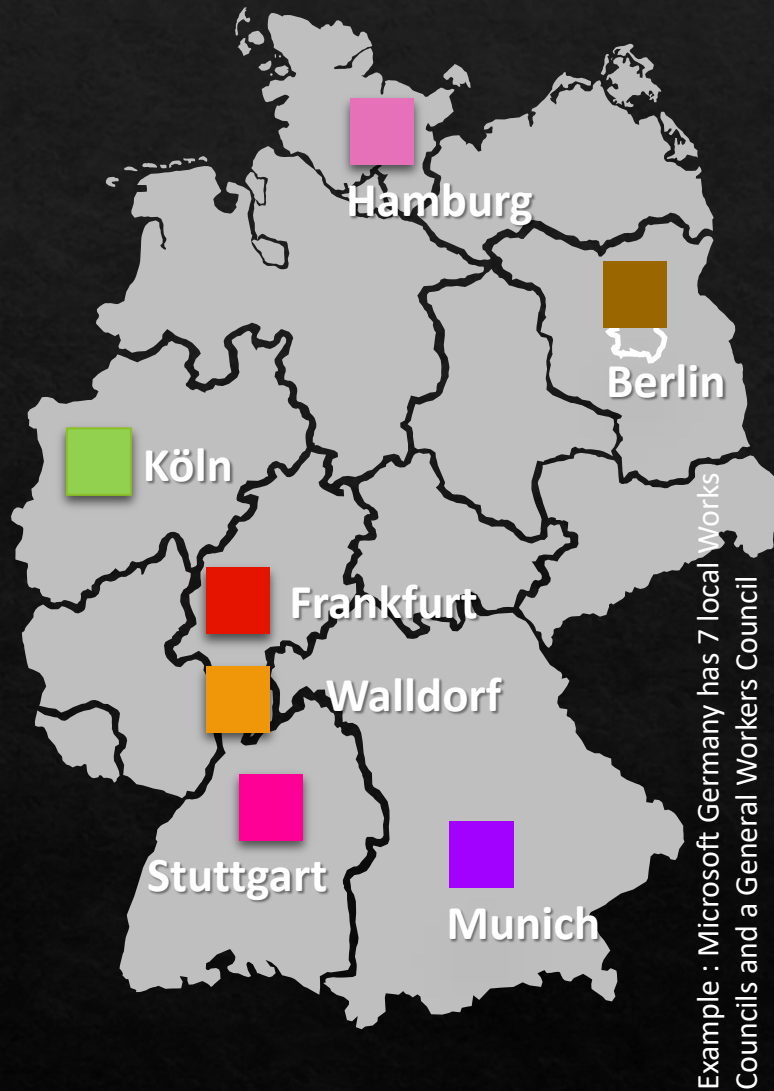


Works
Councils in
Germany and
how to deal
with them



General Information



- ◇ A German works council, or “Betriebsrat”, is a group of elected employees who collaborate with management on behalf of the company’s workforce.
- ◇ Main purpose of a works council is to advocate for the interests of the employees of the company and ensure that key decisions of an employer are not taken alone.
- ◇ This is through working in collaboration with management. The works council ensures that all laws, rules, and health provisions benefit the company’s workforce and are applied correctly.
- ◇ The works council advocates for the employees’ best interests through established dialogue with the management
- ◇ The members of a works council are elected by employees of a company. The number of members depends on the size of the company and ranges from one to several dozen. The term of the office is four years.
- ◇ A Works Council may be established by the workforce in respect of each site of the company, i.e. for every regional office
- ◇ If several local Works Councils exist within the company (due to the company being multi-sited), a General Workers Council is formed and is responsible for dealing with matters affecting the entire company (rather than just one site)

Required cooperation with the Works Council



The Works Council has **individual and collective rights** which are specified by German law. This means that companies cannot command or implement specific topics or actions in a one-sided way of they have potential to affect employee rights.



Companies have rather **to inform and to consult** with the Works Council on a range of topics.



This includes the need to **consult** with the Works Council **before any employee dismissal**. In respect of **certain matters**, i.e. tools or processes that may lead to employee behavior control, the **approval** from the Works Council is **mandatory**.



German policies might overrule worldwide Company policies for German employees

Works Council Agreements



A Works Council Agreement is a **written agreement** between the employer and the Works Council which then **becomes part of the terms and conditions of employment** within the company.

