

UDC 316.35.(075.8)

## Studying foreign experience of the development of social partnership forms in employment (in case of Germany)

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Publishing House "ANALITIKA RODIS" ( analitikarodis@yandex.ru ) http://publishing-vak.ru/

### Abstract

The article deals with foreign experience of social partnership at the example of Germany. The authors identify six models of social partnership. Three models depend on the level of negotiation and three others depend on the level of employee participation in representing their interests in the partnership. The first model was formed in the north of Europe – in Sweden, Finland, Norway, Belgium. They are characterized by active state intervention in labor relations and their regulation. The second model is characterized by a single-level social partnership. It is limited to the conclusion of collective agreements mainly at the enterprise level. This pattern is typical for Canada and the United States, Japan and several Latin American countries. The third model is typical for Central Europe (Germany, Austria, and others.). It may be considered as an intermediate stage between the first and second models. In the third model, the main focus of social partnership is put on the branch level. At the level of the whole country joint agreements of three parties will not be accepted, they are limited to consultation, and are not quite mandatory. The main negotiating process in this model is in branches. Companies here, as a rule, do not make collective agreements. The second classification distinguishes a model of union representation, a model of pure representation of employees, a model of mixed representation.

**For citation**

Voroshilova A.E., Novosel'tsev N.R. (2016) Issledovanie zarubezhnogo opyta razvitiya form sotsial'nogo partnerstva v sfere truda (na primere FRG) [Studying foreign experience of the development of social partnership forms in employment (in case of Germany)]. *Ekonomika: vchera, segodnya, zavtra* [Economics: yesterday, today and tomorrow], 8, pp. 180-188.

**Keywords**

Social partnership, labor market, capital market, employment, the economy of the EU countries.

**Introduction**

Historically, the idea of social partnership emerged and was developed in the field of labor relations as a result of thinking began in the middle of the XIX century in Western Europe, violent clashes between capital and labor – the workers and the capitalists, or, to put it more correctly, between employees and employers (employers), as well as representatives of the two classes and the state. Very soon the class struggle-oriented Marxism, Bolshevism, and then on the revolutionary subversion of the existing order, showed how dangerous the consequences for society and especially for themselves employees (with the spiritual and moral point of view). However, the full rejection of militant revolutionism in favor of a peaceful reformist occurred in Western Europe in the second half of the twentieth century. A great contribution to the development of the ideology of social partnership has brought the German Social-Democrat, a follower of "ethical socialism" and founder of "revisionism" Eduard Bernstein (1850-1932) [Malinkin, 2003, www].

V.A. Mikheev on the basis of the development of appropriate criteria for the classification of spent social partnership, formed in foreign countries [Mikheev, 2001, 297]. So, depending on the level of the negotiation process, there are three basic models of social partnership.

The first model was formed in the north of Europe – in Sweden, Finland, Norway, Belgium. It is characterized by active state intervention in labor relations and their regulation. In addition, this model is considered to be an important three-tier partnership: national level, industry and then, finally, the level of the enterprise. In Belgium, for example, at a high national level, there is the National Council on Labour. It includes an equal number of members from each of the three partners. The state is taking over more and legislative function. In the second, the sectoral level is "parity commission." At the level of the enterprise issues are resolved on a bilateral basis: entrepreneurs – trade unions. Particularly active trilateral cooperation has emerged in the West during the global crisis of 1929-1933 and immediately after it. It is believed that in many respects due to these countries, particularly embarked on the path of social orientation, managed to reach social consensus.

The second model is characterized by a single-level social partnership. It is limited to the conclusion of collective agreements mainly at the enterprise level. This pattern is typical for Canada and the United States, Japan and several Latin American countries. Business associations, as well as trade unions, through their deputies are trying to influence legislation, and after him – on the relationship between the social partners.

The third model is typical for Central Europe (Germany, Austria, and others). It may be seen as an intermediate between the first and second models. In the third model, the main focus of social partnership is put on his branch level. At the level of the whole country joint agreement the three parties will not be accepted, it is limited to consultation, and do not quite mandatory. The main negotiating process for this model comes in branches. Collective agreements for the companies, as a rule, are not.

This model is widely used in the Netherlands and Switzerland. In the Netherlands, 200 sectoral agreements apply to most companies and their employees. In Switzerland, it takes about 500 regional and sectoral agreements, covering almost 1.5 million employees.

The model of tripartism was supported at the meeting of Heads of State for Social Development, held under UN auspices in 1995 in Copenhagen. It was pointed out that social progress is impossible if only rely on the market mechanism. The main objectives were identified to ensure full employment and the fight against poverty. The means for this are called investments in "human resource development".

The requirement to protect the interests of workers, employers as a duty of the state is fixed at a number of international documents. For example, in the Social Charter adopted in 1961 by the Council of Europe, signatory states have committed themselves to support the following civil rights: to work, to equitable remuneration to decent conditions of work and leisure, to organize and bargain collectively.

