OVERVIEW OF EMPLOYEE RELATIONS IN GERMANY AND THE UK pdf

1: Employment and employee benefits in the UK (England and Wales): overview | Practical Law

At the macro-economic level, the importance of employee relations (ER) in contributing to countries' economic success has recently been highlighted by a number of authors (see, for instance, Hall and Soskice, ; Whitley,).

Following is the standard German view of that relationship. An employer can be an individual person or a legal entity that employs at least one employee. An employee is a person who performs "dependent" work for the benefit of another person or legal entity. The fact that an employee is dependent on an employing person or entity is what distinguishes the work of an employee from services performed by a freelancer or independent contractor. An employee is dependent on the employer because the employer has the right to issue directives on the place and time as well as details of the work of the employee. Typically, employees are also integrated in the organization of the employer by being assigned a certain workplace and being integrated into workplace hierarchies. Personnel who take entrepreneurial risks, which are able to determine their modalities and time of work and are not subject to directives, are normally defined as freelance staff. The often-difficult differentiation between employees and freelance staff is subject to an examination and evaluation of the facts of individual contracts. This distinction is crucial because the employer is legally obligated to deduct wage tax and social security contributions for his employees, while freelance staff are responsible for themselves in regards to tax and social security matters. Additionally, mandatory employment law rules such as dismissal protection rules do not apply to freelancers. Even where a contract specifically describes a worker as an independent worker, that worker can still, in fact, be an employee given the circumstances of their employment relationship, and can still be entitled to the same rights as an employee. German law has traditionally distinguished between blue-collar workers and white-collar workers. Today, however, this distinction no longer has any legal relevance in practice. German constitutional law requires both groups of employees to be treated equally unless objective grounds exist for unequal treatment. Differences do remain, however, in matters regarding employee representation and collective bargaining agreements. Managerial employees are also considered employees, but often act as an employer vis-a-vis the other employees. Because of this there are certain exceptions to the general labor and employment law rules for managerial employees. These are particularly notable with respect to protection against termination and the applicability of the Works Constitution Act. Temporary employment exists when a business namely a temporary work agency employs an individual on a permanent basis and dispatches him temporarily to another employer the user enterprise. The employee works during this period under the supervision and in line with the instructions of the user enterprise. Vocational training contracts that primarily intend to train young people in a profession are not considered employment contracts. They are governed by the Occupational Training Act. This Act does stipulate that the rules and principles governing the contract of employment must be applied, unless the Act expressly states an exception, or when the application of employment law would not be compatible with the nature and aim of the vocational training being undertaken. As a rule, an employment contract is for an unlimited period. It is, however, possible for the employer and the employee to conclude a contract of a limited period. The duration of fixed-term contracts must be set according to conditions such as a specific end date, the completion of a specific task, or the occurrence of a specific event. However, a fixed-term contract may be also lawful without justification, if the contract is concluded for a limited period of up to two years but does not follow any other contract with the same employer. Most part-time activities in Germany are offered as so-called mini-jobs also called "euro-jobs" or "minor employment". According to German law, minor employment workers are not insured in statutory health or unemployment insurances. An employee can also be released from the pension insurance. It can, of course, not be a substitute for in-depth legal advice, but might serve as a starting point for those interested in the German marketplace and employment laws.

OVERVIEW OF EMPLOYEE RELATIONS IN GERMANY AND THE UK pdf

2: Germany / Countries / National Industrial Relations / Home - WORKER www.enganchecubano.com

Employment Relations in Britain Alex Bryson (NIESR and CEP) role of government in Employment Relations â€¢ Overview of employment relations in UK Germany %.

