

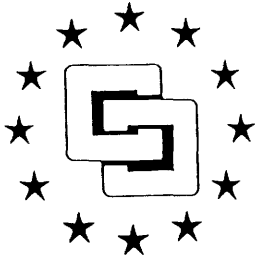


European Foundation
for the Improvement of Living and
Working Conditions

INDUSTRIAL RELATIONS AND THE ENVIRONMENT
Germany

Working Paper No.: WP/93/13/EN

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By
Prof. Dr. Eberhard Schmidt

C.v. Ossietzky-Universität Oldenburg
Inst. f. Politikwissenschaft II:
Politik und Gesellschaft

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1. INTRODUCTION

The impact of industry on the environment is both widespread and serious and includes the consumption of non-renewable natural resources and energy, atmospheric and water pollution, environmentally hazardous waste, pollution caused by transport and environmentally incompatible products and consumption. A detailed system of regulation is necessary to prevent the most serious impacts on the environment.

To understand the German system of environmental protection different institutions and types of regulations at different levels of action must be considered (see diagram 1).

At national level environmental legislation is the most developed instrument for dealing with these problems. Moreover, voluntary arrangements between government and industry are playing an increasing role, involving the employers associations of certain branches in environmental control.

At sectoral level agreements between the unions and the employers' organisations are still rare as collective bargaining is not yet an instrument of environmental protection although it may become more important in the future.

The centre of environmental policy as far as the industrial actors are concerned is without any doubt at company level. Rights contained in the Works Constitution Act and other environmental legislation can be used to intensify environmental control at plant level. On the other hand management has many opportunities to develop an integrated policy on environmental protection. Work agreements and informal arrangements between management and workers have increased significantly.

It should not be forgotten that the most important incentives to deal with environmental issues at company level have not been developed by the industrial actors inside the plant, but by pressure from environmentalists, consumers organisations, the media, scientific research, public debate on environmental degradation and governmental activities. The industrial actors have only just begun to take advantage of the opportunity to overcome the environmental problems of industrial production by using the bargaining system of voluntary agreements and

regulations. The involvement of other actors like environmental organisations, local environmental enforcement agencies and commercial scientific consultancies does not reduce the responsibility of management and workers and their representatives to cope with environmental issues, but rather generates new and forward-looking patterns of industrial relations.

INDUSTRIAL RELATIONS AND THE ENVIRONMENT IN THE FEDERAL REPUBLIC OF GERMANY
Institutions and Types of regulation

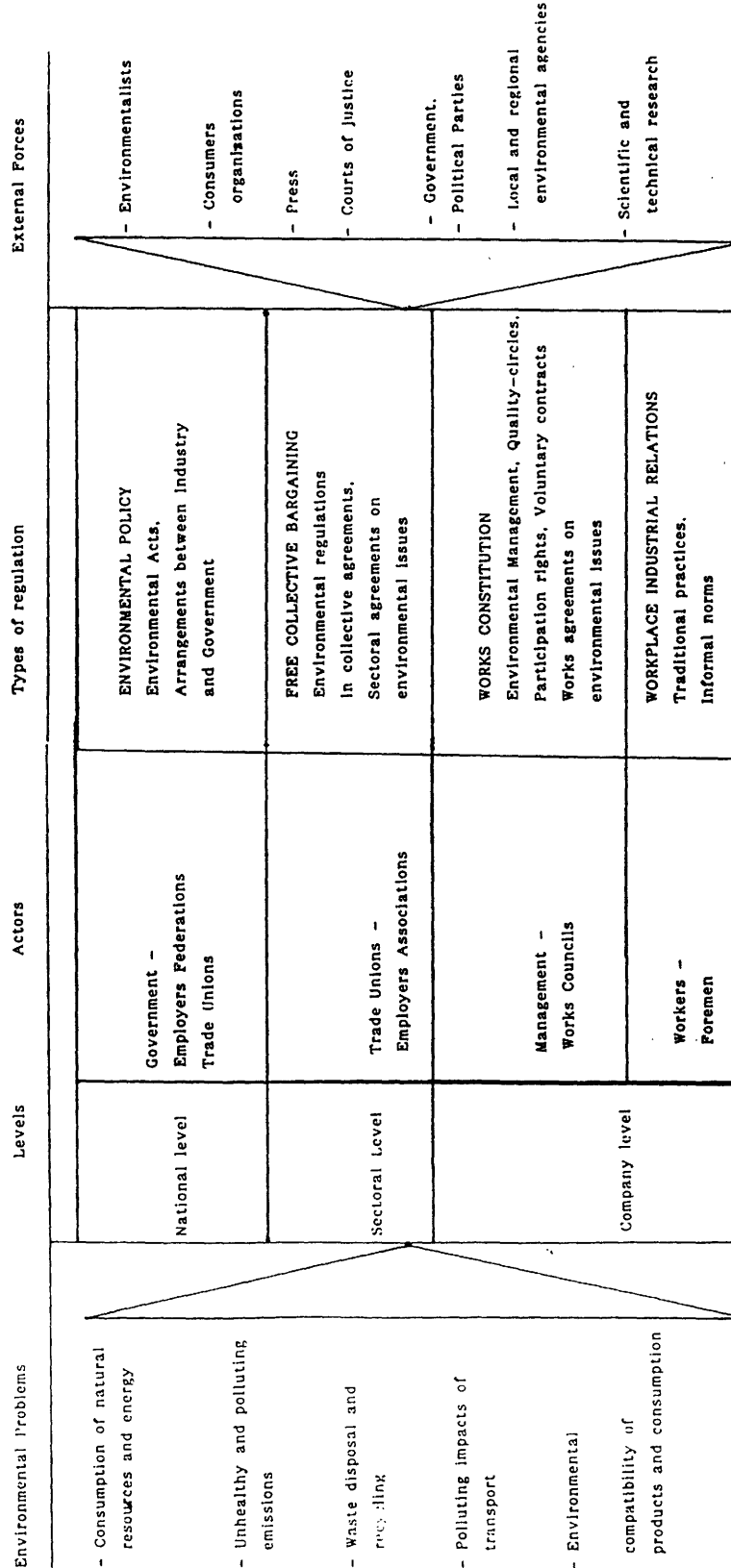


Diagram 1
 (E.Schmidt, 1991)

2. THE LEGAL FRAMEWORK

2.1 Introduction

In the Federal Republic of Germany (FRG), industry and the service sector are subject to an extremely regulated system of Environmental Protection Acts. Legal regulations, guidelines and legal duties of employers and particular rights of employees and their representatives constitute a complex set of controls. More than thirty different and detailed Acts supplemented by specific regulations, cover nearly the whole area of industrially generated environmental problems. Running a plant means paying attention to numerous laws, which are subject to a continuous process of amendment.

In spite of this complex system of regulation, the legal framework of environmental protection shows considerable shortcomings concerning the programmatic content of the laws, due to the influence of industrial lobbying which has been relatively successful in minimising the conditions imposed. Also there is insufficient enforcement of the legislation due to the lack of investment in the enforcing authorities and local authorities competing for industry to locate in a particular area.

German environmental policy in the last twenty years has created a subtly differentiated legal framework which is reactive and cumbersome rather than preventative and the quality of the environment remains mainly unsatisfactory.

The connection between environmental legislation and industrial relations is obviously not a main concern of the German legislator. Environmental protection and the relationship between the principal industrial actors, the employers' organisations and the unions at sectoral level and management and workers representatives at company level, are linked only marginally despite unofficial government statements recognising the importance of industrial relations and environmental protection at company level.

In 1989, during a conference on environmental management, the Minister for the Environment, Klaus Töpfer, declared that responsibility for the environment requires an active environmental partnership between employers and employees to reduce environmental risks at plant level and to explore the potential for environmental protection measures. He proposed a joint activity ("konzertierte Aktion") of employers and employees to cope with environmental protection measures, and announced amendments to improve the position of environmental protection officers at company level, to improve codetermination rights and to appoint a "National Emission Protection Officer" (BMU 1989).

