher wages. Behind this is the fierce power struggle between two professional associations. (2)
* Behind this is a power struggle. In this collective bargaining round, **GDL boss Claus Weselsky** wants to sign a contract for the first time, which will not only apply to the train drivers who form the core of his union, but also to five other professional groups - from train attendants to shunting drivers. For the EVG chairman Alexander Kirchner this is not acceptable. That is why the EVG, which is the majority union in all other areas, now wants to negotiate for its train drivers. Like you to me, like I to you. (2)
* In 2010, the Federal Labour Court strengthened the rights of small trade unions and abandoned the principle of collective bargaining that had been in force for more than 50 years. Since then, several collective agreements have been possible for the same occupational groups in one company. (1)
* GDL colleagues had driven their locomotives into the Ostbahnhof. When the strike began, they climbed out of their cabins, turned off the lights, locked the door - and disappeared. "I still asked them: Then at least explain to the passengers what you're on strike for," he says. (3)
* Dispute between members- There are EVG locomotive drivers who would rather leave the break room than sit down at a table with a GDL colleague. Harassment between the 2 (3)
* The dispute describes the future question of the tariff system. Unified trade unions such as the **EVG** stand for the old Federal Republic principle: "One company, one trade union". Their aim is a collective bargaining policy based on solidarity, in which the strongest do without the possibility of higher bargaining agreements so that the union can achieve better results for the weakest. Professional trade unions such as GDL or Cockpit see themselves first and foremost as representatives of the interests of their profession, for whom it is important to get the most out of it. (2)
* Nahles wants to increase the pressure on competing unions to cooperate with each other. A look at the railways shows just how difficult this is: for six years **GDL and EVG** had such a basic collective agreement, which regulated their responsibilities. Now it has expired and no new one is in sight. A trustful coexistence is more distant than ever. (1/2/3)
* If, as with the railways, an agreement cannot be reached, the Grand Coalition wants a notary to determine who is the strongest union in the company. Their collective agreement will then apply. But the problem begins with the question of what a "company" is. Deutsche Bahn, for example, as a corporation? Is it the more than 300 individual companies that make up it in Germany? Is it an ICE with a workforce? Depending on the answer, the GDL could be the majority trade union in some companies - or not. (3)
* That explains Weselsky's tactic. He wants to increase the GDL and secure its influence by the hard appearance. If he asserts himself, this lures new members into the GDL - and weakens the EVG. Perhaps at the end of the collective bargaining round only losers will be left behind. (3)
* 7
* The Deutsche Bahn and the union EVG have reached an agreement in the wage conflict (1)
* Railway and **EVG** agreed on a total wage increase of 6.1 percent in two stages, according to their own statements. 3.5 percent wage increase as of July 1, 2019, followed by a further 2.6 percent one year later. In addition, employees will receive a one-off payment of 1000 euros. The new collective agreements apply retroactively from 1 October 2018 to 28 February 2021 - and thus have a term of 29 months. (1)
* Conflict with GDL still unresolved
* On Monday, the TOE paralyzed large parts of the train traffic with a four-hour warning strike. Millions of commuters were affected. After the strike, the railways submitted a new offer. It was disputed how high the wage increase demanded for the approximately 160,000 employees would be. (1/3)
* While there is now an agreement with the EVG, the collective bargaining with the train drivers' union GDL failed again on Friday. Since a procedure agreed after the rail strike in 2015, however, the GDL itself cannot strike immediately. Unlike the TOE, it would first have to try arbitration. In addition, the GDL for its part already excluded work stoppages until the end of the year. At least around Christmas, strikes can no longer interfere with train traffic. (1)
* Like the GDL, the EVG had also demanded 7.5 percent more salary - and the expansion of the 2016 agreed election model, in which employees can choose between wage increases, shorter working hours and more holidays. (1/3)
* This TOE election model has also been further developed. From now on, employees can again choose between 2.6 percent more money, six days more holiday or a reduction in working hours. The "more holidays" option is to be implemented on 1 January 2021. According to the TOE, all those who opt for more holidays will receive a one-off payment of 700 euros in August 2020 for the period from 1 July 2020 to 31 December 2020.
* The training and study allowance will also be increased in two stages by a total of 100 euros: On 1 July 2019 it will increase by 60 euros and one year later by a further 40 euros. In addition, there will be a one-off payment of 460 euros for junior staff, according to EVG. In addition, Deutsche Bahn AG had been obliged to provide money for the design of a sustainable bonus system. Finally, the employer-financed company pension scheme will be increased.
* Before the ECG warning strike, the railways had originally offered an income increase in two stages: 2.5 percent from March 2019 and a further 2.6 percent from January 2020, plus a one-off payment of 500 euros, with a contract term of 29 months. In addition to the wage increase, the GDL had demanded a term of 24 months, whereas the EVG did not specify a desired term. The longer the term of a contract, the lower the effective wage increase over one year.
* According to GDL boss Claus Weselsky, the improved offer of the railway on Wednesday for both unions provided for a wage increase of 3.2 percent in the first stage - but with a term of 34 months. (1/3)
* Been in force since July 10 2015

1. What is the chronology of regulations with respect to Tarifeinheit from 1957 to now? What is the content of the different regulations?

