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## Still Married After All These Years? Union Organizing and the Role of Works Councils in German Industrial Relations

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# Still Married After All These Years? Union Organizing and the Role of Works Councils in German Industrial Relations

Martin Behrens

## **Abstract**

German trade unions are seeking new ways to counteract a steady downward trend in membership that has dragged on for fifteen years. Works councils' activities aimed at recruiting new members may play an important role in such efforts. The author's analysis of data from the fourth WSI survey of works and staff councils (2004-2005) shows that almost half of all works councils supported unions' recruitment endeavors, using a wide range of methods. Works councils' willingness to take active part in membership recruitment increased substantially when works councilors were personally involved in trade union affairs and were supported by negotiating bodies. Also important was works councilor participation in trade union seminars and training sessions. Favorable perceptions of such institutions were positively associated with the likelihood that works councils would actively engage in new member recruitment. The analysis also reveals a positive association between recruitment activity and plant-level union membership growth.

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UNION ORGANIZING AND THE ROLE OF WORKS  
COUNCILS IN GERMAN INDUSTRIAL RELATIONS

MARTIN BEHRENS\*

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**T**he U.S. debate on a so-called “servicing model” versus “organizing model” of unionism has begun to spill over into German unions and the German academic community. Using a unique survey of works councils, in this paper I investigate problems arising from the transfer of such models from the industrial relations context in the United States to the quite different one in Germany, which is shaped by a dual system of interest representation.

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A data appendix with additional results, and copies of the computer programs used to generate the results presented in the paper, are available from the author at WSI in der Hans-Böckler-Stiftung, Hans Boeckler Strasse 39, D-40476 Dusseldorf, GERMANY; martin-behrens@boeckler.de.

Unions in many developed countries are shaken by ongoing membership decline that is deep enough to interfere with their ability to influence collectively agreed standards for wages, hours, and working conditions (Visser 2003). In Germany, unions enjoyed relatively stable membership levels for many years, but things changed with the fall of the Berlin Wall. Following German unification, every year saw a decline in the membership of the 16 member unions within the peak federation DGB.<sup>1</sup> Between 1991 and 2007, total membership fell from 11.8 million to 6.4 million. The decline was especially dramatic in the East, where union density started out at almost 100%. Although increasing dropout rates among union members played some role in recent years, in both east and west Germany there is evidence that labor's fading ability to

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<sup>1</sup>As a result of several mergers, this number had decreased to 8 by 2001.

recruit new members explains a larger part of the decline in gross union membership (Dribbusch 2003; Ebbinghaus 2005).<sup>2</sup>

While some unions never did much to address this problem, others initiated special recruitment programs, many of which followed a top-down rather than a bottom-up campaign design (Behrens et al. 2003; Heery/Adler 2004). In terms of union strategizing, parts of the German labor movement also turned to the United States for inspiration. Once American-style organizing was properly implemented, German unionists believed, it could become the basis for as yet untried membership recruitment strategies.

Integral to the “model” that inspired parts of the German labor movement, however, was a view—not necessarily applicable to Germany—that unionism can assume either of two opposite forms. In the United States, “organizing” was frequently defined in opposition to union strategies emphasizing the provision of member services. Banks and Metzgar (1989) criticized the so-called “servicing model” as “stale” unionism due to what they regarded as its over-reliance on union staff, its focus on grievance and arbitration processes, and its suppression of rank-and-file involvement. This view has not gone unchallenged, however. Several scholars from the United States and United Kingdom have questioned whether the dichotomy between an “organizing model” and a “servicing model” is fruitful for understanding different union strategies (Conrow 1991; Fletcher/Hurd 1998; Hurd 2004; Heery et al. 1999). Even more important has been the question of whether any “organizing union” could be viable without delivering collective and individual services to its members; to argue in the affirmative, according to some scholars, is to promote a “false separation” (Conrow 1991:47).

In Germany, the first organizing campaigns employing elements of U.S. recruitment tactics such as corporate targeting, union-building at the workplace level, and coalition-building occurred in retail trade and among security guards (Bremme 2007; Alzaga 2007; Raffo 2007; Greven/Schwetz 2008). Although these campaigns had some modest success—they did help to recruit additional workers and, more important, to establish works councils in several workplaces—the transfer of American organizing tactics (along with, in some cases, U.S. union organizers, mostly from the SEIU) also raised questions about whether such a model fits the German industrial relations context. Notwithstanding the enthusiastic embrace of these new tactics by elements of the union movement, some scholars have expressed marked reservations, questioning the transferability of such tactics between two widely different systems (Frege 2000; Dribbusch 2007; Dörre 2008).