2.2 The Impact of Environmental Legislation on Industrial Relations

The extent of management action is controlled by various environmental protection regulations, which influence industrial relations to a certain extent, although only a few regulations provide explicitly for employees' participation rights, rights to information, or institutionalised cooperation between the industrial actors (Kloepfer 1986).

Management has to comply with various legislation regulating:

- the construction of an industrial plant (Environmental Impact Assessment Act 1990)
- the emissions of a plant (Emission Protection Act 1985, Water Conservation Act 1986, Detergent Act 1986/87),
- the use of energy and resources (Energy Securing Act 1979, Energy Saving Act 1980, Nature Protection Act 1986/87, Industrial Effluent Duty Act 1991)
- the use of hazardous substances (Chemical Act 1990, Genetic Engineering Act 1990, Fertilizer Act 1977, Nuclear Energy Act 1985)
- waste disposal (Waste Disposal Act 1986)
- the transport of hazardous substances (Transport of Hazardous Substances Act 1980)
- liability for products and their manufacturing processes (Product Liability Act 1990, Environmental Liability Act 1991),

Industrial relations are directly affected only in a very few of these environmental laws. The 3rd Amendment of the Emission Protection Act, 1990, and the Radiation Protection Regulations provide for a person at the top level of management to be responsible for the observation of environmental protection duties (including criminal responsibility). The local environmental enforcement agencies have to be informed of the way in which environmental protection legislation is being complied with (s52a). This means not only technical measures but the extent of environmental protection organisation at plant level.

The Emission Protection Act (ss54-58), the Water Conservation Act (s21a-f) the Waste Disposal Act (s11a-f), the Radiation Protection Regulations and the Technical Fault Regulations (part of the Emission Protection Act) require the appointment of an Environmental Protection Officer at company level (if there is a certain level of emissions or a certain extent of consumption).

These officers have responsibility for:

- monitoring compliance with environmental protection legislation;
- informing and consulting management and employees about environmental problems and environmentally relevant investments;
- initiating environmentally-friendly manufacturing;
- presenting an annual report to top management and
- negotiating with the environmental enforcement authorities.

They are subject to management instructions, which, in comparison, safety officers are not, but protected from discrimination. They must provide proof of specialised training.

The law also provides for coordination between different environmental officers at plant level in a special environment protection committee, but does not specify whether there must be participation by the works council.

Thus, in practice the position of the environmental officers is actually not independent enough to play a major role in the industrial relations system and the unions are demanding that environmental officers have more power, independence and are legally obliged to cooperate with the workers' representatives. These demands are supported by the Social Democratic Party and the Green Party.

2.3 Sectoral Arrangements between Government and Employers

Beside the framework of environmental legislation, in an analysis of industrial relations and the environment a phenomenon which has spread more and more at sectoral level must also be considered, that of voluntary arrangements between government and industry or self-regulation of industry. The government sets time limits and targets for the reduction, for example, of emissions or the amount of hazardous substances used; or for the improvement of technical installations or for a scheme to collect and reuse products.

Under such arrangements, the state abstains from enforcing legislation but expects the branch of industry concerned to behave in a way which legitimises the renunciation of legislative interference (Hilbert/Voelzkow 1984).

Since 1971 more than 37 voluntary arrangements in different branches of industry have been made. They are a preferred instrument of the Conservative government, because of their conformity with the rules of the market economy, although in some cases a failure must be admitted due to the breaking of the agreement from the side of industry. Nevertheless the "voluntary" dimension of environmental action plays an important role within the whole system of environmental regulation, giving to industry flexibility in the implementation of environmental criteria into production at an economic level.

These arrangements between industry and government, have the quality of "gentleman's agreements", meaning they have no binding force in law, and are outside the influence of the unions. The efficiency of environmental agreements between industrial branches and the government is disputed among scientific authors, due to the lack of sanctions if the promises are not observed.

2.4 Legislation on the working environment

The most extensive legislation concerning cooperation and participation is to be found in the Hazardous Substances Regulations, an appendix to the Chemical Act. According to this law (ss15,16,18,21), the employer must:

- compile a register of hazardous substances used in the manufacturing process. This

register must include all chemicals used in the plant which give rise to risks to health at work. Details of quantities and composition of the chemicals, relevant workplaces, the number of workers exposed, the duration of exposure, the manufacturing methods and measures taken in order to prevent or control the risks must be included. This can provide the basis for an environmental information system at plant level;

- carry out an assessment of the risks resulting from the use of hazardous substances;
- ascertain whether there are less hazardous substances available, and if so use such substitutes (s16.2, 1991 new legal obligation according to the EC-Guidelines);
- consult workers and their representatives' regarding decisions;
- inform the works council about hazardous substances used in the production process and allow access to and explain the results of any measurements taken;
- if there are any problems with hazardous substances, discuss the necessary steps with the works council to prevent accidents.

The works council itself is allowed to propose its own measures of protection to the employer.

The Technical Faults Regulations (1990) are intended to improve safety conditions in companies. This legislation provides for the preparation of a safety analysis at plant level and a plan to avert dangers in the event of technical faults which could have a severe environmental impact. The Works Constitution Act (see below) allows for codetermination by the works council (s78) with regard to the safety aspects of this legislation.

These regulations demonstrate the close links between environmental protection and health and safety at work. In fact, health and safety in the workplace could be regarded as part of environmental protection, for there is no reason to define the "environment" as beginning outside the company. In many cases, substances which are hazardous to health also result in environmental damage. But it is possible for a negative alliance between employees and employers to exist, resulting in hazardous substances being discharged from the workplace into the environment. In such a situation, the environment and the local community then suffer instead of the workforce.

For the purposes of this report regulations relating to health and safety at work are integrated into the framework of industrial relations and the environment as far as they deal with the use of hazardous substances or manufacturing processes.

German legislation provides an extended system of health and safety regulations, based on the Safety at Work Act (1982). In connection with the Works Constitution Act the works council has several rights to intervene in this area. The Safety at Work Act, for instance, obliges the company's doctor and safety officers to cooperate with the works council. Members of the works council are also members of the mandatory safety committee which can discuss the company's environmental problems and demand protection measures.

2.5 Legal means for codetermination on environmental issues

The Works Constitution Act (1952, 1972) does not provide for explicit regulations concerning environmental problems, but the works council can refer to numerous rights concerning consultation, participation and codetermination, allowing it to deal with environmental issues (Kittner 1990).

There is a right to raise environmental questions in works meetings, which are convened every quarter by the works council. All questions in connection with the company and its workforce may be discussed, and also subjects relating to policy matters which have a direct effect on the employees (s45).

In some important areas the employer is only entitled to impose binding rules after an agreement with the works council has been achieved (s87). Among others, arrangements for the prevention of accidents at work and occupational diseases and for the protection of health on the basis of safety regulations are included in this paragraph. Voluntary work agreements improving health and safety conditions are admissible (s88). They can also be used to negotiate on environmental issues, if they relate to the workplace.

The works council has the right to monitor whether management is complying with legislation and agreements, and this again includes environmental legislation, and can initiate measures serving the company and its employees (s80).

The works council can hear employees' grievances about the harmful environmental impacts of the workplace and demand that the employer remedy the situation. If no agreement can be reached, the Conciliation Committee, an independent body, shall decide about the justification of the grievance (ss84,85).

The works council must be informed and may give advice when the erection of new, or the modification or extension of existing, buildings is planned in so far as installations of office rooms and other premises are concerned. The same applies to technical installations and equipment, work processes, work flows and workplaces. If such plans lead to changes in the working environment (which clearly contradict the latest research findings with regard to the ergonomic design of workplaces and would expose the workers to severe stress) the works council can assert its codetermination right (ss90,91).