Overview[edit] In economies with codetermination, workers in large companies may form special bodies known as works councils. They also elect or select worker representatives in managerial and supervisory organs of companies. In codetermination systems the employees are given seats on a board of directors in one-tier management systems, or seats in a supervisory board and sometimes management board in two-tier management systems. In two-tier systems the seats in supervisory boards are usually limited to one to three members. In some systems the employees can select one or two members of the supervisory boards, but a representative of shareholders is always the president and has the deciding vote. An employee representatives on management boards are not present in all economies. They are always limited to a Worker-Director, who votes only on matters concerning employees. In one-tier systems with codetermination the employees usually have only one or two representatives on a board of directors. Sometimes they are also given seats in certain committees e. They never have representatives among the executive directors. The typical two-tier system with codetermination is the German system. The typical one-tier system with codetermination is the Swedish system. There are three main views as to why codetermination primarily exists: German labour law , Codetermination in Germany , and Mitbestimmungsgesetz The German model of codetermination is unique. Formulated at the end of World War II , it was applied first in the coal and steel industries of West Germany following the war and gradually expanded to other sectors. Codetermination in Germany is regulated by the Codetermination Act Mitbestimmungsgesetz , and the Work Constitution Act Betriebsverfassungsgesetz The German Codetermination Act forms part of the bedrock of German industrial and company policy. Shareholders and trade unions elect members of a supervisory board Aufsichtsrat. The chairman of the supervisory board, with a casting vote, is always a shareholder representative under German law. The supervisory board then elects a management board Vorstand , which is actually charged with the day-to-day running of the company. The management board is required to have one worker representative Arbeitsdirektor. Co-determination in Germany operates on three organisational levels: Prior to , German coal and steel producers employing more than 1, workers commonly maintained a board of directors composed of 11 members: Boards could be larger as long as the proportion of representation was maintained. A worker representative sits with management in the capacity of Director for Human Resources. The workers committee has two main functions: The committee is elected by all the workers employed in a plant. Thanks to the years during which a co-operative culture has been in place, management requests from workers for proposals to improve operations or increase productivity, for example, are no longer considered mere legal formalities; they represent recognition of the fact that workers play an important part in plant success. In tandem, a practical approach has evolved among both parties, with each aiming to reach decisions based on consensus. In addition, worker representatives no longer automatically reject every proposal for structural reform, increased efficiency or, even, layoffs; instead, they examine each suggestion from an inclusive, long-term perspective. At the core of this approach is transparency of information, such as economic data. Co-determination is thus practised at every level, from the local plant to firm headquarters. Co-determination enjoys intractable support among Germans in principle. In practice, there are many calls for amendments to the laws in various ways. One of the main achievements seems to be that workers are more involved and have more of a voice in their workplaces, which sees a return in high productivity. Furthermore, industrial relations are more harmonious with low levels of strike actions , while better pay and conditions are secured for employees.

OVERVIEW OF EMPLOYEE RELATIONS IN GERMANY AND THE UK pdf

3: United Kingdom: Impact of the crisis on industrial relations | Eurofound

Established as the standard reference for a worldwide readership of students, scholars and practitioners in international agencies, governments, companies and unions, this text offers a systematic overview of international employment relations. Chapters cover the UK, USA, Canada, Australia, Italy, France, Germany, Denmark, Japan, South Korea, China and India.

In establishments with more than five regularly employed employees who are eligible to vote, a works council can be elected. The works council is elected for a term of four years. In general, elections take place throughout Germany in all businesses every four years from March to May. The size of the works council depends on the number of employees regularly employed in the establishment. The formation of a works council is not mandatory for employees. The initiative for creating it must come from the employees or the unions. If a company has more than one branch, it is generally possible to create a works council for each separate branch, provided that it has five or more employees. In practice, works councils are set up especially in medium size and big enterprises, and much more rarely in small enterprises: In Germany, works councils are organized in The works council has general information and consultation rights under the Works Constitution Act. The works council is obliged to ensure that all laws, rules and health provisions are applied correctly and to the benefit of the employees. To perform its duties, the works council must have an established dialogue with the employer. The employer and the works council can agree on works agreements, which are binding on all employees. A works agreement is a special type of contract concluded between the employer and the works council containing general provisions regarding the working conditions of the individual employees. Works agreements have the same direct and binding effect on the individual employment relationships as statutory law. The Works Constitution Act provides co-determination rights, which concern personnel, social and economic matters. Co-determination rights regarding personnel matters are, for example: Individual personnel matters for example: General personnel matters for example: Regarding social matters, the works council has powerful co-determination rights, in particular in relation to: Policies relating to the order and conduct of employees Regular start and end of the working day and the allocation of working hours Introduction and usage of technology telephone, mobiles, laptops Implementation or changes to an operational pay scheme The works council must consent to the implementation of these measures. In respect of economic matters, for example in the case of significant restructuring measures the employer must inform and consult the works council prior to the implementation of the measure. By law, the employer must bear all costs of the works council to the extent they are necessary for the performance of its duties. This includes providing the works council with offices, equipment and in larger organizations - even part-time or full-time staff. The law explicitly stipulates that the employer must provide the works council with information and communication technology. Back to top Trade unions The trade unions play a vital part in German politics. There is no trade union law in Germany. Even though trade unions are generally defined as associations with no legal capacity, they are legally entitled to collectively bargain as well as to take legal action or to be taken to court. Members are obliged to pay union dues, of which the amount is based on the individual wage level. At the same time, they are entitled to support in labor disputes as well as to legal advice. Most collective agreements are negotiated at the branch or industry level. Many of the regional associations are industry-based and the same branch is finally merged in an association at Federal level. In fact, collective bargaining mostly takes place at the branch level, even though, in some cases, trade unions may also bargain with the individual employer, provided that it is permitted by their constitutions. Collective agreements have three characterizing functions: It can, of course, not be a substitute for in-depth legal advice, but might serve as a starting point for those interested in the German marketplace and employment laws.

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4: U.S. vs. U.K. Employment Law: Whatâ€™s the Difference? - Radius

German employee relations By comparison with many other countries, the management of people in Germany is tightly controlled by legal processes. As a result of the various codetermination laws since , Germany has evolved a system which focuses on industrial democracy and harmony.