These contrasting views raise the question of how union strategy is moderated and channeled by structures and institutions of industrial relations, a question that has been at the center of industrial relations research for quite some time (Kochan et al. 1986). The perspectives best represented in this literature emphasize strategy within the context of institutions. The servicing-versus-organizing-model perspective, in contrast, mostly ignores institutional forces when focusing on strategy. I herein develop an argument and present evidence suggesting that these two approaches, as moderated by the German dual industrial relations system, are mutually reinforcing elements of a joint strategy for membership recruitment.

By what mechanisms does the German industrial relations system moderate union strategy? Central to the following analysis is the important impact of German works councils, which in many instances have pursued active membership recruitment on unions’ behalf. Within this dual system of interest representation, unions literally put their fate into the hands of another actor, one that they are unable to control directly. I will be investigating and testing for four factors that could lead works councils to pursue active organizing on behalf of their unions.

<sup>2</sup>The term “recruitment” is used throughout this article because upon their election, works councils do not install the union within an establishment, as would be implied by the term “membership organizing” (Heery and Adler 2004). Rather, works councils add single members to the union, a practice better described as “in-fill recruitment.”

The first factor is the specific impact of servicing. Are the opponents of “servicing unionism” right when they argue that emphasis on services reduces organizing activity, or does servicing have a different role to play within the German institutional context? A second factor, which resonates with organizing campaigns in the Anglo-Saxon context, is the focus on resources and professionalization. Do sufficient financial and organizational resources improve organizing activities by works councils as they have proven to do in the case of U.S. unions (Voos 1984)? A third factor is the role of union strategy, or more precisely, the different approaches pursued by the eight German unions. Finally, a fourth factor that may explain organizing activity by works councils is their attachment to the union. To what degree, if any, is the propensity for works councils to actively undertake recruitment efforts influenced by the extent of their own unionization or by whether they have active union workplace representatives?

Below, I first provide a brief analysis of the dual system of interest representation as one of the core features of the German industrial relations system. I also explore the forces governing the specific relationship between unions and works councils. Using survey data from a representative survey of 2,007 German works councils, I then examine the impact of these institutional factors on works councils’ organizing activity.

### **The Institutional Basis for Cooperation**

The so-called “dual system” of interest representation was long considered to be the backbone of the German industrial relations system (Thelen 1991; Turner 1991:97f; Müller-Jentsch 2003; Markovitz and Allen 1984:121). It is called “dual” because it rests on two major institutions: unions and works councils. Strong, unified unions organize entire sectors and industries and negotiate industry-wide patterned collective agreements with equally powerful employers associations; works councils are elected at the establishment level and enjoy a number of co-determination rights. A works council represents the interests of all employees within the establishment for which it was created

(not just the union members) and is involved in a range of activities, including staffing and dismissals, distribution of working time, work organization, and the introduction of new technology (Müller-Jentsch 1995; Markovits 1986:48–53; Auer 1997).

Close collaboration between unions and works councils was firmly embedded in and supported by a favorable legal environment, most prominently the Works Constitution Act (Hassel 1999b:140; Hyman 2001:126). After its revision in 1972, the Act guaranteed unions free access to workplace establishments as well as to works councils, and thus provided the basis for what Müller-Jentsch (2003:49–50) called a “symbiotic” relationship. In practice, there emerged a unique division of labor between the two institutions, whereby collective bargaining was technically isolated from the workplace level and assigned exclusively to the unions. This division of labor, in turn, enabled works councils to engage more or less peacefully in company-level negotiations with management about the remaining issues, in some cases leading to close collaboration with management (Jackson 2005:245; Turner 1998:30). As Streeck put it (1984:110), “Co-determination has proven an effective mechanism to bring about an accommodation of class interests at the level of the individual enterprise—a ‘syndicalist’ version of ‘social partnership’—resulting in a commitment of labor ... to competitiveness, productivity, and profitability.”