The economic committee (equally represented by employees and employers) informs the works council about production programmes, investments, rationalisation projects, production and work methods (especially the introduction of new methods) or other proposed changes that may involve substantial disadvantages for the company's employees (i.e. environmentally harmful impacts). This may allow the works council to intervene in environmental issues (s106).

Finally, the works council has a codetermination right in the area of employees' vocational training and this right can be used to integrate environmental training at company level into the traditional system of vocational training (ss96-98).

Decisions at industrial tribunals have ruled that the works council has the right of intervention only where workplace matters are involved. This therefore excludes general problems of the environment as a matter of negotiation at company level.

The Codetermination Act (1951, 1976) allows a certain degree of participation by union delegates and works councils in the supervisory board of the company, restricted to a number of controlling functions. In the Iron, Steel and Coal Industries the Labour Director, as a member of the board of directors actually requires the approval of the majority of the employee representatives (Kittner 1990).

In practice, environmental issues tend not to be discussed, nor are they a standing item on the agenda of the supervisory boards. The environmental spokesperson of the Metalworkers' Union admitted that environmental protection would only be discussed by the supervisory board if environmental degradation caused by the production process was made public, or if new legislation required quick decisions by management. Looking towards an integrated environmental management system, the union demands the appointment of a member to the board of directors responsible for environmental policy at company level.

2.6 Prospects for Legislative Improvements

Efforts to improve measures to protect the environment at company level are made by different political actors. The Conservative government has asked a group of noted lawyers to draft an integrated Environmental Protection Act, a consolidating piece of legislation. As far as is known so far, the draft will propose, among other things, amendments concerning the industrial relations aspect of environmental legislation. It is planned to institutionalise the position of a responsible Environmental Protection Director at the top level of management (see the demand of the Metalworkers Union above) and to strengthen slightly the position of the Environmental Protection Officers (Arbeit und Ökologie 16/1991). Some major companies, like Volkswagen, have meanwhile already voluntarily established environmental responsibility at the top level of management.

In this context, the Green Party is demanding a special Environmental Protection Officers Act, promoting the officers to independent inspectors employed by external environmental authorities and provided with extended monitoring and participation rights. The Green Party says they should have the right to cooperate with the works council and that there should be a special environmental protection committee at company level in which members of the works council participate (Die Grünen 1989). Similar proposals, but integrating those officers closer into the companies hierarchy, have been put forward from the Social Democratic Party and the Unions.

There are also proposals by the same political groups as above to amend the Works Constitution Act by strengthening the environmental elements of this law, and particularly giving the works council explicit rights to intervene. These include giving the works council rights in respect of codetermination in the appointment of environmental protection officers and in management decisions about the environmental quality of products and manufacturing processes, and the institutionalisation of equally represented environmental protection committees and the improvement of access to information.

These last amendments have very little chance of success in the near future because of political considerations, but they indicate important tendencies promoting the ecological extension of industrial relations by legislation.

2.7 Summary

Summarising this survey of the legal framework of industrial relations and the environment in Germany, some conclusions can be drawn:

(i) In spite of the complex system of environmental legislation, which characterises the German approach, full use has not so far been made of the potential of industrial relations for the regulation of environmental problems at company level. Voluntary arrangements on environmental issues between government and industry only indirectly affect relations between management and the union.

(ii) Industrial relations at company level as a legal instrument of environmental management is mostly limited to health and safety matters. Only in isolated cases, especially in laws which date recently, are efforts being made to establish new rights (such as the regulation concerning access to information) or launch new patterns of participation.

(iii) An ecological extension of industrial relations at the legislative level demanded by different social forces, including the unions, the Social Democrats, the Greens and environmental organisations. But the employers' resistance against any increased involvement by employees in management decisions must be considered as a strong political barrier.

3. AGREEMENTS BETWEEN THE INDUSTRIAL ACTORS

3.1 Introduction

Some preliminary remarks about the system of industrial relations in Germany are necessary to understand the special way of dealing with environmental issues at company and branch level. This system is generally characterised by a system of dual channel representation. At sectoral and branch level trade unions and employers organisations are the main participants in free collective bargaining. They negotiate on wages, working hours, working conditions, health and safety standards and so on. Their collective agreements constitute the secure and binding minimum-basis of the relations between employers and employees.

The regulations differ between branches and regions. In principal the government does not intervene in this area, although in practice it does sometimes intervene through legal and persuasive instruments to avoid social conflicts or to influence the wage round in favour of the employers.

At company level management and the works council are the negotiating forces. The works council, elected by the whole workforce is formally independent from the unions (although the members of the works council are usually members of the union) and has no right to organise industrial action or strikes, this right is reserved for the union representatives. But it has a reasonably strong position in bargaining on social issues such as bonus payments, social benefits at company level and in executing the aforementioned rights of the Works Constitution Act.

The works council can enter into work agreements if the matter is not yet concluded by collective bargaining at sectoral or branch level. The work agreements are of less importance than the results of collective bargaining because one of the contracting parties may terminate them. On the other hand they play an important role concerning the social constitution of the company.

There has recently been a trend of decentralisation as unions and employers' organisations are transferring more and more collective bargaining issues to the company level, agreeing so called "opening-clauses" in collective agreements.

Finally, it should not be ignored in the analysis of industrial relations that below the level of formal agreements and collective bargaining there are many workplace relations, traditional practices and informal standards, which are also important for the social constitution of the company and its environmental identity.

3.2 Collective Bargaining and Sectoral Agreements

The results of collective bargaining on environmental issues have so far been very modest in the FRG. At sectoral and regional level there are few examples of collective agreements dealing with this subject. In 1988, the smallest German union, the Agricultural and Forest Workers Union began a collective bargaining initiative aimed at the use of pollution-free lubricating oil for chain-saws.

In 1989 a collective agreement in the printing industry gave the workers the right to make a complaint to the works council or the employer about health risks at the workplace. If "the work is not suitable for people", and at plant level no solution is found, the worker can demand external consultation, with protection from victimisation. In this case also, the first practical evaluation is awaited. The former Print Workers' Union (now Media Union) is carefully studying experiences with the agreement, which was only achieved, as other social improvements, by strike action (Zwingmann 1989).

The first collective agreement on plant level directly concerning environmental protection dates from 1991 and applies to the employees of Teldec-Press in Nortorf/ Schleswig-Holstein. The agreement says that an equally represented joint committee has to be established which deals with working environment questions and has the right to call in experts from outside at the expense of the employer.

Sectoral agreements on environmental issues between the industrial actors are rare. One is the aforementioned communiqué between the Chemical Employers Organisation and the Chemical Workers Union (1987). In addition to issuing advice to members on dealing with problems of environmental protection in the economic committees at company level, both sides of the chemical industry have agreed to the setting up of a joint institute charged with

supplying information to works council members on environmental issues (called GIBUCI). This institute organises seminars on various environmental topics (Schultze 1989).

Another way of dealing with environmental problems at sectoral and regional level is demonstrated by a social dialogue with participants from several camps including employers, unions, environmentalists, scientists and government representatives in the federal state of Lower Saxony. A government commission on toxic waste disposal was established, consisting of the aforementioned groups, which over a period of four years, developed practical solutions for dealing with the problem.

The non-public nature of the dialogue between the conflicting parties meant that companies allowed access to information about their manufacturing processes, normally an area of secrecy. The extent of success with this method depends on the willingness of the government to achieve a solution to urgent environmental problems through dialogue and the mobilisation of external expertise (Höpner u.a. 1991). This model of a regional mediation process (without a formal mediator) may indicate the way forward.

3.3 Work Agreements at Company Level

The instrument of work agreements has proved well suited to mediate between the different interests at company level. Mainly from the side of the works councils, this instrument can be used to influence and improve the ecological quality of the manufacturing process and product development. The number of existing work agreements dealing with environmental issues is not known because they are not normally published and the unions have publicised only the more notable cases.