Explore our related content Employee relations has replaced industrial relations as the term for defining the relationship between employers and employees. Today, employee relations is seen as focusing on both individual and collective relationships in the workplace, with an increasing emphasis on helping line managers establish trust-based relationships with employees. This factsheet explores what employee relations means to employers and looks at the current state of the employment relationship. It briefly looks at key employee relations competencies, specifically in the areas of communication and conflict management. Finally, the factsheet considers the continuing value of positive employee relations for trade unions, employers, HR practitioners and line managers. CIPD viewpoint Our research underlines the continuing significance of good employee relations on a collective and individual level in organisations. Evidence shows that the informal workplace climate appears to have a stronger influence than collective consultation machinery on employee satisfaction and commitment levels. Log in to view more Log in to view more of this content. Please note that some of our resources are for members only. What is employee relations? It reflects the increasing individualisation of the employment relationship following the rise of individual workplace rights and the decline in trade union reach and influence. Our report Managing employee relations in difficult times concluded that the trade union relationship remains an issue in many workplaces but is not widely seen as problematic. Trade union influence is still an everyday reality for some organisations, particularly in the public sector, but continues to decline across the wider economy. From a peak of 12 million-plus, union membership has fallen to around 7 million today. Between and , the coverage of collective agreements contracted from over three-quarters to under a third of the employed workforce. The shift in the coverage and content of collective bargaining has been reflected in a dramatic reduction in industrial action since The number of working days lost due to labour disputes in was , compared with , in These figures represent a huge reduction since the s and other periods in labour history, and are below the levels in many other industrialised countries. The meaning of employee relations to employers Our research has led to some broad conclusions: Employee relations can be seen as a skill-set and lens through which to manage workplace relationships and practice, rather than as a management function or well-defined area of activity. Despite well-publicised instances of industrial action, the employee relations embraces the relationship with individual employees as well as collective relations at work. Employee relations skills and competencies are still seen by employers as critical to achieving enhanced levels of employee involvement, commitment and engagement. The state of the employment relationship The Workplace Employment Relations Study WERS found that, somewhat surprisingly, despite one-third of employees having had their wages frozen and their workload increase because of the recession, three-quarters of employees remained satisfied with their work. A key issue for employers is whether they are equipping their managers with the skills to manage relationships effectively on a collective and individual basis. However, our research report Real-life leaders: There is clearly a need for more organisations to provide better training for line managers in this area to improve the state of employment relations in organisations. Our report Power dynamics in work and employment relationships examines the complexities of power in the employment relationship and provides a firm basis from which to understand, assess and improve how employees can best shape their working lives. Exploring seven key dimensions, it proposes a dynamic framework to describe the shifting sands of employee relations. However, this shift has not entirely displaced the collective dimension. Employers should recognise the links between the way in which collective consultation and workplace conflict are managed, and levels of employee commitment. These can broadly be subdivided into those concerning the relationship between employers and individual employees, and those which concern collective relationships. Our Brexit hub has more on what the implications might be for employment law. Individuals Contract law and the terms of the contract of

employment are at the heart of individual employee relations. Handbooks vary but will govern many aspects including for example holiday, sickness, parental and other forms of leave, whistleblowing, communications and equal opportunities. In addition, certain mandatory statutory employment rights apply to supplement the law of contract. These rights affect matters such as conciliation, mediation, and other forms of dispute and discipline handling. Key examples of employment legislation affecting employee relations are the Employment Rights Act dealing with the circumstances in which employees can be fairly dismissed and the Equality Act dealing with discrimination and equal pay. Collective relationships The collective dimension includes collective bargaining, information and consultation, arbitration and industrial action. Employers may work with recognised unions to negotiate pay and conditions, or to inform and consult over changes such as redundancies or health and safety. An example of collective employment legislation is the Trade Union and Labour Relations Consolidation Act concerning collective bargaining and redundancy consultation. Employee relations competencies Effective communication in the workplace is central to good employee relations and includes focusing on positive behaviours and outcomes, taking a proactive, problem-solving approach, and recommending solutions. A much wider set of competencies is now required, such as consultation, surveying and interpreting employee attitudes, spotting potential signs of conflict and early resolution of differences between employees and management. The guiding principle is that communication should be a two-way process, involving dialogue and listening rather than simply giving out information and instructions. Yet many organisations perform badly in this area, failing to give employee communication the priority it deserves. Managing workplace conflict The ability to manage conflict remains a key issue for all organisations, because conflict is inherent in the employment relationship. Despite the decline in strikes and other forms of industrial action, workplace conflict remains a fact of organisational life and needs to be managed. The continuing value of employee relations Employee relations remains an important concept for organisations, for example: Trade unions remain a strong presence in the public sector. Employee relations is built on an underlying philosophy and skill set that are still needed by HR practitioners. Managers need technical as well as softer skills to be the effective people managers essential to a successful employment relationship. Employers need to train and support line managers in areas such as teamworking and change management as the basis for establishing and maintaining motivation and commitment, which is a critical role for managers. Strategy formulation and planning tends to be a major focus within organisations, with insufficient emphasis on implementation and delivery. Managing the employment relationship rests heavily on the shoulders of line managers, but their competence in this area is, in general, seriously neglected with many employers failing to see employee relations and conflict management as a strategic issue.