Basic principles of the implementation of the tripartite partnership enshrined in many recommendations of the International Labour Organization (ILO). So, at its General Conference in 1960, the ILO adopted the recommendations of the tripartite consultations in each country – a member of the ILO at both the national and sectoral level. In 1976, the ILO adopted the Convention number 144, which determines the equal representation of workers and employers in a national advisory committee.

In 1998, on the initiative of Denmark was an interesting international conference on social partnership, which was attended by more than 25 countries in Europe, America and Asia. They discussed the social partnership model for social welfare in the third millennium. Much attention was paid to new initiatives to reduce unemployment, increase employment of people with disabilities, training and retraining as well as improvement of the social responsibility of enterprises and companies. On the subject of social responsibility was previously held a special analysis, which included an opinion poll. He showed the increase in the number of those who recognize that the care of workers must be based primarily on the company, because these measures entail the

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growth of labor productivity of employees and their creative impact, enhancing the reputation of the company and, consequently, its profitability.

If the first criterion for the classification of social partnership is considered above the level of the negotiating process, the second criterion for the classification of social partnership in different countries viewed the level of employee participation in representing their interests in the partnership. Here, too, there are three basic models.

Model union representation is characterized by the fact that the trade unions are by law the employees' representatives, and, moreover, often the part of the workers who are not union members. This model is represented in the US, Canada, Japan, the UK, Ireland and other countries.

It should be noted that depending on the characteristics and behavior unions this model can be regarded as submodels, where:

- a) trade unions are focused on cooperation with the authorities;
- b) trade unions aimed at conflict with the government.

Model pure representation of employees is characterized in that labor collective chooses its own representatives to the board (or committee) of the enterprise, which led the negotiations with the employer. However, basically the Council (Committee) is a consultative and informative power. The extent of the obligation of accounting council reviews the employer must be specifically defined in the collective agreement. This model is used in Spain, Greece, Portugal and several other countries.

The model of mixed representation stands out the fact that the councils are elected by the workforce, including representatives of the employer. Here the powers of the Board are wider, as the Council may participate in the decision-making process based on consensus. However, the range of issues on which decisions can be made (daily labor, health and safety, working conditions, hours of work) should especially be stipulated by the legislation or agreement. For example, in France, the head of the company is legally obliged to report annually to the Committee (Council) report on the economic turnover, wages, states and their changes on working conditions. If the employer decides on these matters without consulting with the committee (council), it can be revoked by a court. This model is also typical for Belgium, Denmark, Ireland and other countries [Lutokhina, 2003, www].

One of the most successful in the second half of the twentieth century is a West German, now the German model. Existing in the Federal Republic of Germany, the system of social partnership makes it possible to resolve disputes than through strikes or performances on the barricades, and at the negotiating table, by searching for mutual consent, equilibrium of interests of different social groups instead of their opposition. Social partnership includes as its principles of reasonable compromise instead of confrontation, which leads to frustration, agreement – instead of unilateral action, tolerance – instead of radicalism, evolution – instead of revolution. The German model of social partnership involves the indirect right of the interaction between the major classes of industrial society on two levels. On the social and public level there is an adjustable right

and organized on the principles of social partnership of cooperation between representatives of employees and employers and the state. Here the interests of the unions of employees and employers' associations, and sometimes also the state faced about ways to solve large-scale or public-systemic social problems such as unemployment, environmental protection and so on as well on the various kinds of collective agreements.

At the level of industry associations, corporations, firms and enterprises occurs adjustable right and organized on the principles of social partnership of cooperation between representatives of employees and employers. Here the interests of employees and employers are facing, first, mostly directly (because they do not always and not at all in agreement, on the one hand, the interests of the trade unions, and on the other – with the interests of employers' associations), and secondly, on the local, corporate, group and individual problems of production and labor. It is, for example, to reduce or creating jobs, transferring production to a new place of employment or dismissal, the introduction of new technology, professional development, job training, and so on.

The system of social partnership at the level of industry associations, corporations, firms and companies in Germany, known as industrial or labor, democracy. She deserves separate consideration, as regulated by a special law on the statute of the enterprise (Betriebsverfassung) and self-determination (Mitbestimmung). Let us consider in more detail how the system of social partnership in Germany to social and public level.

German law and established traditions of management and labor are such that, in spite of the opposition of interests, employers (these include, first of all, the owners of capital, entrepreneurs) and employees (workers, employees, students at work) have to cooperate with each other. In Germany, there is tariff autonomy: employers "associations and workers" unions have the right to conclude collective agreements (collective agreements), without government interference. Although the state as legislator and defines the general conditions, it is, for example, does not specify how much should earn a worker or an employee in a particular industry. Agreeing on this and many other things, say on vacation duration, – partners in the task of collective bargaining: trade unions and employers' associations.