Good to know:

- ◊ The local Works Councils meet periodically to approve or reject respective applications (e.g. dismissals, external hiring, internal moves, etc.).
- ◊ The objective is to establish a **trustworthy cooperation** with the Works Council.
- ◊ Members of the Works Council enjoy a higher protection against dismissal compared to the other staff.

Examples for the required Works Council approval



External hiring as well as internal moves



Terms of payment or compensation, e.g. definition of pay ranges, allocation of merit increase and bonus, job leveling and re-leveling



Company policies in respect of conduct, working hours (e.g. definition of the start and end of the daily working hours, overtime as well as Saturday, Sunday and public holiday work), holiday, etc.



All (electronic) systems which are generally qualified to control and monitor employees' attitudes, achievements and performance (e.g. phone systems, polls, Manager Feedback, Performance Management, Assessment Center, etc.)

Microsoft 365 / Office 365

Works Council care about:

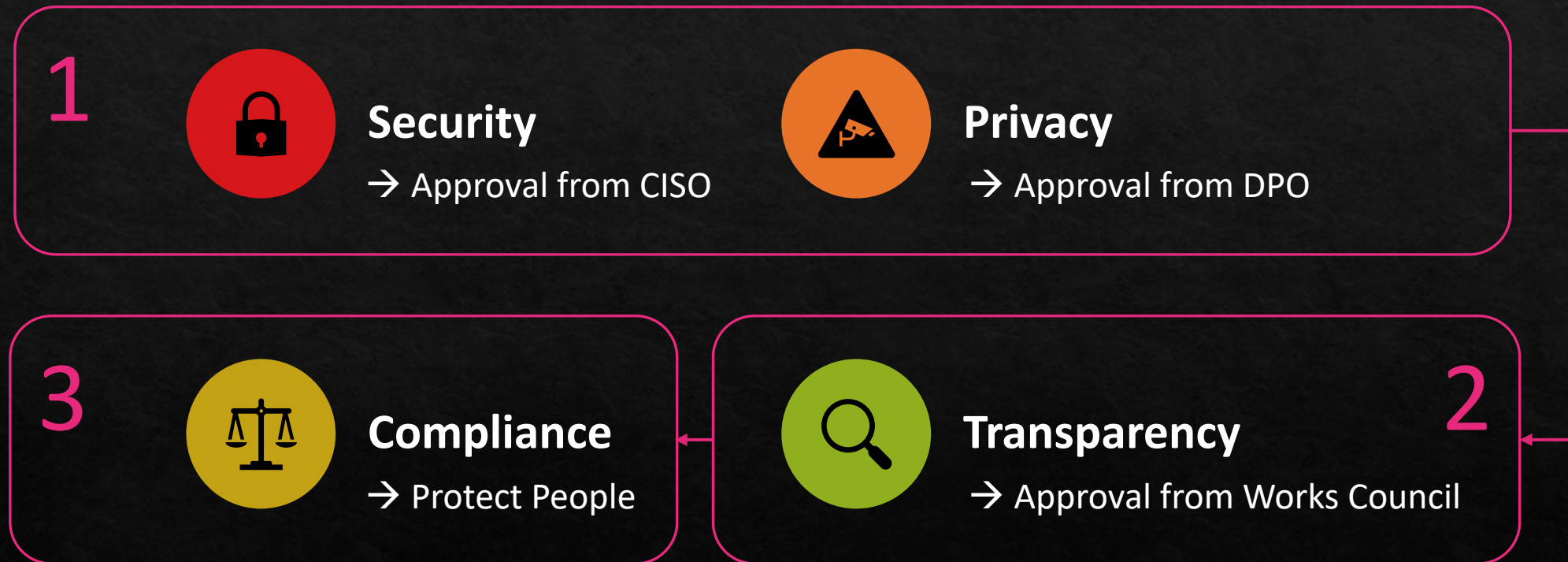
Security – How are the employees' (and customers') data protected?

Privacy – Who has access to which data and when and how?

Compliance – Are there any pitfalls for the employees?

Transparency – How can the works council monitor that agreed rules are met ?

Approach



Resources



Security, Privacy & Compliance

[Service Trust Portal](#), [Data Residency](#), [Online Services Terms](#) and [Data Protection Addendum](#)



Transparency

[Administrative Roles \(incl Global Reader\)](#), [Message Center](#), [Microsoft 365 Roadmap](#)



German Page for Works Council,
HR and IT

<https://aka.ms/welldone>

A comprehensive guide to agree on the use of cloud services like M365 the right way.

Thanks!
Questions?