

Special Issue

The dilemma of social media for German work councils representing qualified employees—the case of a German car manufacturer

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The world of work is undergoing huge changes as a result of digitalisation. Part of this transformation process involves a growing demand for skilled employees—a section of the workforce that appears increasingly less reliant on the representative services provided by works councils. In the following article, we consider works council's use of ICT tools to re-engage with skilled employees, noting that current institutional and cultural contingencies appear to hinder its employment of ICT tools.

Keywords: co-determination, digitalisation, social media, works council, industrial relations, central link employees, Leistungsträger.

The article examines how German works councils are tackling with the issues of digital transformation and digitalised communication. An in-depth case study at a German car manufacturer shows the main challenges for works councils. The workforce is becoming more diverse and better trained. Therefore, works councils need to adjust their modes of doing co-determination to the necessities of the digital era and representing a changing workforce. The usage of social media could be one important tool to reach out to the growing group of 'Leistungsträger'.

Introduction

The arrival of the digital age—often referred to as *Industrie 4.0* or the *Fourth Revolution* (Floridi, 2014)—has the potential to alter dramatically the world of work (Hans Böckler Stiftung, 2015). From a German works council perspective, a body on the frontline of

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an evolving new working environment, the impact of digitalisation raises several questions. Will changes, for example, in the labour process lead to job losses (Eichhorst *et al.*, 2016)? Is management's interest in digital technology merely a means of applying new Tayloristic control mechanisms? Does the *Betriebsverfassungsgesetz* (Works Constitution Act) need to be modernised in a data-driven era? Although these questions represent serious challenges for German works councils, a key test—and one the article focuses specifically on—involves to what extent the digital era could influence the traditional representative role played by this German institution. We contend two developments closely associated with *Industrie 4.0* place in question the works council's representative role.

Firstly, digitalisation in a post-Fordist period, specifically what Griliches (1969) terms the capital-skill-complementarity,¹ has the potential to promote a human resource management (HRM) strategy geared towards greater employee autonomy (Hecklau, 2016). Committed to the ideal of inclusion, such a strategy views employees as a source of knowledge (experts), as partners that management increasingly needs to consult. Hence, according to Pongratz and Voß² (2003a: 23) the Tayloristic idea that employees 'passively accept instructions and control' becomes redundant. Moreover, from a work councils' perspective, such a development raises questions about employee identification. Freed of management's shackles qualified employees might be less reliant on the collective voice of such bodies as works councils (Pongratz and Voß, 2003a; 2003b).

Secondly, digitalisation, here we are specifically referring to Information Communication Technology (ICT), has the potential to promote greater communication between employees. According to Lee and Staples (2018), employees use ICT to exchange information on work-related issues. The work of Pfeiffer (2016) takes up this issue, too. They describe, for example, how social enterprise networks allow teams to organise shift patterns independent of management control. In short, spaces appear to be emerging within the workplace that exclude works councils. Of course, it would be short-sighted of us to ignore how the Works Constitution Act empowers works councils, ensuring as it does that works councils have control over areas pertaining to working time and the introduction of technology. Nevertheless, we contend such control could be threatened if works councils are unable to call on the support of certain sections of the workforce, that is, highly skilled employees.³

How then should works councils respond to potential challenges posed by digitalisation, specifically the existence of interaction spaces made possible by new technology? As discussed in research on trade union renewal (Martinez Lucio *et al.*, 2009; Geelan and Hodder, 2017) and international labour solidarity (Whittall *et al.*, 2009), digitalisation, and here we are referring to social media, ironically the very tools that appear to threaten the power of works councils, could allow it to demonstrate its continued importance amongst the whole workforce.⁴ Referred to as *Mitbestimmung 4.0* (co-determination 4.0) by Haipeter (2019), ICT represents the chance to build new two-way digital freeways that help create an inclusive space for works councils. According to Haipeter (2018: 319), '[d]igital communication networks open up new possibilities for wider information, the interaction between actors and participation in political processes'. Discussing the notion Open Source Unionism (OSU), Freeman (2005:80) argues that ICT has the capacity to:

provide information and services to members, to connect activists across different sites, and to provide union services to workers outside the collective bargaining arrangements. The OSU's website is a virtual union hall where supporters and activists exchange information and views rather than a signpost that the union exists.

According to Freeman (2005), ICT compared to traditional forms of representation, that is, analogue communication channels, has the advantage that it represents a decentral means of organising workers that surpasses bureaucratic hierarchies (elected officials) as well as site and departmental representative arrangements. In short, ICT is viewed as a means of accommodating the increasing fluid nature of work that can lead to parochial tendencies amongst employees (Whittall *et al.*, 2009). However, as the

article exemplifies, certain factors, what we refer to as contingencies, appear to impede works councillors' use of ICT tools.

Part of a wider research project into how German works councils utilise digital technology to promote co-determination, the article draws on findings taken from a case study of a German car manufacturer. For several reasons we consider the study to be exemplary, a template even for works councils in other industries and firms struggling to come to terms with digitalisation: Firstly, digitalisation and automation pose severe challenges for German car manufacturers in terms of product strategy, employment levels and training. Secondly, it is home to well-resourced employee representative structures, which include a large and active shop stewards committee as well as a high number of works councillors relieved of their normal day-to-day tasks. Finally—and possibly most important of all—the case study's works council recognises how a growing number of employees have become less interested, even disillusioned with institutional forms of representation in recent years.⁵

To address the above issues, we begin by discussing how new digital technology promotes greater autonomy amongst qualified employees and as a result allows them to work increasingly autonomous of direct managerial control.⁶ We then proceed to map the representative function of German works councils, specifically its interaction with three key industrial relations actors: management, employees and trade unions. At this juncture in the article, we draw on the work of Tietel (2006). Tietel's model allows us to understand how the application of new technology could alter relations between works councils and those sections of the workforce empowered by new technological possibilities. In this section, we will also consider how works councils can utilise ICT to recalibrate the way it interacts with constituents—especially those who might question the worth of such an institution. This will be preceded by offering the reader an insight into the methodology underpinning the article. Next, the article turns to the case study, considering how works council delegates (1) view the possibilities provided by ICT and (2) utilise social media as a means of creating new communication channels that it can employ to interact with the workforce. Here, we apply an institutional and a cultural contingency approach to comprehend the current challenges faced by co-determination generally and the motor industry specifically. Finally, we conclude the article by discussing our findings.