For various reasons, this division of labor seems to have come under strain. First, evidence indicates that due to both authorized and unauthorized decentralization, issues that were formerly dealt with only in the collective bargaining setting are increasingly being addressed within the domain of the works councils. In part, unions support this process by agreeing to certain opening clauses (Öffnungsklauseln) within their industry-wide agreements that allow company-level management and works councils to flexibly adjust some of the provisions of the industry-wide agreement to their specific needs (authorized decentralization) (Bispinck 2004; Bosch 2004; Hassel 1999a). However, management also often uses pressure tactics to change the conditions of the industry-wide agreement

in its favor (unauthorized decentralization) (Artus 2001:125–40). While decentralization puts more responsibilities into the hands of the works councils and thus blurs the lines of the famous division of labor, the works councils are not well prepared to engage in collective bargaining, because they are not allowed to call a strike. As will be discussed in the following section, this is not the only division of labor that arises within the dual system of interest representation.

### **The Impact of Servicing and Exchange on Membership Recruitment**

In Germany, unions are more than just a bargaining agent. While it is part of their responsibility to provide works councils with support and training services, the works councils—in turn—have done the lion's share of membership recruitment on behalf of unions. Although less intensively studied than works councils' exercise of codetermination rights, this social exchange is crucial for the survival of the dual system, since it helps to reproduce the very foundation on which that system rests: competent works councils and strong unions (Protz and Keller 2002:206f; Rudolph and Wassermann 1996:190ff.; Müller-Jentsch 1997:276).

In this exchange, unions provide works councilors with training and support necessary to fulfill their duties. Training is provided mostly through union-organized seminars, often through the unions' own schools and training centers, while direct support and trouble-shooting is mostly guaranteed through the local union offices. More important, the core function of membership recruitment enables works councils to maintain a powerful position vis-à-vis the union (Müller-Jentsch 1997:276). As shown in previous surveys, works councils strongly appreciate this support from unions (Dorsch-Schweizer and Schulten 2001; Behrens 2003), but it has not been clear whether they deliver organizing activities in exchange.

There are, however, signs that some of the preconditions on which the "give and take" between unions and works councils is based are weakening. Probably most troubling is the decline of union density among works

council members. Because works councilors are most likely to recruit new members into the union when they themselves are union members, a high union density among works council members is an important precondition for social exchange. Indeed, in 1972, 77.6% of all works council members were also members of one of the DGB's affiliates. By 1998, the last year for which time-series data are available, works councilors' union density had fallen to 72.6%, and there are some indications that it has declined further since then (Wassermann 2002:54).

In addition to the decrease in works councils' union density, which is believed to have the effect of loosening their ties with unions, some scholars also emphasize developments that should tend to challenge the division of labor within the dual system. Rudolph and Wassermann (1996:193ff.), for example, observed that works councils increasingly employ a business perspective when it comes to representing the interests of their rank-and-file at the establishment level. Withdrawing from union politics, they focus on the well-being of their company. Although these councils are still interested in union services and support, according to Rudolph and Wassermann, they tend to scale down their recruitment activities. In a similar fashion, Kädtler et al. found that works councils in east Germany were able to establish only loose ties with their unions. While extension of the Works Constitution Act to east Germany after unification provided works councils with the same legal opportunities as their west German counterparts, they never fully developed a corresponding union identity. Their identity is instrumentally based, in contrast to the political and normative grounds for union identity in the west (Kädtler et al. 1997:205). Since the basis for a fair exchange in the east is considered to be weak, Kädtler assumes that recruitment activities do not occur naturally but need to be enforced by the union.

Other scholars see the system challenged by the increasing diversity of resources works councils have at hand. As Leminsky (2001) observed, works councils in large establishments are able to use their power to negotiate agreements that provide them with extra

resources. In contrast to their peers in small and medium-sized establishments, which are mostly restricted to the minimum resources provided by law, works councils in large companies are able to employ extra staff to be paid for by the employer, to have more council members released from their work duties, and, finally, to have access to better office equipment, books, and advice by external “non-union” experts. Because works councils in large companies already enjoy a high level of professionalization, one might suppose that there is little the union could do to support them. With special training seminars and other support in low demand, there is some doubt that works councils would undertake massive union recruitment “free of charge.” Such an expectation presupposes, however, that this logic of exchange is the factor driving works councils’ willingness to recruit members into the union.

### **Factors Influencing Works Councils’ Recruitment Activities**

#### **Servicing and Social Exchange**

As discussed in the previous section, the “social exchange” interpretation of the relationship between unions and works councils implies that works councils commit themselves to active membership recruitment only if they believe that the services unions provide in exchange are worth the effort. Following this logic, servicing would be the currency that pays for recruitment activities, and union support that is viewed as mediocre or of no value could have a chilling effect on works councils’ recruitment activities. Of course, the social exchange between the two actors mirrors not just their calculation of the value of goods, but also the general relationship between them, as conditioned by a history that may variously include mutual support, conflict, and joint crisis management.