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5: United Kingdom / Countries / National Industrial Relations / Home - WORKER www.enganchecubano.co

Employee relations aim is to eliminate problems and issues related to work which an employee is unable to get solution to on its own. Unitarism- A managerialist stance which assumes that everyone in an organization is a member of a team with a common purpose.

Scope of employment regulation 1. Do the main laws that regulate the employment relationship apply to: Foreign nationals working in your jurisdiction? Nationals of your jurisdiction working abroad? Laws applicable to foreign nationals Most laws regulating the employment relationship apply to foreign nationals wholly or ordinarily working in the UK, just as they do to British citizens. The law chosen by the parties in the employment contract will govern any contractual disputes, but it will not otherwise stop UK legislation applying to the employment relationship. Laws applicable to nationals working abroad UK employment law may apply to UK nationals working abroad, depending on the strength of the connection between their employment relationship and the UK. Does the law distinguish between different categories of worker? If so, what are the material differences in entitlement to statutory employment rights and are there any maximum time periods for which each category of worker can be engaged? Categories of worker An individual may be an employee, a worker, or self-employed. It is a question of law and fact. An employee is an individual who has entered into, or works under, a contract of employment. A contract of employment may be in writing, but can also be found to exist by virtue of how matters operate in practice. The degree of day-to-day control exerted over the individual by the business. Whether the individual is required to provide services personally or can send a substitute. The more these elements are present, the more likely the individual is to be deemed an employee. The category of worker is slightly wider. It includes employees, but will also include an individual who has entered into a contract personally to perform any work or services for another party, as long as that other party is not the client or customer of any business carried on by the individual. Entitlement to statutory employment rights Employees are entitled to the full range of statutory employment rights discussed in this chapter. This includes rights during employment, such as the right to a written statement of terms, and certain statutory minimum payments in the event of illness and some forms of family-related leave. It also includes rights on termination, including the right to a statutory minimum notice period, and some protection against dismissal. Some of these rights only apply after the employee has attained a minimum period of service for example, unfair dismissal protection see Question Such employees were known as employee-shareholders. Tax reliefs were available on the receipt or buyback of shares issued under an employee shareholder scheme. However, these tax reliefs ceased to be available for employee shareholder agreements made on or after 1 December Workers are entitled to a more limited range of statutory employment rights. Like employees, they are entitled not to be discriminated against on the basis of a statutorily protected characteristic and to accrue a statutory minimum amount of holiday. However, they do not enjoy the same level of protection against dismissal as employees. Time periods are, however, relevant in the case of employees, who do not accrue some statutory rights until after they have served a certain period of continuous employment with the same employer see Question Are any grants or incentives available for employing people? Grants or incentives The UK Government runs various schemes which aim to increase employment and training opportunities for young people. These include the National Apprenticeship Service www. The schemes are regulated by the Education and Skills Funding Agency www. This scheme encourages employers to set up and run apprenticeship schemes. Employers in certain sectors may also have to make filings in respect of new employees with the appropriate regulatory body for example, the Financial Conduct Authority in the financial services sector, and the Solicitors Regulation Authority and Law Society in the legal sector. Information Employers are obliged to provide employees whose employment is to continue for more than one month with a written statement of certain terms of their employment. This written statement of particulars often referred to as the section 1 statement must be given to employees no later than two months after their employment begins. Particulars may be given at different times provided they are all given by the end of the two-month period. Are there any restrictions or prohibitions on carrying out background checks in