The largest trade union organization is the German Association of the German Trade Unions (UCP). So, by the end of 1995, more recent data are not available in UCP, there were about nine and a half million members organized in 16 unions. The trade unions act UCP branch principle: they accept into their ranks of workers and employees of specific sectors of the economy (or even several sectors), regardless of the profession for which the person works for the enterprise. For example, a driver and an accountant working in the print shop, could be members of a trade union of media workers.

Among the trade unions UCP most numerous unions of metallurgical and metal processing industry (on 12/31/1995 they consisted of 2,869,469 members, accounting for 30.7 percent of all members of the United Civil Party unions), as well as unions of public service and transportation (at the same time they consisted of 1,770,789 members, or 18.9%). The most a few – unions

leather industry (23 081 member, or 0.2%), horticulture, agriculture and forestry (82,725 members, or 0.9%), wood and synthetic materials (170,908 member, or 1.8%) [Germany. Data, 1996, 387].

Along with UCP union of German employees exists in which there are currently more than half a million members. In principle, its members may be only employees, and of the various sectors of the economy. German union officials, numbering in 2002 more than a million members, are the most influential organization officials. Due to the peculiarities of the legal status of the officials he does not negotiate collective agreements, and therefore can not, for example, to declare a strike. In other respects he has all the hallmarks of a trade union organization. There is also the Association of Christian Trade Unions of Germany. In 1995, it employs about 306 000 members.

The German trade unions are independent from political parties and the church. For our members in the trade unions, there are numerous schools. Join a union does not force anyone. In Germany there is a system of "closed shop" – enterprises, which by agreement between unions and employers to work are accepted only persons who are members of the union. It is very different and the degree of organization of employees, i.e. the proportion of union members among employees of different industries varies considerably.

Employers united in regional associations, which, like the trade unions within the framework of the United Civil Party, organized on a sectoral basis. Parent organization employers "unions is the Federal Association of German Employers" Unions (FOSGR). Of course it is just as UCP does not conclude collective agreements, and acts as a coordinating body and protects the interests of its members. The degree of organization of employers is much higher than that of employees, and is about 80 percent.

FOSGR covers all sectors of the economy from industry, commerce, crafts, banks and insurance companies up to the vehicle. But the entrepreneurs it is only as employers, that is, as a partner in negotiations with trade unions. All other interests, such as issues of economic and fiscal policy, are to defend entrepreneurs in other associations. As an example, such business organizations as the Federal Association of German Industry, the Central Association of German Crafts, the Federal Association of German Wholesale and Foreign Trade.

## Conclusion

In conclusion is to say that despite the fact that the social partnership model in foreign countries differ, in those countries that have adopted some type of social relations between state and society, it is broadcast on the company's behavior towards employees.

Social partnership model in Russia is just being formed. Successful German experience in the formation of social partnership strategy can also be applied in Russia. The problem is not is not fully understood. The increase in social security has a synergistic effect, the more the state gives, the more responsible attitude from companies.

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## Исследование зарубежного опыта развития форм социального партнерства в сфере труда (на примере ФРГ)

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### Аннотация

В статье рассмотрен зарубежный опыт социального партнерства на примере Германии. Выделены шесть моделей социального партнерства – три в зависимости от уровня переговорных процессов и три в зависимости от уровня участия работников по представительству их интересов в партнерских отношениях. Первая модель сформировалась

на севере Европы – в Швеции, Финляндии, Норвегии, Бельгии. Она характеризуется активным вмешательством государства в трудовые отношения и их регулированием. Вторая модель социального партнерства отличается одноуровневостью. Она ограничивается заключением коллективных договоров в основном на уровне предприятий. Эта модель характерна для Канады и США, Японии, ряда стран Латинской Америки. Третья модель типична для Центральной Европы (Германия, Австрия и др.). Она может рассматриваться как промежуточная между первой и второй моделями. В третьей модели главный акцент в социальном партнерстве ставится на его отраслевом уровне. На уровне же всей страны в целом совместные соглашения трех сторон не принимаются, дело ограничивается консультациями, и то не вполне обязательными. Главный переговорный процесс по этой модели идет в отраслях. Коллективные же договоры на предприятиях, как правило, не заключаются.

Вторая классификация выделяет: модель профсоюзного представительства, модель чистого представительства работников, модель смешанного представительства.

#### **Для цитирования в научных исследованиях**

Ворошилова А.Е., Новосельцев Н.Р. Исследование зарубежного опыта развития форм социального партнерства в сфере труда (на примере ФРГ) // Экономика: вчера, сегодня, завтра. 2016. № 8. С. 180-188.

#### **Ключевые слова**

Социальное партнерство, рынок труда, рынок капитала, занятость, экономика стран ЕС.