Changing nature of work—the digital empowerment of employees

The discussion surrounding *Industrie 4.0* is complex (Hirsch-Kreinsen, 2018). Yet, the impact of digitalisation on employees' qualification portfolios is one aspect that continues to receive much attention: In particular, whether the existence of Big Data and automation will either result in an increase or decrease in an employee's skill set (Windelband and Dworschak, 2018; Lee and Whittall, 2020). The first aspect, one associated with traditional Tayloristic control mechanisms, involves a derogation of employee influence over the labour process (Menz *et al.*, 2019), that is, a reduction or even the total replacement of workers' cognitive skills. Another potential development concerns, how technology can inflate workers' role in the drawing-up and implementation of production steps (Pongratz and Voß, 2003a; ILO, 2017; Baethge-Kinsky *et al.*, 2018). It is this last aspect of technological change—one that envisages employees playing a greater part in the process chain, which is highly relevant to this article. More recently an EU research project on enterprise social networks (ESN) came to a similar conclusion (Martin and van Bavel, 2013).

Work undertaken by Pfeiffer (2016) into the future qualification requirements of mechanical engineers in Germany, for example, considers how *Industrie 4.0* could affect employees' work profile. Their work is useful in that it develops a conceptual platform for understanding how technology can alter the role played by employees in the labour process, specifically employees' involvement in planning procedures along the process chain. Pfeiffer (2016) offer three possible scenarios when trying to understand

whether new technology offers employees more or less influence in decision-making processes. These include the growing gap (decline in influence), the general upgrade (slight increase in influence), and the central link possibility (major increase in influence). We are particularly interested in the 'central link' scenario as it mirrors in many ways the case study's workforce.

The 'central link' development involves employees acquiring new qualifications that provide them with greater autonomy along the process chain. According to Pfeiffer (2016), such autonomy is to be found in the 'intermediary role' played by *central link* employees along the vertical and horizontal axis of an organisation. This involves employees functioning as a point of communication between departments and teams, that is, the horizontal level, as well as up and down an organisation's vertical axis. Here, the *central link* employee uses data and knowledge of their firm's 'vision and strategy' they have their disposal (Pfeiffer, 2016: 90), to optimise the process chain. To this end, the *central link* employee is expected to share information about possible problems as well as make recommendations on how to solve technical and organisational bottlenecks. What is more, this arrangement affords intermediary employees a great degree of autonomy:

[P]roduction relevant decisions will not automatically be taken by autonomous technical systems. In the future, the skilled employee will be, if not more so, responsible for taking decisions, finding solutions to problems, and being the conductor in the middle of the production process.

(Pfeiffer, 2016: 87)

Accepting that digitalisation could enhance the standing of certain sections of the workforce, it is worth considering once again what possible consequences such a development might have on the orientation and status of these employees. Whether they might be inclined to identify with certain actors in a firm to the possible detriment of others. At this point in the article, it is helpful to consult the work of Kotthoff and Wagner (2008) and Kotthoff (1996, 1997) on skilled workers, a group they refer to as the *Leistungsträger* (key personnel/highly qualified employees). In earlier studies, Kotthoff (1996, 1997) outlines, how the *Leistungsträger* compared to blue-collar employees demonstrates a closer affinity with the company's aims and interests. Here, Kotthoff (1997) applies the notion of the psychological contract developed by Rousseau (1989) to explain how this section of the workforce identifies with the interests of capital, the employment contract creating a strong sense of mutuality between management and their skilled subordinates. Thus, whilst management on the one hand appreciates the contribution and loyalty of such employees, on the other hand, qualified employees believe that their special relationship with management brings with it certain privileges, that is, a competitive salary, job security and recognition. Kotthoff and Wagner, (2008: 12) note, the *Leistungsträger* does not want to work according to what is expected of them, i.e. fulfill their duties, but rather to do more than is expected. They want to achieve something, set priorities, and leave their mark. Fundamentally, they view performance positively, even as a »kick«.

Interestingly, Kotthoff and Wagner (2008) discovered that the *Leistungsträger's* affinity with their firm's interests had actually increased since the 1990s, which raises the question of whether the potential provided by new digital technology to emancipate skilled employees—that is, greater autonomy—has contributed to this development.

Ultimately, such transformations bring to the fore several interesting questions. What consequences do these advancements in technology, ones that offer so-called *Leistungsträger* more autonomy, have for relations between works councils and this group of the workforce? Does the special status afford such employees, this demonstrated by their apparent direct access to management, suggest highly qualified employees are less reliant on bodies such as works councils? In attempting to answer these questions, we will consider in detail the work of another renowned German works council scholar Erhard Tietel (2006). This will hopefully not only improve our understanding of how relations between works councils and qualified employees might have altered in the digital era but equally in what ways works councils could respond to these possible changes.