* **Since 1957,** the rule "one company, one collective agreement" has been the principle of jurisdiction in Germany. If there were competing collective agreements in a company, labor courts decided which should be applied. **In 2010,** the Federal Labor Court abandoned this principle. Since then, therefore, several collective agreements with different trade unions can apply side by side in the same company. This strengthened small trade unions, which were able to negotiate particularly good conditions for their members
* The law stipulates that in the case of several competing collective agreements, the trade union with the most members in the company concerned will prevail. The losing union can only join and sign the contract. (1/3). Been in force since July 10th 2015.
* For four years, the law was highly controversial. In 2010, the Federal Labor Court overturned the principle of the so-called collective bargaining unit, which had been in force for five decades and according to which each occupational group in a company can only be represented by a single trade union. But while the small professional organizations celebrated the ruling as a new freedom, the large trade unions were worried about their power.
* The government is now planning a process with several escalation stages: it is increasing the pressure on competing unions to coordinate. Either they should divide among themselves which organization represents which occupational groups - or they should agree on joint negotiations for all. Only if agreements fail will the collective agreement of the union that holds the majority in the company take effect.
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* Like the GDL, the EVG had also demanded 7.5 percent more salary - and the expansion of the 2016 agreed election model, in which employees can choose between wage increases, shorter working hours and more holidays.

1. Who are the main actors? What are their interests in relation to Tarifeinheit?

* One of the plaintiffs is the **Deutscher Beamtenbund (dbb).**
* However, a distinction must be made between companies and businesses**. Deutsche Bahn,** for example, consists of about 300 companies. For everyone it would have to be checked which trade union is the strongest in each case. This could also be the **GDL** in some companies.
* But the German Federation of Trade Unions **(DGB)** has also demanded and supported the law. This is mainly due to the fact that it contains very large unions, which would protect the law against competition from smaller, specialized trade unions.
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* Nahles wants to increase the pressure on competing unions to cooperate with each other. A look at the railways shows just how difficult this is: for six years **GDL and EVG** had such a basic collective agreement, which regulated their responsibilities. Now it has expired and no new one is in sight. A trustful coexistence is more distant than ever.

1. What are the various potential outcomes/consequences of the Tarifeinheitsgesetz?

* Small sectoral trade unions and large associations such as **ver.di,** on the other hand, complained because they could **then no longer enforce their demands with strikes and feared from the outset, the accusation was made that it was intended to weaken small trade unions of their existence.**
* If the Constitutional Court does not object to the law, smaller unions will regularly face problems of this kind with employers in the future. We have a Plan B for this - and that is called escalation in the companies. In companies where the trade union majority is unclear or scarce, **we will be much more aggressive in acquiring new members in order to become the strongest trade union there**. This will then inevitably influence company peace.
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1. Why do you think this debate has emerged at this time, after more than half a century of Tarifeinheit?

* Small sectoral trade unions and large associations such as **ver.di,** on the other hand, complained because they could then no longer enforce their demands with strikes and feared from the outset, the accusation was made that it was intended to weaken small trade unions of their existence.

1. How does the Tarifeinheitsgesetz fit with the German industrial relations system more broadly?

* In their discussions in the Nahles department, the employers in particular had urged that this definition be interpreted as broadly as possible: the larger the company, the higher the probability that the established large trade unions will make up the majority of the workforce. Since they are only ever strongly represented in a single occupational group, **small trade unions like the GDL** would have been pushed into the minority role forever.

1. What is your personal view on the Tarifeinheitsgesetz?

* Though the Act expressly states that it does not intend to change the law on industrial action in any way, strikes by minority trade unions could be held to be illegal because their collective agreements could not prevail because of the new majority rule. This is one of the reasons why some legal scholars consider the Act not to be in line with the trade union freedom guaranteed by the German Constitution. Some of the small trade unions, considering the Act to be an existential threat, filed constitutional complaints immediately after the Act being published in the Federal Law Gazette and applied for interim injunctions.

1. 1957- Tarifeineinheitsprinzip different unions operated within network of larger unions but involved smaller unions as well.

2010- federal labor law, Urteil zur Tarifeinheit, ok to have separate agreements in an establishment, encouraging competition among members which strengthened smaller unions.

2015- introduce law (Tarifeinheitsgesetz)- biggest with most members decides on the agreement. Smaller can’t negotiate or strike. Somewhat back to original system.

1. Sparten Gewerkschaften eg. GDL, Cockpit, GDF- against as they are smaller

**Companies/employers**- against competition

**DGB Unions**- 8 major industrial unions, EVG- pro as they are made up of larger unions

**State**- pro

1. (4) return to old model debatable

Growing inequalities

Pressure from transport industry

Smaller unions have been able to grow since 2010, but they are not being more suppressed.

Different economic climate

Technological change- eg. Train drivers/pilots/doctors have become less respected, considered less skilled. Losing out in existing tarif system

DGB not paying attention to concerns

Change in trade union landscape