relation to applicants? Typically, any checks should be made only once a successful applicant has been chosen, as a condition of any offer of employment. Verification of information provided by applicants such as checking that details are accurate and complete, taking up references, and so on. Criminal record checks There is no express prohibition on an employer or other organisation seeking voluntary disclosure from a job applicant, employee, worker or volunteer about their criminal record. However, the Rehabilitation of Offenders Act ROA limits the obligations that an employee has to disclose such information, and also limits the extent to which the employer may base its decisions on such information. Subject to certain exceptions, a person who has been convicted of a criminal offence but who does not re-offend during a specified period from the date of conviction the rehabilitation period is considered to be rehabilitated and their conviction becomes spent. Then, unless one of the exceptions under the ROA applies, they will be entitled to hold themselves out as having a clean record. The DBS has produced a guide www. It is now a criminal offence for an employer to try to circumvent these provisions by requiring a job applicant or employee to use a subject access request to obtain a copy of his or her own criminal record as a condition of employment or continued employment. Organisations receiving standard or enhanced disclosure information including registered and umbrella bodies and recruiters must abide by the DBS code of practice for registered persons and other recipients of disclosure information www. Employers should also be careful about how they use information provided by the DBS. Certain UK criminal convictions are deemed spent after a set period of time has passed, so are not subject to disclosure by the individual concerned, and should not be used by the employer as the basis for refusing to employ an applicant. There are certain exceptions to this in the DBS legislation for example, roles in the teaching, medical and legal professions, where all prior convictions must be disclosed, however old or trivial. However, following a successful judicial review of these exceptions in , employers should ensure that, subject to any industry specific guidance, they exercise independent judgement in considering the weight to attach to such disclosures. Other vetting More general vetting of an applicant for example, background checks by third parties is considered highly intrusive, and should only be used where there are particular and significant risks to the employer, its customers, clients or others, and there is no less intrusive and reasonably practicable alternative. It should generally be used to obtain specific information, rather than for general intelligence-gathering, and at a late stage in the recruitment process so that the number of applicants subject to vetting is minimised. Permission to work 5. What prior approvals do foreign nationals require to work in your country? Employers must prevent illegal working, and those who do not comply with their obligations can face criminal and civil penalties. It is therefore important that employers establish the approvals required for foreign nationals working in the UK. There are some exceptions, for example the spouses and civil partners and, in certain circumstances, unmarried partners of British citizens, EEA nationals, Swiss nationals and their dependants. Visa Procedure for obtaining approval. Under the PBS, there are five tiers through which an individual might acquire the right to work in the UK. The most relevant tiers for potential employees are: It has various sub-categories, including entrepreneur, investor and person of exceptional talent, although some of these are now closed to new applicants. Typically, employers seek permission for potential employees using Tier 2. Once an employer obtains a licence, the next steps to engage a candidate under the PBS depend on the sub-category into which he falls. The sponsoring employer is likely to have to: Demonstrate that the role cannot be filled by the resident labour market, unless the candidate or role is exempt from this requirement. Deal with any issues regarding dependants of the candidate. Whether the resident labour market test has been conducted. Prospective employers of the top-scoring candidates are then authorised to issue a COS to those individuals. This will last for a set period of time for example, the initial length of stay under a Tier 2 COS is three years, but can be extended. Employers who bring category Tier 2 migrant workers to the UK to work may be levied with an "immigration skills charge". Further information can be found on the UKVI website www. Individuals can use the UKVI website to track the typical time it takes to process an application from their country. Generally, UKVI indicates that the majority of applications that do not involve requests for indefinite leave to remain that is, permanent settlement in the UK are resolved within three weeks of application, and the vast majority within 12 weeks. Settlement applications may take longer. Employers have a duty to prevent illegal working. In June , the criminal offence of knowingly

employing an illegal migrant was extended to include circumstances where an employer has "reasonable cause to believe" that a person is an illegal worker. Sanctions depend on when the worker started employment with that employer. Employers who did not check staff employed before 27 January will not be liable to sanctions if those individuals are found to be illegal migrant workers. An individual who breaches immigration rules or is removed from the UK also risks a mandatory ban from the UK for up to ten years. On 29 March , the UK gave notice under Article 50 of its intention to leave the European Union EU , thus triggering a two-year period for the UK and the EU to negotiate a withdrawal agreement although the deadline can be extended with the unanimous consent of the remaining EU member states. Currently, it remains to be seen what the position will be following Brexit. For example, the right of free movement enjoyed by workers within the EEA and Switzerland to come to work in the UK and bring their family may no longer be automatic, depending on the terms of the agreement reached between the UK and the EU. Restrictions on managers and directors 6. Are there any restrictions on who can be a manager or company director? Age restrictions Managers and company directors must usually be at least 16 years old. There is no upper age limit. Nationality restrictions There are no nationality restrictions on who can be a manager or company director. Has been disqualified from acting in this capacity. Is an undischarged bankrupt. Regulation of the employment relationship 7. How is the employment relationship governed and regulated? The statement must contain: Names of the employer and employee. How much and how often the employee will be paid. Terms and conditions relating to hours of work. Terms and conditions relating to holiday entitlement. Terms and conditions relating to sickness absence and sick pay.

OVERVIEW OF EMPLOYEE RELATIONS IN GERMANY AND THE UK pdf

6: UK Employee Relations Articles

Employee relations has replaced industrial relations as the term for defining the relationship between employers and employees. Today, employee relations is seen as focusing on both individual and collective relationships in the workplace, with an increasing emphasis on helping line managers establish trust-based relationships with employees.