The greatest number of work agreements regulating environmental protection at company level are in the chemical industry. In 1987, under pressure from strong public criticism concerning the harmful impact of chemical products on the environment (Sandoz and other environmental disasters had happened just before), the Chemical Employers Organisation (VCI) and the Chemical Workers Union (IG CPK) agreed on a communique at branch level. This announced that the social partners at company level should enter into work agreements which would improve employees' access to information on environmental problems. By May

1991 such work agreements existed in 48 chemical companies, among them nearly all of the "big" chemical companies (from about 1100 in total) in the FRG (IG Chemie-Papier-Keramik 1991).

The work agreements deal with the following areas:

(i) Rights of information and consultation for the works council on:

- planned investments concerning environmental protection measures in the case of new installations;
- storage of hazardous materials or products;
- principles of waste disposal;
- measures to monitor the risk and monitor compliance with environmental protection conditions imposed by the authorities and the law;
- malfunctions which could result in environmental damage and risks inside and outside of the plant;
- approvals and risk analysis;
- pollution prevention measures dealing with new product lines;
- obligatory annual reports by environmental protection officers; - training on environmental protection.

In some new work agreements, especially in former East Germany (GDR) there are even rights of information and consultation on energy production as well as on the checking of the environmental quality of products and packaging materials.

(ii) Institutions and Participation

To deal with information and consultation rights different institutional practices can be identified:

- integrating these questions into the equally represented economic committees;
- establishing special working groups under the health and safety committees or founding new environmental committees;
- involving the Environmental Protection Officers and the departmental managers in those committees (in some cases even the top level of management is involved in the committee) and
- inviting external experts as required.

The union did not succeed, with one exception, in establishing codetermination rights in the employment procedure of a "Super Environmental Protection Officer", appointed at a high level of management in addition to the departmental officers, and is now seeking more participation rights (Resolution of the 1991 Congress of the Chemical Workers Union).

(iii) Environmental Training and Retraining

The training of works council members at the expense of the company is regulated in most of the work agreements. In some of them it is agreed that a certain number of employees can also be sent on environmental training courses. Selection is subject to codetermination by the works council.

An analysis of experiences with work agreements is not yet possible because the agreements have only been concluded recently, and because of the lack of scientific evaluation. Initial observations suggest, however, that management is fairly content with the results of the cooperation, whereas the works councils complain of the lack of effective codetermination concerning for instance the influence on environment-friendly product development or the appointment of the Environmental Protection Officers (Teichert/Küppers 1990).

3.4 Informal Arrangements, Voluntary Contracts and Single Purpose Initiatives at Company Level

The next step in industrial relations with respect to environmental action includes isolated voluntary contracts, initiatives and informal arrangements on environmental issues below the formalised level of collective bargaining and work agreements (which require to be in written form). The number of those informal agreements is incalculable but nonetheless significant.

In particular, study groups and workers circles dealing with environmental innovations at plant level have spread enormously in some industries over the last few years although the results of their work are mostly unpublished.

Workers' groups looking at alternative manufacturing and environmentally-friendly products had already emerged at the beginning of the eighties. In the metal industry, particularly in the ship yards and mechanical engineering companies, workers joined special innovation circles, as opposed to management initiated circles, developing arms conversion work in order to prevent unemployment. They used the model of Lucas Aerospace (Mike Cooley) to push ahead the idea of environmentally-friendly production. Although they did not often succeed with their product proposals (because of the refusal of the management to accept these product innovations), they achieved a remarkable resonance within the Metalworkers Union and made the idea of an environmentally-orientated production policy and the concept of environmental codetermination quite popular (Dünnwald/Thomsen 1987).

Some of these early conversion circles are still working at plant level influencing the unions' environmental discussion. Others which have recently emerged deal with different ecological problems, for example waste disposal or the substitution of asbestos (for more detailed information, see Industriegewerkschaft Metall, Bezirksleitung Hamburg 1990). The relations between these groups and management have continually improved, because management has discovered the economical and motivational value of such initiatives within the workforce. So in some companies management tries to support them and to integrate them as far as possible in management strategies such as corporate identity, quality circles and so on, but as a rule refuses to give them formal participation rights.

In 1988, to promote environmental protection and environmental consciousness at plant level, the Metal Workers Union in the region of Baden-Württemberg (the area around Stuttgart) started a campaign to eliminate Perchloroethylene (perc) and Trichloroethylene (trike), solvents with used as cleaning agents which are both toxic and environmentally damaging, from the production process. The campaign was called: "Tatort Betrieb"
- "Scene of the crime: Company", referring to a popular television series.

Together with external experts and the support of their union, work councils examined the production process in order to find out whether these hazardous materials were being used. The next step was to start a campaign within the company, informing employees of the hazards of Perc and Trike, confronting the management with the results of their analysis and demanding safe substitutes.

The combination of health and safety and environmental protection worked well and within three years more than 350 companies had removed the substances from the production process. In one particular company this led to a work agreement on the use and handling of hazardous materials (Zahnradfabrik Friedrichshafen). The success of this campaign motivated the district union to continue with an initiative beginning in 1990 on lubricants. Other districts of the Metalworkers Union, and isolated work councils are now following the example (Eberhardt 1990). The Union of Trade, Bank and Insurance Company Employees has initiated an information campaign on hazardous substances used in the office which are also environmentally harmful. The catalogue of initiatives at plant level, which are often independent from any official union support is, of course, incomplete (Gewerkschaft Handel, Banken, Versicherungen 1991).

Another outstanding example of a voluntary arrangement, which involves the industrial actors and the local authorities, is that of "PUR Augsburg", a cooperation between the defence and aerospace company, MBB and the city of Augsburg to promote the development of environmentally useful products and resource protection (Scherer/Sterkel 1991). Resulting from a workers' initiative, the main purpose was to open up economic alternatives by ecological products in a company which is very much engaged in arms production, thus improving at the same time local environmental protection policy.

This new pattern of industrial relations and the environment led to some dispute between management and the Metalworkers Union. The refusal of the management to allow a work agreement, being afraid to give a right of product-codetermination to the works council, almost resulted in a failure of the whole project. Nevertheless arrangements like this between different and heterogeneous actors may become more important in the future.

On the other hand, a significant number of important companies are now offering employees opportunities for environmental action in so called quality or working circles, taking advantage of the high level of the public environmental debate. A number of pioneer companies have developed an integrated system of environmental participation from special training courses to environmental consultation, thus involving the whole circle of their employees (Kreikebaum 1990).

It is difficult to correctly assess the results of these initiatives and predict the future effects, but it can be assumed that by such experiments the environmental issue will gain more and more relevance for industrial relations at company level. Once introduced into the dialogue between management and workforce, the environmental issue has a tendency to develop its own dynamics.

3.5 Workplace Industrial Relations and the Environment

Workplace industrial relations determine to a certain extent, whether environmental standards are respected and translated into reality. The relations between the workers and their immediate superiors (foremen, managers) are characterised by traditional practices and informal standards. In the case of environmental issues, much depends on individual motivation and the level of information on environmental risks and the working atmosphere. It does not necessarily follow that because health and safety regulations are respected, preventative environmental protection measures are taken and pollution control is performed.

There are many reasons why workers' interest is not focused on the environmental harmful consequences of their action. Environmental degradation is often not perceptible and to recognise it needs scientific knowledge. On the other hand, the responsibility for the consequences of environmental damage has been shifted to higher levels in the internal company hierarchy as workers are "not competent to decide that". Finally, financial compensation is often provided to workers who tolerate unhealthy working conditions, so monetary incentives guarantee the continuity of environmental degradation both inside and outside the company.