*Hypothesis 1.* Works councils’ recruitment activity is positively related to the favorableness with which they view the union services they receive.

#### **Works Councilors’ Union Attachment**

I will be investigating the link between

union attachment and willingness to engage in recruitment efforts. I assume that only works councilors who are also union members are interested in membership recruitment. In addition, those works councils that are supported by union workplace representatives might have an additional incentive to increase their recruitment activity. Whereas direct membership in a union provides works councilors with an intrinsic motivation for recruitment, union workplace representatives serve to keep them cognizant of what is expected of them.

*Hypothesis 2.* The strength of works councils’ union attachment is correlated with the intensity of their efforts to recruit members for the union.

#### **Union Strategy**

More than ever, German unions have started to think about promising new strategies for membership recruitment. Because recruitment is considered to be the responsibility of each individual union, there is no coordination at the level of the peak federation DGB. Consequently, the DGB’s eight affiliates have considered multiple strategies and tactics to halt membership decline (Behrens et al. 2001). Some of these approaches focus on the recruitment activities of works councils, and others seek to motivate individual recruiters by offering special incentives and prices. Given this diversity of strategies, I assume that some unions are more successful than others in improving works councils’ recruitment activities.

*Hypothesis 3.* The intensity and quality of works councils’ recruitment efforts vary with the strategies pursued by individual unions.

#### **Professionalization and Resources**

To be successful at membership recruitment, works councils must dedicate time, staff, and other resources to the effort. These resources need to be mobilized in competition with other important tasks on the councils’ agenda. Every hour a works council member spends talking to employees about the advantages of union membership is an hour that cannot be used for tasks such as resolving conflict at the workplace level,

negotiating new working time regimes, dealing with dismissals, or mastering new production technology. While recruitment can occasionally be done “on the side” with few extra resources (during job talks and collective bargaining sessions, for example), usually this is not the case, and works councils must weigh priorities. Over the past decade this task has become more difficult because works councils’ average work load has increased. Not only has the process of decentralization of collective bargaining required works councils to take on additional responsibilities (most of which have been unasked-for), but also contributing to the increase in the work load has been the restructuring of the German welfare state. The introduction of new forms of company-level pension funds has burdened the works councils with a variety of new tasks and responsibilities.

I assume that to increase its membership recruitment activity while maintaining the same level of interest representation, a works council must employ additional resources. This is the case if the works council increases the number of its members who are freed from their regular work duties, enabling them to focus exclusively on interest representation. While the Works Constitution Act defines this number as a function of the number of employees in a certain establishment, some works councils are successful in negotiating agreements with their employers that entitle works councils to some extra posts.

*Hypothesis 4.* The intensity of works councils’ membership recruitment activity is correlated with the amount of resources they commit to it.

### Data

The survey data analyzed here were collected as part of the 4th WSI (Wirtschafts- und Sozialwissenschaftliches Institut) Study of Works and Staff Councils (2004/05), which covers multiple aspects of works councils’ interest representation along with some key characteristics of the employment structure, collective bargaining, working time regimes, and benefits. The study was conducted in winter 2004/spring 2005 as a computer-aided telephone survey by infas, one of the major

German polling institutes. Respondents, mostly the heads of the local works councils, were asked to answer the questions on behalf of the entire council. In cases where the head was not available for an interview, an ordinary works council member was asked to participate in the survey. The sampling frame was constructed by drawing a stratified random sample from the general German establishment file (Arbeitsstättendatei), which is provided by the Federal Employment Agency (Bundesagentur für Arbeit) and which includes all establishments that have at least one employee for whom the company is required to pay social security contributions. Establishments were stratified by size and industry, and only establishments with 20 or more employees were included in the survey. While the small firm sector is vast and represents the lion’s share of all establishments, the Works Constitution Act sets the threshold for building a works council at five employees. As the law does not require employees to elect a works council, on average only 11% of all establishments have one (Ellguth and Kohaut 2004:452). Because the probability that a council is present increases with establishment size, there is only a small chance of finding a council in establishments with 5–50 employees. The survey excluded establishments with fewer than 20 employees in order to minimize screening costs.

