

ADVANTAGES OF UNION CONTROL

With the aid of aforementioned means, the unions have achieved, in a surprisingly short period, an equally astonishing degree of more than nominal control over the works councils. What advantages have the unions been able to reap from this development?

Besides the assistance given by the works councils, in many instances, in rebuilding the unions, works councils have also played a significant role in union organizing activities. Almost all postwar works council laws give works councils the right to contest the hiring, transfer, promotion, and discharge of workers on certain grounds (personnel codetermination). As far as hiring is concerned, the employer has to inform the works council of the name of the applicant to be added to the staff. In a Bremen shipyard, the union proceeded to veto the hiring of a man who refused to join the union. (The Bavarian draft legislation - and the Weimar law - would exclude such an attempt at enforcing the union shop.) A less drastic method in general use by works councils is to hand out to all newly-hired men, when sent for clearance to the works council, union membership applications. While there is no evidence that transfers and promotions have been utilized to promote union aims, some reason exists to believe that the works councils will be influenced by union considerations in dismissal cases. They will favor union against non-union men, other things being equal - and sometimes not so equal. Similar preference has been known to exist in the handling of grievances although such actions are equally beyond the pale of the law.

The works councils also provide a reservoir for future union leadership by providing a good training and proving ground. Many present-day union officials came up this way. A popular and vigorous works council leader will soon be voted a union delegate, then perhaps an honorary chairman of the local, and later on elected to a salaried union office. From here on, he may move upwards in the union hierarchy.

Another advantage sometimes claimed by the unions is hard to substantiate. In those Laender where works councils are compulsory and where works councils with no union affiliation may occasionally result, the union may be able to organize the entire plant by the simple device of enrolling the works council. Only one such instance could be established beyond doubt. The ability of works councils, once organized, to keep the newly-organized members in the union and to act as a nucleus of strength, is better established.