Even so, recent scientific studies about the environmental awareness of industrial workers in the north of Germany have revealed that a significant proportion may be considered environmentally committed persons, who have already gained a critical attitude towards environmentally incompatible economic growth. But those 20% of, mostly young and qualified, workers are confronted with a majority of workers who either give an absolute priority to job policy, or do not believe that the ecological crisis can come to a satisfactory end.

But, apart from 25% of workers, the majority are aware of environmental issues and make a positive commitment towards the environmentalists (Bogun/Osterland/Warsewa 1990, Heine/Mautz 1989, Feist u.a. 1989).

In summary the situation at workplace level is very diverse and it is difficult to generalise. At this point it is only possible to describe the various factors affecting environmental action and environmental awareness of the employees as above.

3.6 Summary

(i) The company level is the crucial area for action by the industrial actors to push ahead with ecological restructuring of production processes. Work agreements and voluntary arrangements between management and the works councils must be considered as the most suitable regulatory instruments for implementing environmental protection measures. In contrast, collective bargaining and sectoral agreements have so far been exceptional forms of negotiation. They may prove useful instruments if the dialogue between management and unions is extended to the participation of other social forces.

(ii) Informal initiatives in particular, whether from the side of the employees or from the side of the employers, play a significant role in implementing environmental protection measures at company level. Numerous experiments, initial ideas and new methods of thinking which impact on the environmental quality of producing goods and services can be identified by a careful study of the industrial environment. The limits of these activities are generally reached if they conflict with other important objectives of management, although there may be some exceptions in which there is a total restructuring of the traditional economical orientation of a company into an ecological model enterprise.

(iii) All the experience with the above mentioned activities and campaigns shows that environmental issues are consensus issues rather than controversial ones, although conflicts on environmental questions between the industrial actors are not unknown. Management in particular tends toward the opinion that environmental issues, in contrast to other issues of industrial relations, are not a matter of conflicting interests but an issues which should be

solved by a common effort or by a top down strategy. So the employers' organisations and their members are principally not against environmental protection as a new management target, but they refuse to consider it as a matter for formal participation or even co-determination. This view is shared, if not by the union or the overwhelming majority of union membership, by a considerable number of employees and their works councils, preferring some sort of productivity deal as the basic idea of industrial bargaining.

(iv) Finally it is necessary to emphasise the importance of the close links between health and safety policy and environmental protection policy at company level. Health and safety problems as far as the hazardous impacts of substances and processes used at work are concerned, offer a significant starting point for the environmental awareness and motivation of the work-force. Many successful activities at plant level and corresponding campaigns substantiate this view. In practice, environmental protection at company level to a considerable extent is part of health and safety policy.

4. POLICY STATEMENTS, DEMANDS AND CAMPAIGNS

4.1 Introduction

Concern for the environment is rather a new priority in both management and union policy. In the first stage, during the seventies when the environmental question entered the political arena, both sides of industry reacted in their traditional way of handling new issues. The unions understood the ecological challenge as a conflict between jobs and environmental needs. The employers stressed the question of cost. The result was an intensifying controversy between the new environmental movement on the one hand and all the industrial actors combined on the other, backed by a government policy which shifted during this period from one of reformation to one of economic austerity. A defensive attitude towards costly environmental requirements gained ground as it was said to be causing backlogs of investment and site disadvantages for the German industry. This attitude remains in some sectors.

In the second stage, in the first half of the eighties, the unions took up the environmental issue in a different way. Faced with large scale unemployment, they realised that the environmental could be used as a vehicle for job creation and that the need for useful jobs, for instance in the growing sector of pollution control, could be justified to an environmentally conscious public. So the unions, together with the Social Democratic Party, launched detailed employment programmes, "Work and Environment", appealing to the government to finance the promotion of environmental protection investments.

Simultaneously they supported demands for extending and tightening anti-pollution legislation. In a very controversial discussion the majority within the union movement took up a critical stand against nuclear energy.

A third stage can be identified as beginning in the mid eighties, characterised by a new attitude of employers and unions towards environmental damage caused by industry. The environmental issue became an objective in its own right within the activities of the industrial actors, especially at company level. The unions no longer made a taboo of job loss due to ecological reasons, even though this does not mean conflicts between job and the

environment have disappeared from the industrial scene. But it is now the research for alternatives that characterises the current debate.

Management's view of the necessity for an integrated environmental concept has made headway after a number of industrial environmental disasters, which provoked an extensive public debate about the risk dimension of modern industry. The pressure of legislation, media interest and the environmental movement, including the successful Green Party, combined with the increasingly incalculable financial risks of environmental damage have led to the development of new management strategies which attach more importance to environmental protection. Moreover, the higher priority given to environmental qualities in the market has stimulated the development of a strategy of a "green" image, and this has also led to modified attitudes at management level.

4.2 Environmental Policy of Managers and Employers' Organisations

A representative scientific study carried out in 1990, based on an opinion poll of nearly 600 managers and involving companies from all branches and sizes showed that more than 86% of top managers considered environmental protection measures an important concern of the management, and 83% said that ignoring environmental impacts would have harmful effects on the company's image.

The study revealed that managerial motivation is mainly influenced by risk reduction rather than the opportunities for economic profit by environmental management. Technical installations are therefore the dominant factors of an environmental management system, followed by organisational improvements and personnel measures. On the other hand more than 66% of the managers questioned assumed their staff to be open minded as regards environmental issues and more than 50% seemed to be convinced that in the future no company will be attractive to employees if it does not present itself as an "environment-friendly" company (Forschungsgruppe "Umweltorientierte Unternehmensführung" 1990).

In the FRG the employers are organised in the Federal Association of German Industry - FAGI (Bundesverband der Deutschen Industrie-BDI), an umbrella organisation of 34 industrial associations, which, in addition to other tasks, brings together the environmental expertise of the employers. Environmental protection is considered an important task of the FAGI and therefore a specific department was established in 1970 to provide information to and consult member companies, and carry out public relations and lobbying work (Neddermann 1991).

In addition to the employers' environmental activities, two minor associations were founded in the late eighties by environmental pioneering companies, BAUM (Bundesdeutscher Arbeitskreis für Umweltbewußtes Management), a national working group of environmental management, and "Future - Förderkreis Umwelt", a circle organised to promote the Environment. Each association now has about three hundred members, mainly medium-sized companies, who are committed to an environmental restructuring of the company. The intention is to build up such environmental associations of employers based on the idea of continuously exchanging experiences with environmental management and to give guidelines and other advice to the member companies, enabling them to implement active environmental policy.

Furthermore, it is a priority of "Future" and "BAUM" to test new instruments of environmental management like ecological balance sheets, environmental controlling or environmental audits. Environmental training of the work-force and motivation of the staff are other important objectives. But giving environmental participation rights to the employees is not among the aims (Winter 1987).

In 1988 the FAGI, together with "Future" and "BAUM", began campaigns such as "Environmental Protection as a Concern of the Boss" and "Environmental Management". Together with the International Chamber of Commerce (ICC), a campaign called "Environmental Auditing" was prepared. These campaigns indicate once more that the trend is to concentrate environmental protection at the single company level and to give priority to management activities. The Employers Associations themselves concentrate on influencing the legislative process in order to prevent cost-intensive environmental laws.

In 1987 the FAGI published a policy statement (which was revised in 1990) in the form of a declaration on environmental policy ("Thesen zur Umweltpolitik"). This defined economic growth as a pre-condition of environmental protection. Legislation is necessary as a framework to regulate conflicting objectives, but industry should also be able to find the best way of implementing environmental protection. The employers declared their willingness to cooperate with all forces involved, especially environmentalists, and offered to disclose information relevant to the environment (BDI 1990).

This general statement was completed by a declaration on industrial relations and the environment and presented to the public at a conference in Tutzing in 1988. Meanwhile, the ten point manifesto "Tutzinger Declaration on Environmental Management", supported by numerous and notable employers, stated that environmental management must be part of all decisions at company level. Management should develop intelligent and innovative solutions for environmental problems, including the training of the workforce and the making use of market opportunities as a result of growing public environmental awareness.