Prior to the telephone interviews, infas conducted a dual screening of the original sample. First it had to match the establishment names and addresses with multiple phone directories to identify the correct phone numbers and to ensure that establishments were still active. Second, the establishments were contacted to identify those units that had a works council or staff council,<sup>3</sup> respectively. Only those units that had a works or staff council were included in the survey. The total response rate after screening was

<sup>3</sup>Staff councils, which operate in the public sector only, enjoy some of the same rights as works councils. They are excluded from this analysis, however, because they differ substantially from works councils with respect to both work environment and the rules governing dispute resolution.

66.4%, which is remarkable given that the interviews averaged more than 50 minutes in length. The survey yielded 3,397 valid responses in total, 2,007 from works councils and 1,390 from staff councils. For purposes of this study, only the responses from works councils were analyzed.

### Dependent Variables

At the center of this study is the question of which factors drive the willingness and ability of works councils to participate in the recruitment of new union members. Two different dependent variables were used. First the works council representatives were asked if the council was actively recruiting new members into the union. This question is coded as a single dummy variable that indicates whether or not a works council was recruiting. For a more specific measure of works councils' recruitment activity, a number of questions were also asked about the kind of activity the council was engaged in. The choices ranged from conversations with non-members at the workplace, to postings on the company's notice board, to the distribution of union material, to visits to employees' homes. An open category was made available as well. A second dependent variable was constructed that includes intensive recruitment tactics only, and thus excludes activities requiring only minor effort and commitment to membership recruitment. A council is considered to have been involved in intensive recruitment if it engaged in at least one of the following tactics: building a special group of recruiters at the establishment level; designing special recruitment campaigns that targeted certain groups of employees, such as youth, women, or immigrants; and making home visits.

### Independent Variables

*Servicing and social exchange.* Because I am mostly interested in how the process of social exchanges commits works councils to a certain action, it would be inappropriate to measure the absolute value of goods and services. Instead, I assume that works councils will be more likely to recruit new members for the union if they feel that the

services they get in exchange are worth it. Thus, works councilors were asked to rate the union support and advice they received, with responses on a five-point scale ranging from "0" (poor) to "4" (excellent).

*Union attachment.* Two variables provide an indication of works councils' union attachment. First is a variable for works councils' union density (in percent), measured as the share of works council members in an establishment who are members of one of the eight unions affiliated with the DGB. A second (dummy) variable measures whether works councils collaborated with union workplace representatives (*Vertrauensleute*). Such *Vertrauensleute* are elected at the department or establishment level by union members only and are formally independent from the works councils. Their major tasks are to communicate the unions' collective bargaining policy to individual employees and communicate employees' wishes to the union.

*Union strategy.* Union strategy is introduced into the model through a series of dummy variables that represent the eight DGB affiliates, with *ver.di*, the service sector union, as the reference unit.

*Professionalization.* Two variables identify the extent of professionalization of works council activities. A first dummy variable indicates whether the council was successful in negotiating an agreement in which more than the standard number of works council members were released from their regular work duties. A second variable measures the age (in years) of the works council. I assume that the longer the works council exists, the more the learning effect will positively influence the council's capacity for professional interest representation.

The model controls for a variety of factors that are widely regarded as having an influence on works councils' recruitment activities. First, it includes three dummy variables that consider economic crisis at the level of the establishment. The variable "dismissal" indicates whether the establishment's work force had shrunk since 2003. The "merger" variable identifies cases in which there was a threat either of merging with another unit or of closing parts of the operation. The "low profit" variable identifies establishments that,

according to the council's own estimate, had a problem with "poor" profitability.

Two variables, "unskilled" and "highly skilled," identify establishments in which, respectively, more than 50% of the work force had no formal training or was university-trained. Several studies have assumed a close relationship between employees' skill level and their willingness to join a union. While union membership is traditionally strongest in the ranks of skilled workers who graduated from an apprenticeship program, low-skilled and very high-skilled employees—particularly white-collar employees in the service sector—are considered to be more reluctant to join unions (Ebbinghaus 2003). So far, the jury is still out as to whether this comparatively low likelihood of union membership is the result of low union attachment among these groups or, rather, of the meagerness of efforts by unions and works councils to recruit these groups into the union (Dribbusch 2003).