Labor and Employment We provide legal insight and practical solutions for one of the most complex and highly regulated areas of business. Relations between German employers and employees are extensively regulated under German labor and employment law. Set out below are certain highlights of German labor and employment law: By law, German employees must have written employment contracts that reflect the key aspects of the employment relationship e. Although an employment contract unlimited in time is typical for Germany, it is possible to agree on an employment contract with a limited term and employers tend to increasingly make use of this possibility. Limited term employment contracts are, however, subject to restrictions under German labor and employment law. Generally, a limited term employment contract is permissible only when there is an objective reason for the limitation e. However, an employer can always enter into but not renew a limited term employment contract for a period of up to two years, without restrictions. All weekdays excluding Sundays and public holidays are considered to be working days. However, German employees normally work from Monday to Friday five-day week. Under a five-day week, the average working time is between 35 and 40 hours. The daily productive working time generally may not exceed eight hours. A daily working time of up to ten hours productive working time is possible if, over a period of six months, the average daily working time does not exceed eight hours. Working on Sundays and public holidays is generally prohibited. However, the German law on working hours provides for several exceptions in which working on Sundays and public holidays is permitted although prior approval by governmental authorities is required in some circumstances. However, it is more typical for an employee to receive between 25 and 30 vacation days per calendar year, depending on seniority and the type of business. German labor and employment law requires the continuation of full salary payments for a period of six weeks in case of sickness of an employee under certain circumstances, the employer has to continue payments for up to 12 weeks. Payments to the employee are made partly by the statutory health insurance provider and partly by the employer. During this period the employer is not obliged to make any payments to the employee. However, the employer may not terminate the employee. Employees have a legal right to work part-time up to 30 hours per week during parental leave. After expiry of the parental leave, the employer has to offer an adequate working position to the employee. The mandatory Social Security System in Germany consists of health insurance, home care and nursing insurance, pension insurance and unemployment insurance. Generally, its is mandatory that all employees are insured by the German Social Security System. In companies with more than five employees, the employees may elect a works council. The works council represents the employees and negotiates, cooperates and consults with the employer in various situations e. German employment termination law is regulated by various codes and is intended to give the employee maximum protection against unfair dismissal. For example, the employer must observe the applicable notice period, which is ordinarily determined by law between four weeks and seven months, depending upon the length of employment. If the employer and the employee have mutually agreed upon a longer contractual notice period, the longer contractual notice period will prevail. Any agreement on a notice period that is shorter than the applicable statutory notice period will be invalid. Generally, termination of employment can only be effected as of the end of any calendar month. The employer must therefore keep the effective date of employment termination in mind when calculating when to deliver the notice of termination. The employer has to give a written notice of termination to the employee. The document has to be signed by the employer. All other forms of notice of termination i. The German Termination Protection Act restricts termination of employment if the employee has been employed for more than six months when the notice of termination is given. This act applies, however, only with regard to companies that employ more than five employees. The particular reasons enumerated in the act that permit termination include reasons related to the personal

situation of the person to be dismissed e. In these cases, prior approval of various German authorities is required but usually very difficult to obtain. If a company engages in a mass layoff which is deemed to occur when the employer intends to dismiss a large percentage of its employees during a one-month period prior approval by the employment office is required.

OVERVIEW OF EMPLOYEE RELATIONS IN GERMANY AND THE UK pdf

7: Co-determination - Wikipedia

Media center. The media library provides access to images, as well as TV footage files and video clips, infographics and documents related to Deutsche Post DHL Group and its corporate divisions.

Impacts on industrial relations processes 3. These figures are similar to the number of applications received between and , and a sharp increase on the 28 applications in the month period between â€" Most came from manufacturing, transport and communication, and applications from the care and business-to-business sectors increased. There is no direct causal link to the crisis, but it may be that employees feeling under threat due to economic uncertainty are turning to trade unions for protection. There has recently been some debate about union derecognition. UK employers generally reach a voluntary agreement with trade unions to recognise them for collective bargaining purposes. Recognition can be made compulsory by an independent arbitration committee if a union demonstrates a certain level of support from employees. While derecognition of unions is not common, a couple of cases have made the news in , prompting concerns that employers may use derecognition as a way of pushing through cuts in pay and conditions. The first was at Plymouth City Council, which, like most UK local authorities, voluntarily recognises several unions. In August , it derecognised the Unison public services union the largest among its staff after Unison refused to sign a new collective agreement. Unison alleged that the agreement meant worse pay and conditions for staff and was potentially discriminatory. After the agreement was revised, Unison agreed to sign it if recognition was restored and re-recognition was granted in mid-September The Plymouth case was highly unusual and Unison attracted support from other unions, both nationally and internationally. It underlined union concerns that, in a context of public spending cuts, employers elsewhere in the public sector where recognition is traditionally very high might use derecognition to push through cuts in pay and conditions â€" either as a bargaining tactic, or as a longer-term strategy. The employees claimed that most of the 2, strong workforce supported derecognition, and that had signed a petition calling for a ballot. The CAC rejected the application on the grounds that it did not believe most workers in the unit would favour an end to the bargaining arrangements. However, the case highlighted tensions between the company and the union. Unite alleged that the petition had been supported by management, which denied the claim. WERS confirms the overall low coverage of collective bargaining in UK workplaces, and particularly in the private sector. However, it also shows that decisions on ICE cases by the Central Arbitration Committee and Employment Appeal Tribunal have addressed key aspects of the legislative framework with significant implications for both employers and unions, suggesting that the regulations can be highly effective. From April to the end of December , 40 complaints relating to 22 organisations were submitted to the CAC by employees or trade unions. Of these, 22 resulted in decisions by a CAC panel. The other complaints were withdrawn without reaching this stage. However, decisions by the CAC and EAT have addressed key aspects of the legislative framework and have had significant implications for both employers and unions. A number of the leading cases demonstrate that the regulations are capable of being used highly effectively by unions against defaulting employers. The TUC voted at its annual congress in autumn to support coordinated strike action over a public sector pay freeze. Trade unions representing public sector workers have stated that they are prepared to take industrial action in if talks with the government on pay increases fail. However, the UK government has stated that it has no plans to reverse the public sector pay freeze at present. There seems to have been a degree of cooperation between trade unions, particularly those representing public sector workers, around the issues of protesting against the ongoing pay freeze for public sector workers. However, apart from this, little seems to have changed in the overall relationship between the social partners. Please tick the relevant box.