Changing nature of the German works council landscape

According to Whittall and Trinzcek (2019), there is a need to conceive German works councils as a social entity, that is affected like any other structure by internal and external developments. Such an analogy is quite useful when understanding how the advance of digitalisation requires this body to reconsider how best to represent employees—an acknowledgement that a changed context requires a new response. The focus here is on how technological change can (1) change and possibly undermine the works council's relationship to its constituents and (2) what means works councils have at their disposal to counter such a challenge. As already implied, any attempt to address both questions requires the article to have an institutional reference point. Here, the work of Tietel (2006) offers just such a service—it provides a conceptual understanding of how works councils are part of a diametric relationship structure. Like Fürstenberg (1958) before him, Tietel (2006) asserts that the works council is a *Grenzinstitution* (borderline institution)—part of a quadripartite structure in which it has relations with management, the workforce and trade unions (see the following diagram). It functions as an intermediary body between these various actors, that is, the works council has the task of managing the interests, expectations and demands of actors within the rectangle (Figure 1).

As the above diagram denotes, various interacting constellations can be observed. At one level the works council has a mediatory role to play between management and the workforce, this part of a process whereby it institutionalises conflict according to Müller-Jentsch (1995). By communicating with each party, that is, gauging the 'others' specific stance, it attempts to create a sense of mutuality, the so-called *Betriebswohl* (wellbeing of the plant) as laid down in the Works Constitution Act (Addison, 2004). However, it needs to be recognised that various factors ensure the works council is not a management stooge (Whittall and Trinzcek, 2019). Firstly, it usually has a close relationship to trade unions. Next, the Works Constitution Act acknowledges the pluralist nature of relations between employers and employees, and for this reason, renders the works council the task of being the workforce's active voice. In short, the lower side of the quadripartite depicting the three-way relationship between the works council, trade union and workforce, exemplifies how works councillors are conscious of the

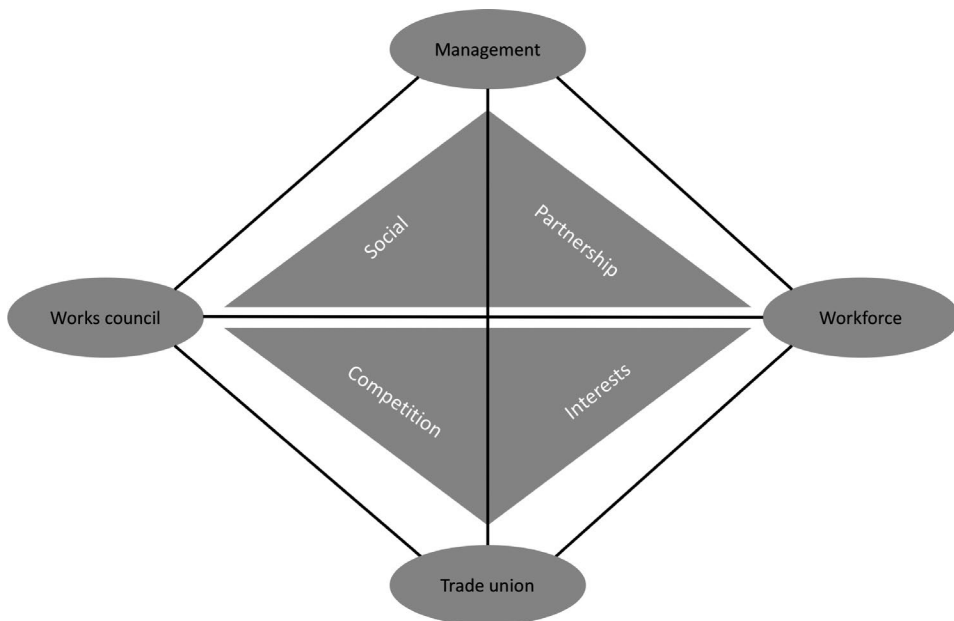


Figure 1. The quadripartite structure. Tietel (2006: 23)



Figure 2. An adaptation of Tietel's (2006) triad

notion of the 'other'—the 'other' being the employer. Hence, although the article is specifically interested in the upper triangle (see the following diagram), that is, the works council, management and workforce relationship, we acknowledge that even this three-way interaction is ingrained in conflict (Figure 2).

In adapting Tietel's triad we draw on a key segment of the *Betriebsverfassungsgesetz*, Article 2, paragraph 1, in which the law stipulates that the works council exists to promote the wellbeing of both the workforce and the company. An expression of a balanced approach, the above diagram is constructed in a way that exemplifies how the works council, theoretically at least, is involved in an equitable relationship with both the workforce and management. This reflects the fact that the distance to management and the workforce—the so-called relationship line—is identical. Such a symmetric arrangement is commonly associated with a Fordist-production regime, its highly standardised production processes (Müller-Jentsch, 2019; Menz *et al.*, 2019) designating to management the power to plan, implement, measure and control the labour process (Pongratz and Voß, 2003a). At this point, the works council functions as both a mediator, achieving a win-win-situation, that is, the 'managing interests' of both the company and the workforce (Müller-Jentsch, 1995), whilst at the same time not forgetting it is the representative voice of the workforce.⁷ This procedural system, or occupational social order (Kotthoff, 1994; Bosch, 1999), involves management and the workforce acknowledging the works council's representative right to be part of this triangular relationship. For example, because the workforce requests it speak on its behalf (Haipeter, 2019), management demonstrates both a willingness to listen to the works council and a commitment to use it as a tool to communicate with the workforce. We need to recognise, though, this form of employee representation does not embody a strong form of employee involvement in the formation and implementation of the workforce's interests. Rather employee representation remains to all intents and purposes an intermediary actor, 'the defining of interests, themes and concepts occur independently of the workforce' according to Haipeter (2019: 307). In a Fordist era whereby the workforce not only sells its labour power, but also partly agrees to management's right to manage it,⁸ that is, plan and control the labour process, the works council's authority appears unchallenged.

