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Themenplan

Works Council Basics in English (WoCo 3): Social affairs and co-determination

Act rather than react

Exchange of experiences regarding the work situation

Overview of the provisions on co-determination in the Works Constitution Act (German: Betriebsverfassungsgesetz, BetrVG)

Limits of co-determination in companies and explanation of terms/definitions of, among other things:

- :: Precedence and proviso of collective agreements
- :: Opening clauses and principle of favourability
- :: Works council's right of initiative as a consequence of enforceable co-determination

Examples for exercising co-determination in social matters according to Section 87 Works Constitution Act (WCA), e.g.

- :: Rules of operation of the establishment
- :: Arrangements concerning working hours
- :: Technical (monitoring) devices
- :: Company pay systems

Systematic procedure in the co-determination process

Exercising co-determination and ways to enforce the works council's rights

Information policy and cooperation with the employees

Works agreements as a result of co-determination:

- :: Conclusion of works agreements (Section 77 WCA)
- :: Form and content of works agreements
- :: Termination and after-effects of works agreements
- :: Relationship between collective agreements and works agreements
- :: Difference between enforceable and voluntary works agreements
- :: Regulatory agreements (definition; difference to works agreements)

Conciliation committee:

- :: Legal provisions (Sections 76, 76a WCA)
- :: Tasks of the conciliation committee, procedure for setting it up and principles of the conciliation proceedings (Section 76 WCA)

Principles of resolution procedures at labour court

Right to lodge complaints/grievance rights (Section 85 WCA)

Involvement of external experts (Section 80 Article 3 WCA)