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8: Information on Employee Relations | CIPD

UK Employee Relations Articles. Please note that many other articles with IR implications appear under different headings, e.g, employment law. How You Can Benefit from Employee Surveys.

Putting out or Domestic system. The first three stages represent Pre-machine age. Let us look at these stages briefly: Hence, there was no problem of exchange of goods. Division of labour was restricted only to the family level. This was mainly because men devoted their time to activities like hunting, fishing and making of weapons, and women engaged themselves in cooking, bringing up the children, agriculture and domestication of animals and doing other household chores. In short, all the activities of the family were carried on either to produce or to procure products for family consumption. In this manner a family was able to satisfy its needs, and the question of exchange of goods did not arise. In the course of time, some families started keeping the animals rather than killing them. This led to domestication of animals. Animals were treated as a form of wealth, which could be exchanged for other products required by the family. This gave birth to the barter economy. This may be defined as the direct exchange of one commodity for another commodity. The exchange was direct and without the use of any common medium of exchange. Every person used to exchange his surplus goods with the other persons for the goods required. For instance, a farmer, who had plenty of food grains but no cloth exchanged a part of his food grains with the weaver who had surplus cloth and needed food grains. The main difficulty of the barter system was the lack of double coincidence of wants and a common measure of value. Therefore, the exchange was restricted only to the goods in which some families were surplus and other families were deficient. Many tribes settled down permanently at some place and began to sow seeds and rear cattle on the land, which they shared in common. Agriculture became the primary source of maintenance during this stage. These tribes were self-sufficient as they produced everything they required. The division of labour confined to the division of work between men and women of the tribe. Eventually with the rise of private ownership of property inland and cattle, the tribe split up into families. Gradually, human wants also became varied. These families were no more self-sufficient. Moreover, some families concentrated on occupations other than agriculture. This led to exchange of goods for goods to satisfy needs of various families and the establishment of village economy. The village became a unit of economic self-sufficiency. Some families also started using hired labour. Later on, traders came into existence that purchased the surplus products of different families and sold them to those requiring these products. The difference in purchase and sale price was their profit. Emergence of traders led to specialisation in different fields by different families. It was no longer necessary to produce everything a family needed for self consumption. There was hardly any machinery. The craftsman used simple hand tools arid manual skills for producing the goods. There was no division of labour at this stage. Thus, the organisation of industry was quite simple. The craftsman was responsible for assembling various raw materials, and selling the goods produced by him. A merchant guild was an association of merchants engaged in trade in a particular locality. The purpose of a merchant guild was to enforce equality of opportunity for the members of the guild, to protect their interest, to avoid competition among the members and also to regulate the conduct of its members by prohibiting unfair practices. A craft guild, on the other hand, was an association of the skilled artisans engaged in the same occupation. Thus, there were several guilds in a town. The craft guild regulated entry to the craft, prescribed standards of workmanship and regulated the conduct of the members. The guild system began to decline by the end of 15th century due to the narrow attitude of the guilds and the increasing rivalry among their members. At this stage, the intermediary between the producers and consumers of goods came to play an important role. The entrepreneur gave outwork to the artisans who worked in their homes. The artisans still owned the means of production. The entrepreneur came at regular intervals, collected the goods and paid for them to the artisans. The artisans faced difficulty when the scale of production increased and there was a need for new tools of production. The entrepreneur started providing raw materials and, tools to the artisans who produced goods and received wages on piece wage basis. That is why; this stage was called the putting out system. During the beginning of 18th century, the entrepreneur followed the practice of employing the artisans and getting work