The next diagram exemplifies, however, how the arrival of a post-Fordist era has the potential to alter drastically the works council's relationship with both management and the workforce. As the Fordist regime diminishes, a diametric shift occurs whereby the works council becomes squeezed out of the three-way-relationship. As discussed in the introduction and the previous section, the last decades have seen the advent of new ways of managing employees, management distancing itself from strict measures of employee control. The emphasis on offering employees greater autonomy appears to have grown in stature with the use of digital technology that accentuates the need to devolve decision-making processes to the shop floor (Turco, 2016). Here, the work of Pongratz and Voß (2003a; 2003b) is worth consulting again. They use the hybrid term, *Arbeitskraftunternehmer* (entrepeneur) to describe the arrival of a new employee that

encompasses aspects of an employee, the selling of labour power, and employer, the managing of labour. Although such workers have the legal status of an employee, they possess an employment contract; according Pongratz and Voß (2003a) capital rejects the subordinate character of earlier employee relations in favour of proactive employees. Ideally, the proactive employee possesses three characteristics: (1) self-control, the ability to independently plan and control work tasks, (2) personal economisation, the need to raise one's work profile both within and outside the workplace and (3) self-rationalisation (Pongratz and Voß, 2003a). This last facet involves organising daily routines in such a way that there no longer exists a division between the private and employment spheres. Combined these variables ensure that the *Arbeitskraftunternehmer* 'personally steers and controls process which transforms skill potential into concrete performance' (Pongratz and Voß, 2003a: 24). In such a workplace, the managers of old fade into the background, their overt control function replaced by the need to support and coach 'associates' (Reckwitz, 2017).

As indicated, skilled employees, referred here to as the entreplovee, and in the previous section as *Leistungsträger* and central link employee, could pose a challenge to the authority of works councils. Here, the once symmetric relationship between the three plant level actors takes on the guise of an asymmetric arrangement. For example: Although the works council's relationship line to management and the workforce expands, the reverse occurs in the case of management and the workforce—the arrival of the entreplovee combined with new digital technology sees this distance become noticeably narrower. Hence, the workforce's thirst for flatter hierarchies, specifically greater personal control over the labour process, that is, an increase in the *Leistungsträger* ethos (Kotthoff and Wagner, 2008), sees the power of the works council's vocal cords partly impaired by its constituents' preference for self-governance according to Tietel (2006). Moreover, without its constituents' backing, management could be less inclined, even when required by law, to acquiesce to the demands of works councils. This involves the so-called legitimisation problem as discussed by Haipeter (2018). For this reason, in an attempt to remind the entreplovee that their legal status is still underpinned by an employment contract, employee representatives need to develop new working practices and communication channels that take into account the growing diverse nature of the workforce (Pongratz and Voß, 2003a) (Figure 3).

As outlined in the introduction, ICT could provide works councils with the capacity to restore their influence within the management, workforce and works council triangular relationship. Interestingly, Walker recently noted (2020), employees' use of (enterprise) social media to have their voice heard, remains a blind spot of industrial relations research. Certainly, gaining voice addresses an overarching problem of works councils and co-determination in Germany. Like management, works councils must adapt to market and technological factors underpinning the culture of a post-Fordist era, possibly utilising ICT to usher in a new form of democratic co-determination—one that goes beyond the ballot box and delegating power to elected officials. This involves more than simply increasing the speed in which the works council keeps the workforce



Figure 3. Shifting relations within the triad. An adaptation of Tietel's (2006) diagram

informed of decisions reached with management. Rather, it concerns being a creative force that seeks ways of using communication channels that incorporate employees, especially *central link* employees (a group that appears less reliant on such an elective body to represent its interests), in decision-making processes. One promising way involves intensifying the use of social media. Getting in touch with members and engaging with them via social media is an opportunity that unions, even though they have not taken full advantage of this means, have clearly started to utilise (Hodder and Houghton, 2020). Whether this represents a fruitful strategy for works councils will be addressed by the following case study.

Methodology

Part of a larger comparative research project funded by the Hans Boeckler Foundation; the representative dilemma discussed in this article concerns a case study of a German automobile manufacturer. The project's overarching research focus concerned how works councils address changes in the labour process brought about by digitalisation as well as whether this co-determination structure is susceptible to change regarding new modes of cooperation and organisation made possible by digital collaboration.

A case study approach was chosen because it has the advantage of being sensitive to context and various perspectives (Pflüger *et al.*, 2010), two factors deemed advantageous when exploring a new research field (Flyvberg, 2006). For this reason, the project team drew up and applied the following research design (Figure 4):

As the diagram indicates, the first phase involved conducting ten thematic interviews with trade union officers,⁹ experts in the field of German industrial relations. These provided information concerning (1) relevant developments in the field and (2) which branches were most affected by the digital transformation. In addition, the case studies were divided equally between manufacturing and service industry companies. Also, each case study was home to an active works council and a stable intra-organisational industrial relations system.

On average ten interviews were conducted per case with works council members, shop stewards, HR managers and experts on digitalisation. Although the sample structure varies by age and qualification, some typical bias can be observed—this