The business philosophy of the employers is directed towards environmental credibility (eco-marketing) on one hand and the raising of environmental consciousness of the employees (eco-training and eco-motivation) on the other hand. The prevailing purpose is to harmonise ecological and economic objectives.

Meanwhile management is trying to test (with some degree of success) new methods which should improve environmental management. Several pilot projects, scientifically supported experiments and other models of "ecologicalisation", often publicly financed, have been begun over the last few years. Sometimes these experiments lead to a sort of "real" environmental restructuring of the company, in other cases it is only the "green" image which is promoted, without any substantial objectives of the running of the company changing.

Among the instruments which are discussed in this context are voluntary environmental audits (see the 1988 ICC proposal) which have found some sympathy with the employers. Self-regulation as opposed to control by the state is the main idea of this concept which is said to lead to an international harmonisation of environmental activities in industry (especially with

regard to the Single European Market). The main purpose of environmental auditing is to give management clear information about the organisation of the company's environmental protection system and the corresponding equipment and institutions, thus improving the opportunities for environmental control and monitoring.

Other instruments like eco-balance sheets which are an attempt to assess the environmental risks of materials used in the production process from input to output, will give more insight into the environmental impacts of the production process to the management and are dependable assessment criteria (Freimann 1989). These and other new instruments may also be part of the ecological corporate identity of the company, thus linking external and internal environmental strategies.

4.3 Environmental Policy of the Trade Unions

Environmental issues are of increasing importance in the different policies of the unions, even if they have not so far been at the centre of union activities. Traditionally they are linked to health and safety matters, but in recent times have achieved autonomous status and demand for new ideas.

The president of the Federation of German Unions (DGB), Heinz Werner Meyer, declared in a programmatic speech that the unions should pick up both the environmental question and the social question and continued, "We have to substantially change our methods of production and our way of life to prevent the destruction of the environment" (Meyer 1990). He announced pushing ahead with the environmental debate within the unions and cooperating with the environmental organisations, as did several union presidents, thus connecting the debate on the future of labour with the environmental challenge.

Union environmental policy in Germany is a concern of the umbrella organisation, DGB, and the sixteen branch unions, covering industry and the service sector. Like the DGB, some of the larger unions, for instance the Metalworkers Union and the Chemical Workers Union, have their own specialised environmental departments. Because of the low number of personnel, they regularly rely on scientific consultation from private environmental consultancies, scientific institutes and universities.

Environmental awareness among the union membership has steadily increased since the launching of the first union environmental guidelines in 1972, which demanded the general right to an environment fit for human beings as a constitutional right equal to that of health, social security or education. Environmental policy was considered by the unions as an important part of social policy, not only as a technical task. The union therefore demanded to participation in all committees and advisory boards at government level. The Union Environmental Programme (1974) presented a long list of demands addressed to the government focused on the improvement of environmental legislation and environmental codetermination rights for the works' council and the union representatives (Gärtner 1985).

Various opinion polls have shown that concern about environmental issues is high on the union agenda. Nearly two thirds of those questioned in a 1990 opinion poll among more than 3000 Bavarian union members and unorganised employees expected the union to support environmental issues. In 1987 a similar question achieved an acceptance of only 45%. The number of positive answers increases with the qualification and the position of the employees. It is therefore not surprising that the unions are trying to improve their environmental commitment, looking for new members among the group of skilled workers and employees (Becker 1990).

The 1990 DGB Congress adopted a comprehensive and extensive resolution on environmental issues, beginning with an analysis of the environmental challenge, then demanding an intensive European and International environmental policy with adoption of European environmental legislation and of environmental redevelopment at regional level.

As to the instruments for the ecological restructuring of industrial society, the DGB is arguing for a mix of fiscal policy and stringent, more developed environmental legislation.

And for the first time union delegates called for a programme of selective environmental measures at company level. This programme, which summarises the demands of several unions, aims to integrate environmental protection with health and safety at work. The main points of this programme are:

- an Environmental Protection Officers' Act providing these officers with more rights and obliging them to cooperate with the works council and equally represented environmental committees;
- rights of access to information concerning all relevant environmental data;

- rights of codetermination concerning all relevant environmental decisions of the company;
- installation of an environmental management system, including environmental control and monitoring;
- environmental training during work-time and integration of environmental issues into vocational training;
- leave from work for work council members charged with environmental protection duties.

Finally the DGB confirmed its intention of intensifying its own environmental policy and cooperating with universities, scientific institutes and environmentalists in the aforementioned areas. International coordination on environmental issues has been declared as one of the main tasks of future union policy (DGB 1990).

The single dissenting vote came from the Chemical Workers Union, which insisted on the necessity of defending the competitiveness of German industry and demanded a careful ecological modernisation in accordance with management.

Resolutions demanding an environmental change of union policy have been adopted by nearly all of the sectoral unions, although these differ to some extent as far as strategy is concerned. The Chemical Workers Union, for instance, attaches great importance to a close cooperation with the Chemical Employers' Organisation in order to maintain a common defence against public pressure and harsh criticism from environmentalists concerning the increasing use of chemicals in the manufacturing and agricultural sector.

On the other hand the Metalworkers' Union prefers more conflict-orientated action forcing management to institute environmental restructuring. The union decided to open up a broad discussion on the future subjects of collective bargaining, called "Tarifreform 2000" (reform of collective bargaining by the year 2000). Among the five main areas of action proposed for discussion is one called "Shaping of Work and Technology in an Environmentally-friendly Manner". The union is trying to include this in concrete terms in public discussion about the future of labour, trade unionism and society. In a resolution from the union's 1989 congress it is stated that the union will examine "opportunities available in terms of collective agreements so as to avoid unhealthy and polluting manufacturing methods and products" (IG Metall 1991). Until now the Employers' Federation of Metal Industry (Gesamtmittel) has not indicated that they are willing to negotiate on such proposals.

The Food Industry Union put forward a concept for a collective agreement called "Improving the Environmental Quality at Company Level", which stems from an initiative at branch level.

The main idea behind this concept is to explore the likelihood for the development of environmental consciousness within the workforce.

The first clause of this agreement provides for consultation time (in work time) to be given to the staff for department meetings or working groups on environmental issues at plant level. Other clauses concern demands for qualifications, grievance procedures in the case of work-related health risks, and mandatory environmental committees and environmental protection officers in each company. At branch level an environmental fund sponsored by all members of the employers organisation is proposed, in order to build up environment consultation facilities. This draft of a collective agreement is to be discussed at a Central Forum of the union and will then be presented to the employers (Schmidt 1991).

The Print Workers Union favours agreements which force management to substitute hazardous solvents and is demanding workers have the right to refuse to work with hazardous substances.

The German Staff Union (Deutsche Angestellten Gewerkschaft), a white-collar union which is not part of the DGB, recently introduced a model work agreement aimed at a cooperation between management and the works council "in favour of active environmental protection at company level" (DAG 1991a). This contains the concept of integrated environmental protection at plant level, regulating extended participation and institutionalising a nearly perfect environmental consultation system.

In detail, the following items are provided for at plant level

- installing a responsible person for environmental protection at the top level of management;
- appointing an Environmental Protection Officer. Appointment and dismissal should be subject to the approval of the works council, with whom the officer is obliged to cooperate on an independent basis, not subject to instructions of management;
- setting up an environmental committee, equally represented by representatives from management and the works council, charged with coordination and observation of all environmental activities at plant level, provided with the right of calling in external experts, if

required, at the expense of the company, and having responsibility for forming special working groups or project circles;

- organising environmental training courses for members of the work councils and the professional Environmental Protection Officers with paid time off from work;
- providing the works council with the right of access to all relevant environmental information;
- giving the employees the right to refuse environmentally dangerous work.