from them at their own premises. The entrepreneur procured raw-materials and equipment, assigned work to the artisans, inspected the quality of products, and found a market for his products. In other words, he was the owner and manager of the production system. Industrial Revolutions Industrial revolution during the later part of the 18th century and earlier part of the 19th century had a vital influence on the development of industry and commerce. It changed radically the techniques of production and had an important impact on the life of mankind. Industrial revolution was the result of the inventions of many English scientists during to The need for inventions arose because of the increase in the demand of products due to widening of markets followed by the geographical discoveries of the late 15th and 16th centuries. It was beyond the capacity of the industry using labour intensive techniques to meet the increasing demand. The inventors in England had set for themselves the task of finding ways and means to remove the hindrances in production faced by the producers and manufacturers. The invention of steam engine enabled man to drive the machines by power. The concept Industrial Relations largely emerged during the Industrial Revolution. Some aspects of Industrial Revolution which will help in understanding of the evolution of Industrial Relations it can be summed up as: There were a series of mechanical inventions by the English scientists. Production in factories started with the help of machines run by mechanical power such as steam, oil and electricity: Thus, setting up a factory required huge amount of capital. This gave birth to two classes in industry, namely, capitalist and labour. Introduction of machinery led to mass scale production of standardized goods. The modern factory system provided both direct and indirect employment to a large number of people. The factories generated direct employment and trading in raw materials and factors products gave indirect employment to traders and mercantile agents. Large scale employment in factories gave birth to labour problems, which necessitated some steps by employers to create good human relations in factories. The significant changes brought about by industrial revolution are listed below: Engineers were required to design machinery for textiles, coal mining, etc. Revolution in iron making. The engineers, who took charge of important task connected with the industrial change, could succeed in their work only if iron was cast in large quantities and was of fairly good quality. Use of power driven machines. Power driven machines were used in industry. It began with cotton spinning and weaving and, later on, spread to wool, silk etc. Rise of chemical industry. The application of power driven machines in textile mills made it necessary to develop bleaching, dyeing, finishing and printing processes to keep pace with the output of textile mills. Development of coal mining. Coal was needed to refine pig iron and cast it into the form in which it was needed by the engineers. It was also needed for generation of steam power. Development of means of transport. For regular supply of raw materials, etc. The development of the means of transport like railways and steamships constitutes the most important impact of the industrial revolution. Above you have seen the changes brought about by the industrial revolution so now going on a little further on the same topic let us discuss the effects industrial revolution had on the economic front. Economic Effects of Industrial Revolution Industrial revolution brought about the following economic changes: The industrial revolution made mass production of goods possible by the use of power driven machinery in place of hand tools. Change of form of Ownership. Large-scale production increased the size of industrial enterprises sole proprietorship concerns expanded into partnership firms and further developed into joint-stock companies. The evolution of joint stock companies was an important outcome of the industrial revolution. Industrialization led to a craze for specialization in every field because of development in the means of transport and communication. Different parts of the country and even different parts of the world specialized in producing or manufacturing different commodities or parts. Specialization helped in reducing the cost of production. Cottage system of production was greatly replaced by the factory system. Under the factory system capital is the crucial factor. Large-scale production further increased the need and significance of capital. This gave birth to capitalistic economy under which there are two classes of people, namely, capitalists and workers.

OVERVIEW OF EMPLOYEE RELATIONS IN GERMANY AND THE UK pdf

9: How To Germany - German Workplace Organizations and Associations

The paper examines recent evidence on the erosion of the German industrial relations model. Although its coverage has declined, much of this has occurred in smaller and newer establishments, and compared with Britain, it has remained solid in the areas of Germany's traditional industrial.

In the United Kingdom, there were 11 stoppages in March costing 29, working days. The resolution of such disputes in America depends on the application of the existing federal and state laws relating to labor. There are both differences and similarities between the American and European labor laws. Employment Contract In the United States labor laws, there is no requirement for an explicit contract of employment. Most employment is on an at-will basis, meaning that the employer or the employee can terminate the working relationship at any time, as long as the reasons are lawful. In Europe, the employment contract, derived from common law, is the basis of all employer-employee relations. Employment-at-will doctrine does not apply, notes High Street Partners, a leading international business service provider; the employer is required to follow due process in terminating an employee; if he fails to do so, he can be liable for wrongful termination. Wrongful Termination American federal laws and the U. Fair Labor Standards Act do not require that employers notify their employees before termination. An employer can terminate the working relationship for any reason other than discrimination, retaliation, defamation, breach of explicit contract or fraud. According to the HG Global Legal Resources, just because an employee feels he has been treated unfairly, he may not be able to claim wrongful termination. Under European labor laws, an employee can claim wrongful dismissal or termination if the employer breaches the employment contract. For example, if the employer dismisses the employee without any notice or fails to follow disciplinary measures as stipulated in the contract before dismissal, the employee could claim wrongful termination. Working Hours Federal employment laws in the United States place no limitations on the working hours for employees. However, California state laws entitle employees to a day off every week unless the nature of the occupation makes it difficult to do so. In comparison, European Union member states such as Germany legislation limit weekly working hours to 35 hours. In , the U. Child labor The U. Fair Labor Standards Act permits minors aged 14 and 15 to work outside school time for limited hours in nonmining or nonmanufacturing industries. Minors aged 16 and 17 are allowed to work for unlimited hours; however, all minors are prohibited from performing hazardous jobs. Similarly, European child labor laws resonate with those of the United States. Article 32 of the Charter of Fundamental Rights of the European Union prohibits the employment of minors who have yet to reach the minimum school-leaving age in their countries. It protects minors from economic exploitation, which may interfere with their safety, development and education.

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