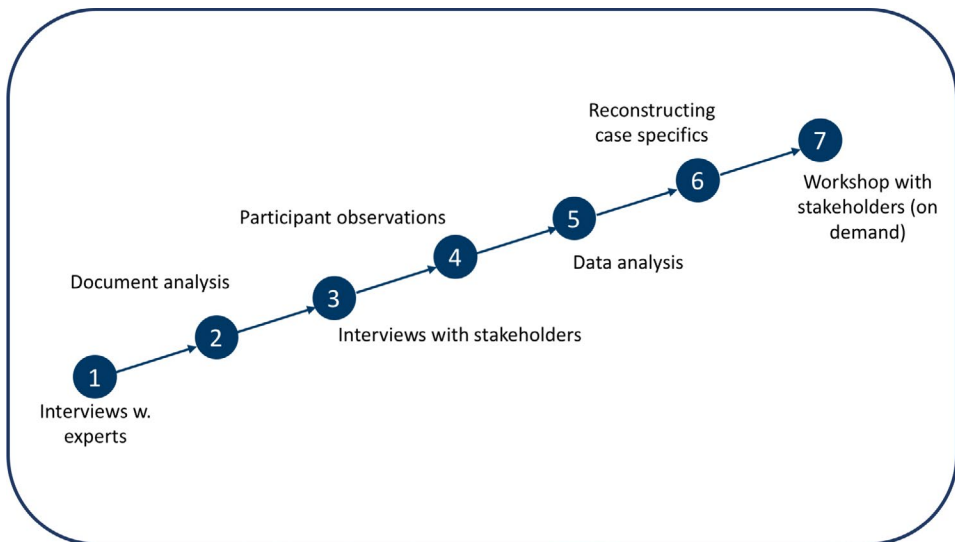


Figure 4. Research design

due to the firm's workforce structure. Hence, whilst most respondents in the manufacturing firms are male, there is an approximate gender balance in the service companies. Even though works council members over 40 predominate slightly, each case conducted interviews with members of youth councils and younger works council members. Although this imbalance may be a result of a self-selection bias, more likely it reflects the efforts of works councils to promote systematically young talent.

Once in possession of data the team devised a coding structure in line with the research questions (a priori codes) as well as important points arising from field notes. On completing the coding process with the help of MAXQDA, a relationship map of coded statements was constructed to discern the existence of points of relevance in the coding system. Significant connection points then underwent a thematic and hermeneutic sequential analysis. Specifically, we were interested in understanding whether these connection points represented an artificial object or rather an indication of relevant meanings connected to the research questions.

Regarding the car manufacturer 21 interviews were conducted, these accounting for the highest variance with regards to the respondents' roles. Apart from two interviewees, these respectively working in HR and IT, all the respondents were male, which is typical of works councils in industrial firms. Interestingly, an increase in the qualification structure of works council members could be observed, at least for those in leading positions. These have undertaken professional training designed to prepare them to deal with management on a daily basis. The composition of the sample is outlined below (Figure 5).

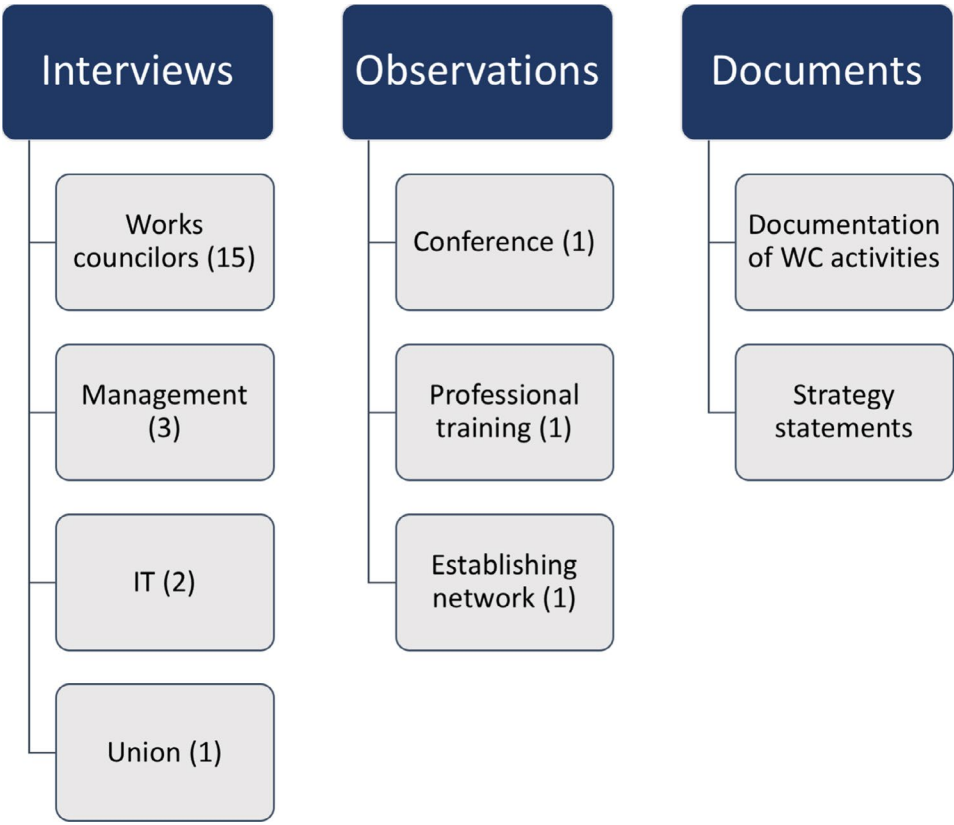


Figure 5. Data obtained

The challenge of representing a skilled and pluralising workforce

Like most of its German competitors, the *Diesel-Skandal* had a negative effect on the sales and product strategy of our case study company. In addition, the scandal increased the firm's interest in e-mobility, which in turn has helped accelerate the firm's commitment to modernise the labour process. Consequently, the firm has become gradually more reliant on highly qualified technicians and engineers, employees whose thirst for 'knowledge and autonomy' appears unquenchable. This development reflects what we have already discussed interchangeably as the emergence of the central link and *Leistungsträger* employee. It also brings us back to the main theme of this article: Can works councils use ICT tools to stay in contact with such employees? As already noted, changes in the workforce structure appear to threaten the co-determination 'relationship line' between the works council and elements of the workforce as discussed in chapter three. Certainly, as indicated in the following quotes, the poor turnout at the 2018 works council elections has created both a sense of insecurity on the part of the works councillors under study and an awareness that they need to improve the way they communicate with their constituents:

I don't believe that this [legitimacy concern] is because of the knowledge we gained from the Future Project [...]. This insight comes from the fact that we have said: 'The works council elections, voter turnout, was the worst we've ever had.' [T]he turnout is what really worries me. Why haven't we managed to get people to say we have [works council] done a really good job over the last four years.