Negotiations concerning this model agreement will begin as soon as the union gives the go ahead.

Union access to environmental policy depends on various elements including the special environmental problems of the branch, the economic situation in the sector, the organisational power and tradition of the union and its way of bargaining, the existence of institutionalised rights of participation and the current public debate about any products manufactured.

The following are outstanding and typical examples from the numerous union environmental initiatives:

In 1990 the Metalworkers Union (IG Metall) presented a concept paper to car industry workers and the public, "Car, Environment and Transport" (IG Metall 1990). This contained proposals on how to achieve an environmentally-friendly and efficient transport system, arguing for car manufacturing without hazardous substances, a reduction in emissions, an extension of public transport (especially the railway sector), and an integrated transport system.

The paper, a result of cooperation between the works' councils of different motor companies and the union head office, was presented at a major conference which the union organised together with an umbrella organisation of environmentalists, with the participation of motor industry management. Noted scientific specialists demanded a perceptible change of car production and an alternative transport system.

This critical attitude towards one's own product is undoubtedly a remarkable fact, even if there is no radical change in the paper asking for a noticeable reduction in individual motorisation.

The Chemical Workers' Union (IG CPK) recently established the foundation "Work and Environment" in Bitterfeld, one of the most polluted areas in the former GDR. The foundation carries out a good deal of consultation, information and public relations work and one of its main tasks will be mediating between companies of eastern and western Germany. Recycling, waste disposal and environmental redevelopment are the crucial points to be dealt with.

The Food Industry Union (NGG) has established so-called "Food-Forums", assembling trade unionists, environmentalists and scientists with the intention of working out practical concepts for healthy food production and committing union members to environmental activities at plant level. Other views of the union, developed together with environmental organisations aim at achieving an ecologically compatible tourist industry (Gewerkschaft Nahrung-Genuß-Gaststätten 1989).

The Union of the Trade, Bank and Insurance Employees (HBV) is concentrating on the elimination of hazardous substances in retail shops and in offices. The Union has published checklists to identify hazardous substances and encourages its members to be involved in purchasing decisions (Gewerkschaft Handel-Banken-Versicherungen 1991). Other unions in the service sector such as the Union of Post Office Workers and the German Employees Union (DAG) are following a similar environmental strategy (DAG 1991b, Deutsche postgewerkschaft 1989).

Such initiatives have without doubt raised the level of environmental debate within the union movement, but of course they have not succeeded in restructuring industry or the service sector with reference to environmental criteria. A solution to the conflict between jobs and environmental needs is yet to be found, and it is likely that the majority of union members will still take a conservative stand if their own job is involved. In spite of that, the numerous efforts to raise the environmental awareness of employees by developing practical alternatives and innovative concepts are essential conditions of successful environmental restructuring on a long term basis.

In the last two years there has been a distinct change in the relationship between the unions and the environmental organisations. The last communiqué of the DGB and the Federation of Environmental and Nature Protection (BUND), July 1991, announced the cooperation of both organisations in developing a concept about the financial problems of environmental restoration in East and Western Germany (Arbeit und Ökologie-Briefe 13/1991). Other joint actions have taken place, for instance a cooperation concerning the extra-parliamentary initiative towards the International Conference for the Protection of the North Sea or, more recently, the official German contribution to the United Nations Conference on Environment and Development 1992 in Brazil. At regional or local basis isolated cooperative actions on environmental issues have been taking place for quite some time.

4.4 Summary

(i) The environmental issue has undoubtedly achieved a higher status in the value system of trade unionists and employers during the last few years. This process has been mainly caused by external forces such as public opinion, activity by environmentalists, stringent legislation and publicity concerning harmful environmental impacts generated by the scientific community and the media. Thus the efforts of the industrial actors in trying to integrate the environmental question in programmatic contexts, corresponding campaigns and other activities can be seen as an attempt to portray environmental protection as a new attractive theme.

(ii) The different motives of the industrial actors in assimilating the new issue are obvious. Employers are looking mainly at risk prevention, trying to avoid disadvantages in costs and market share. The unions are looking towards more participation, aiming to recruit new professional members and are concerned not to be involved in a conflict between jobs and the environment. In addition, the increasing rate of environmentally related health injuries has forced them to intensify action.

(iii) Consequently, corresponding strategies have been developed by the different actors. At company level, employers are trying to improve their system of environmental controlling and

monitoring at plant level and involving employees through training and information campaigns. Simultaneously, at national level, the employers organisations are fighting against higher standards of pollution control and other costly legislation. The unions on the other hand are demanding more participation at company and sectoral level and developing concepts of ecological restructuring of the manufacturing processes. They want to build cooperative connections with environmental organisations in order to strengthen the societal forces of the environmental debate.

At the programmatical level the environmental extension of industrial relations in the sense of new and better regulations between the industrial actors is given priority only by the unions. The employers' organisations are afraid of interventions in the prerogatives of management and are trying to dismiss proposals for formalised agreements with workers representatives.

5. CURRENT ENVIRONMENTAL CONFLICTS AND THE INDUSTRIAL ACTORS

5.1 Introduction

Industry is currently involved in many environmental conflicts, such as the depletion of the ozone layer, the cross-border movement of hazardous wastes, the "waldsterben" (forest decline), the pollution of the North Sea, nuclear accidents, regional conflicts over air and water pollution, the location of waste disposal sites and many others. In analysing the attitude of both the employers' organisations and the unions towards environmental conflicts, some characteristic patterns of dispute and operation may be identified.

5.2 Employers' Strategies

Employers tend to take a defensive attitude in trying to externalise environmental costs, passing them on to the public, and avert any restrictive regulations or emission standards (not to mention attempting to minimise concerns about the environmental impact of industry in public debate by spreading doubts over the accuracy of information or the interpretation of data). Concerning positive solutions to the problems, firstly international harmonisation of environmental standards to avoid market disadvantage is called for.

Secondly technical solutions are offered, especially those which allow profitable production, and thirdly financial and other subsidies are requested of the government. The prevention or delay of costly investments by negotiations with the environmental enforcement agencies is the employers most important objective.

This strategy, together with arguing for the avoidance of site disadvantage for German industry, has been reasonably successful over the last years, generating a relatively high standard of technically orientated environmental protection and a remarkable growth in the pollution control industry.

The current conflict of increasing volumes of packaging materials and attempts by the Minister for the Environment to reduce it by stringent legislation requiring collection and recycling measures illustrates these patterns. Firstly the employers' associations have tried to influence and weaken the legislation. They did not succeed in totally avoiding legislation which made the producer and the trader responsible for taking back the packaging (paper, bottles, sheet metal, cardboard and so on), but did succeed in getting an exemption clause for where a dual disposal system is set up to collect packaging in special containers near houses.

An example of joint resistance of employers and unions against environmental progress is demonstrated by the current conflict of establishing a Chemical Enquête Commission at Parliamentary level. This Commission of independent experts which would investigate the harmful impacts of various chemical products on the environment and examine the possibility of substitutes has been condemned by both the Association of Chemical Employers and the Chemical Workers Union. The President of the Union announced a relentless battle together with the employers against any "flogging to death" of the Chemical Industry analogous to that of the Nuclear Energy Industry (Arbeit und Ökologie-Briefe 15/1991).

There are many other examples of the ambivalent attitude of employers towards environmental challenges, pointing out on one hand the company's environmental benefits and refusing on the other hand to cooperate effectively with environmental problems.

5.3 Trade Union Strategies

The union movement has until recently wanted to present itself, sometimes in cooperation with the environmentalists, as a guardian of the environment and have taken up environmental conflicts generally by demanding harsher legislation towards government. But environmental commitments often conflict with the views of particular sections of the union movement as in the case of genetic engineering and its possible environmental impacts, when the positive attitude of the Chemical Workers' Union contrasted sharply with that of other unions. Similarly, the aforementioned debate on nuclear energy within the union movement showed that environmentally advanced positions are difficult to develop if the preservation of jobs is the prevailing strategy. A small group of works council members of nuclear plants, members of the Union of Public Services, Transport Workers and the Miners' and Energy Workers' Union succeeded in dominating the unions debate about this theme for years with very negative impacts on the environmental image of the whole union movement.