(Works council member, number_14_paragraph_44)

We tried this World Café once with the staff. We've already held it two or three times and you can see that people don't just want to be asked, they want to influence processes and that's something that wasn't so direct and obvious ten years ago. There were demands for more such events, people want us to hold these; they have trust in such events. I believe this has something to do with media, the media is more accessible, there is more communication between people and if you then say, "yes, we are currently involved in a process and have achieved this so far", then they go and say, "Yes, but you still have to raise this", which means you end up with two results. So, things have become more demanding, more demanding. I am not talking about the majority [employees], but in the past, we did not have anything like this. I have to make that point.

(Works Council member, number_11_paragraph_37)

Obviously, the first interviewee still appears shaken by the low turnout at the last works council election, this taken as proof that relations between the works council and their constituents is not as stable as they had expected it to be. In trying to rationalise this decoupling process, space between these two plant level actors, the second respondent raises the issue of communication. This involves the fact that the works council has failed to (1) communicate sufficiently to the shop floor what it has achieved and (2) acknowledge that employees demand a greater say in works council decision-making processes. Hence, so to stop the decline in employees' reliance on the services offered by works councils, that is, the decoupling process, works councillors seem conscious of the need to consider ways of improving how they involve the workforce generally, especially the *Leistungsträger* employee, in the development of works council policy.

We need a greater flow of information, transparency of decisions. The Rules of Procedure, which I have just mentioned, is an essential factor, plus the factor of trust.

(Works council member, number_14_paragraph_98)

However, evidence presented in the preceding pages suggests the current works council's ICT practices, ones that could help increase the flow of information and build trust with constituents, lack the resilience and creativity to address the two issues mentioned in the previous paragraph. According to our findings, this is because works

councillors are (1) wary of ICT and (2) conscious that existing structural factors impede their ability to utilise the possibilities provided by ICT tools.

Concerning point one, ICT seems to represent a conundrum for works councillors. Even though they comprehend the opportunities offered by ICT to communicate with the workforce, they appear suspicious of social media per se. As the following respondent points out, fear persists that opinions could be formed, or networks established in the shadow of the works council structure:

And the real discussion about our staff meeting is taking place in the media. If you have a look at what comments have been made about it in public media such as the local newspaper or Facebook, then you know where the real discussions takes place. They don't deal with you directly anymore, but this happens in social media that are relatively anonymous, with no response.

(Works council member, number_15_paragraph_67)

For example, several works councillors talked at length about the growing role of WhatsApp groups in the company. One IT expert even noted that the firm is working hard to establish new digital communities in which management plays a leading role. Either way, as following respondents note, works councillors appear not only ill-prepared to use ICT but equally suspicious of its influence:

Exactly, if you had a blog in it [the intranet] or a community called long-term account, you are left to lose as a works council. [...] You can then explain that you are the nation's fool in there, as the saying goes... You cannot even try to explain that. You have to do that in a purely static way. You have to provide the information. It might be that you explain certain things. Explaining tariff rounds. Why do some collective agreements come about? Currently, that only happens via the shop stewards. But not in the social media sector.

(Works Council member, number_14_paragraph_79)

Digital [digital community activities hosted by the works council], hardly. But you have to say that they never had the need as much as everyone else because they had the best functioning shop steward system (B2: True) across the entire company. [...] That is why the pressure was not so great. Now, this information cascade has been improved in the company. And the pressure is growing. And it is also getting harder. If you suddenly get your information from the company's website faster than through your works council, (I1: That's true) then the information power is reversed.

(IT_expert_1_male_paragraph_210)

The last quote is of particular interest. The respondent rightly acknowledges that disseminating information quickly is crucial today. However, they suggest that reacting quickly to events is not the works council's forte. Still dependent on analogue structures means it often appears to be a cumbersome apparatus, unable to keep up and respond to management's messaging. Consequently, it sees its power, that is, influence, decline.

In sum, works councillors demonstrate a degree of suspicion towards ICT tools. The reason for this appears twofold: On the one hand, it concerns an acknowledgement that employees can use ICT to act unilaterally, that is, to communicate and reach decisions with colleagues or management without recourse to the works council. Seen from this perspective ICT is a decoupling tool that empowers employees at the expense of the works council. This partly appears to confirm an earlier assumption that changes in the workforce structure, specifically an increase in the number *Leistungsträger* employees, but also a management culture geared towards greater employee autonomy (Pongratz and Voß, 2003a), threatens the works council's intermediary role as discussed in Tietel's work (2006). On the other hand, there also prevails a concern within the works council that ICT could undermine the notion of collective identity so important to work councillors. This involves the previous question of identification as discussed in connection with the work of Kotthoff (1997) in section two, specifically a concern that ICT has the potential to increase such employees' identification with the interests of the firm and those of their immediate

colleagues/group. From this perspective, fear exists that ICT could help promote parochial as against collective interest, the latter being the lifeline of the works council.

Finally, works councillors' reservations, a point referred to above, appears not to have been helped by the existence of two impediments, what we have previously referred to as contingencies. The first of these concerns the 'technical framework'. This involves the institutional framing of co-determination under the current Works Constitution Act. The second issue relates to 'cultural changes' associated with ICT and hence the fact that the existing culture of co-determination needs to become aligned with the organisational changes underway. As will become apparent in the proceeding section, both categories appear interwoven. They represent what we call the 'multiplied publics'—a metaphor that acknowledges that as the labour process becomes increasingly diverse the once homogeneous workforce becomes a thing of the past. It is these two factors, which the article will now turn to consider in detail.

Institutional framework and the culture of co-determination

Co-determination in the workplace is framed largely, but not solely, by the possibilities and limits set down in the Works Constitution Act. Whilst the Works Constitution Act remains the bedrock of co-determination at the workplace, an awareness persists amongst works councillors that the law might need reform:

I am firmly convinced that the Works Constitution Act should be revised, especially in light of this new information and communication era. Particularly relating to how decisions are reached. This has to start with the works council election, i.e. who can do what and where can it be done? To give you just one example, in local elections today, it is normal for me to vote by telephone or in whatever way, or even online, on who becomes the mayor or local councilor. This is still forbidden by the Works Constitution Act.[...] But this also applies to the daily way we [works councilors] deal with each other, how we communicate with each other or how we reach decisions. In my opinion, there is an urgent need to take action.

(Works council member, number_05_paragraph_17)

Even though the respondent, as most did, acknowledges that numerous digital tools exist to increase worker participation, they are aware that the current institutional framework is not flexible enough to accommodate opportunities provided by social media. Born in a Fordist era, the Works Constitution Act appears out of step with the digital age. We should therefore not be surprised that works councillors then, irrespective of their suspicions as discussed in the first part of this section, struggle to utilise the possibilities provided by ICT. This fact becomes quite obvious when considering the workforce's participation in decision-making. Currently, the Works Constitution Act requires employees to be physically 'present' at plant meetings and group gatherings. In short, co-determination is marked by an analogue bias and for this reason, partly explains why social media remains largely underused in the promotion of employee participation. It also helps clarify a key finding discussed in the work of Haipeter (2019), namely that works council representation remains to all intents and purposes a hierarchical process, a top-down communication and participation procedure in which the use of social media as a means of listening to constituents is often absent. Consequently, even on those occasions when respondents appeared supportive of new ICT measures, there persists a reliance on analogue practices, that is, mingling with constituents on the shop floor:

That exists [Intranet] and it is used. There are different [platform] nets. So, what we receive in paper form will be published digitally. Some topics are only published digitally, even up to the trade union level. This also works partly via social media. And then there are personal conversations and shop steward committee meetings.

(Works Council member, number_06_paragraph_33)

Although the last respondent refers to digital possibilities available to works councillors, the analogue pull cannot be ignored. This brings us to the next contingency, the fact that the restrictive character of the current institutional framework influences the culture of co-determination. This becomes quite evident when considering how respondents insist that the ideal notion of co-determination involves works councillors personally knowing and meeting their constituents. Reliant on what works councillors consider to be well-established procedures—procedures underpinned by an analogue culture—this influences their preference for face-to-face contact when interacting with employees, shop stewards and management. Such practices explain why many works councillors find themselves caught in the past, prisoners of their cultural socialisation. Inclined culturally to stick to safe and trusted routes, the works council struggles to employ what are considered impersonal ICT tools to reach out, both in terms of skills and spatial spread, to an increasingly diverse workforce –:

So, the topic of co-determination, [involves] simply getting people back on board with regard to certain decisions. There exist decision-making aids... Whether these involve surveys or voting et cetera. 'Do you [constituents] support the works council? How should we [works council] continue to deal with the issue?' I want to be honest here; we are not doing this as a works council. [...] I think that was the first approach, because such an approach, World Café, never conceivable in the company, never mind the employer or on the employee side. Yes, let the people come to the table and express their opinion. That was inconceivable at a certain time. But I think employee participation is our lifeblood.

(Works Council member, number_09_paragraph_91)

Even given the presence of such cultural inertia, like all institutions the works council is not immune to change. Interviews uncovered that the seeds of such transformation could be found amongst younger works councillors, a new generation of digital natives that could initiate a transformational process from within. Nevertheless, change seems to be a slow process:

So, things change slowly. But things change... There are still these classic decision-making structures, the shop steward committee that you all know about. Although everything is changing slowly. Everybody is talking about social media, I don't even know how many WhatsApp groups we have in our main location in the meantime, every company has a Facebook.

(Union Representative, male_paragraph_49)

In short, the prevailing co-determination culture suggests, works councillors find it difficult to liberate themselves from the symbolic pull of the shop floor. Here, though, exists a discrepancy between the cultural leanings of works councillors on the one side and technical changes on the other side. Works councillors are confronted by the emergence of a new shop floor, a multiplicity of small to medium-sized work units, and offices. Of course, one should not underestimate the importance of a physical presence, and certainly, we are not advocating this. Face-to-face contact with constituents will still have a role to play in the future. Nevertheless, the arrival of a highly complex organisation, one characterised by multiple public spaces, suggests an ossified culture of co-determination, that is, an over-dependency on analogue communication practices, cannot necessarily guarantee works councils retain their representative function.

Discussion

The age of digitalisation is having a remarkable impact on the world of work. One aspect of this process of change, and something central to this article, concerns the emergence of new workforce hierarchies. We touched on this point at the beginning of the article, where we focused on how digital technology is empowering some employees, releasing them from Tayloristic command and control principles of a bygone Fordist era. Certainly, such a development could be observed in our case study. Respondents noted that there had been a noticeable increase in the number of so-called *Leistungsträger*

as discussed in the work of Kotthoff and Wagner (2008), that is, highly skilled employees who have a close affinity with the aims and interests of the company. Consequently, our findings support Pongratz and Voß's (2003a; 2003b) assertion, that such a development can create an identity crisis for representative bodies such as works councils, individual and company interests taking precedence over the notion of a collective workforce.