In contrast, the active participation of the unions in the anti-pollution campaign for the protection of the North Sea was a positive example of union environmental commitment in recent years. Here the DGB, together with numerous environmental organisations took part in developing concrete alternatives to the government's programme and organised meetings with other non governmental organisations.

In other current environmental conflicts, such as the depletion of the ozone layer or the Greenhouse effect, the unions are stressing the government's and industry's responsibilities and demanding political and technical efforts and internationally harmonised standards.

5.4 Summary

The ambivalent position of the industrial actors towards the current environmental conflicts is caused by their deep involvement in environmental degradation. But whereas the unions sometimes open up a conflicting debate about the environmental risks, perhaps correcting their position later on, the employers in general are trying to solve the problem either by public relations campaigns or by using their influence on governmental agencies to minimise costly environmental quality standards.

6. SUMMARY AND RECOMMENDATIONS

Environmental legislation in relation to industrial relations tends towards ensuring that employers' duties are discharged. The new Environmental Liability Acts, the most recent amendments of the Emission Protection Acts and the Integrated Environmental Act all prescribe the environmental responsibility of management by law. Simultaneously, in spite of some spectacular failures, the instrument of voluntary contracts on environmental issues between industry and government is given a high priority by the Environmental Ministry. On the other hand the demands of the unions to enshrine environmental participation in law is viewed with distrust by the governing political forces. For example, an amendment to the Works Constitution Act, granting an environmental responsibility to the works council is not planned. As the opposition (Social Democrats and the Green Party) are supporting the demands of the union, it is possible, that a change of government will lead to some progress.

With regard to the direct relations between employers and employees and their representatives, the company level reveals itself as the crucial point of environmental negotiating. There has been a significant increase in environmental activities at plant level during recent years. From both the management and employee side, many isolated environmental initiatives have been developed leading to formalised work agreements or, where negotiations have not taken place, there are informal arrangements as a result of management instruction. This trend is continuing uninterrupted and in the main without publicity (apart perhaps from use by the public relations department of the company). It shows the high priority given to environmental action by employees and employers, but it does not lead in general to the establishment of environmental dialogue between the industrial actors. The trend to set up environmental initiatives is restricted to the single company level.

The development of programmatical positions on the environment by the unions and the employers' associations has now reached a level where only slight corrections are expected. Both sides of industry have pointed out their main concerns. Management concentrates on self-regulation averting all attempts of regulation in this field of action, both from the state and from the unions. Diagram 2 below gives a distinct view on this. The unions on the other hand are still stressing the point of information, participation, qualification and codetermination as pre-conditions of environmental improvements at industry level.

The point of future debate will be whether the promised resolutions are followed up by practical steps to carry out some of the self-imposed duties. As the president of the DGB, Heinz Werner Meyer, recently self-critically explained, "In recent years we have perhaps passed too many resolutions which are incompatible with each other and avoided real dispute. But a fine sounding declaration of principle is not sufficient. It must become clear that we pick up both the social and the ecological questions. I want to tackle the trade unionist environmental policy debate in a way in which conflicts become visible as starting points for ecological action, of which such a term is rarely applicable (Meyer 1991). The DGB has therefore started to do a stock-taking of union environmental projects and cooperations with the objective of supporting pioneer projects and making public the most exemplary initiatives and innovations.

Recent comments from the employers side emphasise the implementation of environmental corporate identity as a strategy which connects the instruments of environmental management with motivation and environmental training of the staff, thus avoiding state intervention in the economy.

Tyll Necker, former president of the Federation of German Industry, expressed it bluntly, "Environmental protection has become a concern for the boss. It is a task of the management to integrate environmental protection into the entire company policy. In view of the growing environmental awareness, pollution prevention is becoming an element guaranteeing the company's future. For this task lifeboats on board ships are not sufficient. Apart from a trained and motivated crew the ship itself must be constructed in a way that it cannot capsize any more. Preventative environmental management involves the staff. It requires credibility inside and outside the company" (Necker 1988).

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LEVEL/ACTORS	REGULATIONS	MAIN ELEMENTS
<p>National (Government - Employers Feder.- Unions)</p>	<p>Emission Prot. Act Water Budget Act Waste Disposal Act Radiation Prot. Act Chemical Act - Dir. Hazardous Materials Safety at Work Act</p> <p>(Work Constitution Act)</p> <p>Voluntary Arrangements between Government and different branches of Industry</p>	<p>Envir.Prot.Officers ditto ditto ditto Information, Discussion Cooperation with Security Officers (Information, Consultation, Participation) Reduction of Emissions, Hazardous Materials; Recycling Obligations etc.</p>
<p>Sectoral (Employers Assoc. Trade Unions)</p>	<p>Communiqué Chem.Industr (Union - Empl. Ass.) Collective Agreement: Bavarian Magazine Publishers and Media Union Collective Agreement: Print Industry</p>	<p>Information, Trainin Controlling Equal Committees, Call in of Experts, Renunciation of harmful Chemicals Health Protect. at Work Environment</p>
<p>Company (Management - Work Councils - Union Delegates)</p>	<p>Work Agreements: Chemical and Metal Industry Collective Agreement: Teldec Press - Metal Workers Union</p> <p>Informal Arrangements</p>	<p>Information, Controlling, Training Participation Equal Committee, Call in of Experts</p> <p>Working Groups on Environm. Problems, Quality Circles etc.</p>

Diagram 2

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7. Appendix: Selected Documents

- 7.1 Umweltrelevante Gesetze und Verordnungen - Überblick
- 7.2 Pflichten und Rechte der Arbeitgeber und der Betriebsräte nach der Gefahrstoff-Verordnung und dem Betriebsverfassungsgesetz (Stand: 1989)
- 7.3 Freiwillige Vereinbarungen und Selbstverpflichtungen der Industrie im Bereich des Umweltschutzes (Stand: 1990)
- 7.4 Bundesverband der Deutschen Industrie (BDI): Thesen zur Umweltpolitik (1990)
- 7.5 Tutzingener Erklärung zur Umweltorientierten Unternehmenspolitik (1988)
- 7.6 Beschluß des 14. DGB-Bundeskongresses zur "Umweltpolitik" (1990)
- 7.7 Positionspapier der IG Metall "Umweltschutz im Betrieb" (1988)
- 7.8 Beschluß des 13. Gewerkschaftstages der IG Chemie-Papier-Keramik zum Umweltschutz (1989)
- 7.9 Entwurf eines Manteltarifvertrags zur Beteiligung der Belegschaft in Fragen des Gesundheits- und Umweltschutzes. Gewerkschaft NGG (1991)
- 7.10 Kommuniqué zwischen der IG Chemie, dem VCI und dem Bundesarbeitgeberverband Chemie: "Für Fortschritte beim Umweltschutz" (1987)
- 7.11 Betriebsvereinbarung Umweltschutz zwischen der Unternehmensleitung der Leuna-Werke AG und dem Betriebsrat (1991)
- 7.12 Auswertung von Betriebsvereinbarungen zum Umweltschutz in der chemischen Industrie (Teichert/Küppers 1990)
- 7.13 Zehn Vorschläge und Forderungen der IG Metall zu Auto, Umwelt und Verkehr (1990)
- 7.14 Arbeitnehmerbefragung Bayern: Themen-Engagement der Gewerkschaften (1990)



European Foundation
for the Improvement of Living
and Working Conditions
Loughlinstown House, Shankill, Co.Dublin, Ireland.
TELEPHONE: +353 1 2826888
TELEX: 30726 EURF EI
FAX: +353 1 2826456