In exploring this point, we applied Tietel's co-determination model, specifically the notion that relations between the workforce, management and works council have been traditionally symmetrical. This assumes that each actor is partly involved in a three-way decision-making process concerning an array of work-related issues. We use the word 'partly' because historically the workforce has delegated its voice to the works council, that is, this representative body speaks on its behalf. The arrival of new highly skilled workers, what we have also referred to as the central link employee, a concept developed by Pfeiffer (2016); appears to threaten the symmetrical character of co-determination. As outlined in our research, and a key argument put forward by Pongratz and Voß (2003a; 2003b), skilled workers believe they no longer require the works council to be present when speaking to management. An assumption presides here on the part of the *Leistungsträger* that they (1) know best what the problem at hand is and (2) have the social competencies necessary to interact with management to solve the problem. Adding insult to injury, this same group of employees seems to think the works council is unwilling to involve them in reaching decisions with management.

Of course, we might wish to consider that the last criticism is the result of complexity rather than a mere reluctance on the part of the works council to include employees in discussions it conducts with management. Nevertheless, from a works council perspective it is exactly here where the need for a greater use of ICT becomes increasingly apparent. As firms become larger and more complex, the act of physically mingling with employees becomes less feasible. Strolling around the large shop floor seems to be outdated. For this reason, there appears a greater need for digital mingling, using social media to 'face time' with constituents.

Interestingly, our case study suggests works councillors, employee representatives in a firm entrenched in co-determination history, struggled to mingle digitally with constituents. The findings indicate a number of factors impede works councillors' ability to apply ICT tools to address the challenges we have discussed in this article. In particular, the study discerns how a strong tradition of co-determination entraps works councillors. Their traditional co-determination habitus (reactive and defensive behaviour) produces an inability and reluctance to move with the times. A fear of ICT prevails. This involves, a concern that social media could promote place-specific (parochial) above general interests—potentially allowing management and employees to use social media tools to exclude the works council from the traditional diametric co-determination relationship as outlined in Tietel's work (2006). It is exactly here, though, that works councils fail to acknowledge a point made by Freemann (2005), that ICT has the ability to create digital platforms in which collective interests can be nurtured to address the identity crisis discussed at the beginning of this section. A clear dialectical problem appears at play which works councillors seem unable to fathom.

In addition to suspicion, the study also uncovered institutional and cultural contingencies that impede works councillors' use of ICT tools. The Works Constitution Act, the institutional basis of co-determination, no longer seems to meet the organisational demands facing works councillors brought about organisational change. Stuck in an analogue past, the current law inadequately covers the manifold possibilities of digital communication and networking. Linked to the institutional impediment is the issue of culture. All interviewees referred to the continued and inescapable importance of personal interaction. This has to do with the question of socialisation; one could say the cultural emphasis that works councillors continue to place on analogue face-face interaction with the workforce. Certainly, ICT manifests and renders visible the partial publics in the company since social tools allow employees to articulate permanently their varying demands. However, the traditional decision-making structures of the works council seem anachronistic when faced by social media, legally caught in a

historical vacuum where physical presence takes precedence over other forms of communication.

In sum, there exists a need for the current Works Constitution Act to unshackle works councillors of past habits and requirements. Naturally, the process of legislative unshackling would represent the first step in creating a legal framework susceptible to the era of digitalisation. This, though, needs to be complemented by the emergence of a new cultural orientation that accommodates employees' wishes to make an important contribution to German co-determination. Hence, this means works councillors also must reconstruct their image of themselves if they are to maintain their co-determination role within the management, employee and works council tripartite relationship. Undoubtedly, in an era in which co-determination, even in large enterprises traditionally the bastion of such employee representation is eroding, ICT could represent a means of shoring up German industrial relations. Certainly, at plant level should works councillors be able to overcome their reluctance to employ social media, then they might be in a far better position to address parochial tendencies within the workforce, ones promoted by management and made possible by a digital technology.

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Notes

- ¹ According to Griliches the development of new technology creates a market for new skilled labour.
- ² The original piece on the "Arbeitskraftunternehmer" by Pongratz and Voß was published in German. However, there is an English article, where the authors discuss the main concept (2003b).
- ³ Irrespective of the threat posed to works councils by digitalization, it should also be considered that the prevalence of works councils within German industrial relations has declined in recent years (Ellguth and Kohaut, 2018; Whittall and Trinczek, 2019).
- ⁴ Although we will return to this point below, we contend that ICT channels have the potential to be a unitarist tool, that is, they place great emphasis on the common interests' employees and employers share to the detriment of factors that divide them. In short, works councils should be encouraged to use ICT channels not only to ensure they remain an active partner within the employment relationship but moreover as means of emphasizing how this relationship is marked ultimately by conflict.
- ⁵ The decline in employees' casting their vote at the last works council election was some cause for concern amongst works councilors, seen as proof that their standing on the shop floor had decreased (see Methodology section).
- ⁶ We acknowledge that aspects of HRM policies, ones that promote greater employee autonomy, could represent a new subtler form of managerial control. As Pongratz and Voß (2003a) point out, the fact that management sets targets that employees have to reach places certain limitations on such autonomy.
- ⁷ Consult Whittall and Trinczek's (2019) recent work on German works councils for a more in-depth analysis of this body.
- ⁸ Labour does not totally acquiesce to managerial control. Managerial decisions will always be contested, either procedurally with the help of works councils and trade unions or by employee measures such as work-to-rule and absenteeism.
- ⁹ Interviews were held with representatives of the German Trade Union Confederation, IG Metal, ver.di, IG BCE and NGG. Interviewees were chosen based on their knowledge relating to digital transformation. Union officers not only helped us draw up a shortlist of potential firms; they also functioned as gatekeepers, that is, helping the research team gain access to the eventual six case studies. Besides, we spoke to three consultants who advise customers on

how to establish digitalized business models.

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