Other control variables indicate whether there was coverage by an industry-wide collective agreement and whether the region was east or west Germany. Two dummy variables for the construction industry and retail industry control for characteristics of the institutional environment within these two industries. Due to the decentralized structure of retail shops, unions are extremely rare in the retail sector. Works councils in construction are mostly relieved from organizing duties because they tend to operate at the level of the headquarters of construction companies, while the work force is sprinkled throughout multiple construction sites. Thus, the construction workers' union, IG BAU, has historically transferred the recruitment function into the hands of its own full-time union staff (Streeck 1979). Finally, the model also controls for establishment size (log of the number of employees).

## Results

Sample means, proportions, and variable ranges are reported in Table 1 (a correlations matrix is provided in the appendix). Overall, the results reveal a high incidence of membership recruitment activity. About 48% of works councils answered that they were active

in the recruitment of union members (42% in east Germany, 50% in west Germany). Establishment size was an important factor, with recruitment activities being highest (85%) in establishments with 2,000+ employees and lowest (32%) in those with 50–99 employees. This is as expected, given that works councils' union density rises with firm size. A closer look reveals that many different recruitment tactics were used, but that the tactics varied greatly in "popularity" across works councils. Among the nine items that were included in the survey, conversations with non-members at the workplace (97%), postings at the company's notice board (90%), and distribution of union material (90%) score highest, while the creation of an organizing team (15%), home visits (16%), benefits for recruiters (35%), and focused campaigns (36%) score lowest. In total, 25.3% of all works councils were using at least one of the three intensive recruitment tactics (building a group of recruiters, special recruitment campaigns, home visits).

Previous research on organizing tactics of U.S. unions has shown (Bronfenbrenner and Hickey 2004) that success rates are higher when unions combine multiple "comprehensive organizing tactics" within a multifaceted model. Although this study does not provide an equally straightforward measure of recruitment success,<sup>4</sup> there is some evidence that being active pays off in terms of general membership development. While in the general sample 23.4% of the respondents reported an increasing number of union members within their establishment (35.0% indicated declining membership, 41.7% constant membership), 35.9% of those works councils that have pursued at least some recruitment activity have reported increasing membership (25.7% indicated declining

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<sup>4</sup>For two reasons, I am unable to provide such a measure. First, whereas in the United States organizing success can be measured as a function of NLRB elections won by the union (Bronfenbrenner 1997), no comparable measure exists for evaluating the success of German "in-fill" recruitment. Second, because most applications for union membership are received and processed by the union, works councils cannot, as a rule, provide accurate membership statistics.

Table 1. Descriptive Statistics for the Recruitment Model.

<i>Independent Variable</i>	<i>Hypothesized Sign</i>	<i>Sample Mean or Proportion</i>	<i>Percent Active</i>	<i>Percent "High Intensity"</i>	<i>Variable Range</i>
Union Support	+	2.3	NA	NA	0-4
Works Council Union Density	+	61.1	NA	NA	0-100%
Union Workplace Representatives	+	64.9%	66.7%	34.8%	0 or 1
Ver.di	none	49.1%	46.9%	24.4%	0 or 1
IG Metall	none	31.2%	53.0%	29.3%	0 or 1
IG BCE	none	5.3%	69.7%	43.4%	0 or 1
IG BAU	none	8.9%	65.7%	26.0%	0 or 1
Transnet	none	0.6%	50.0%	16.7%	0 or 1
NGG	none	3.5%	53.0%	28.1%	0 or 1
Other Unions	none	1.4%	53.8%	11.5%	0 or 1
Additional WC Members Freed from Work Duties	+	11.2%	78.0%	57.4%	0 or 1
Age WC	+	21.3	NA	NA	1-105
Merger	-	32.4%	56.7%	34.3%	0 or 1
Dismissal	-	58.3%	52.1%	26.5%	0 or 1
"Poor" Profit	-	10.1%	43.5%	16.8%	0 or 1
Share Untrained > 50%	-	13.7%	56.8%	26.3%	0 or 1
Share University Trained >50%	-	10.7%	21.6%	4.8%	0 or 1
Collective Bargaining Coverage	+	57.5%	61.3%	31.0%	0 or 1
East Germany	-	16.1%	42.1%	14.5%	0 or 1
Retail	-	11.1%	34.2%	11.7%	0 or 1
Construction	-	4.9%	66.7%	36.4%	0 or 1
Employees	+	384.8	NA	NA	10-45,000

Notes: Works Councils Active in Recruitment: 49.0%; Works Councils Active in High-Intensity Recruitment: 25.3%; Declining Union Membership: 35.0%; Constant Union Membership: 41.7%; Increasing Union Membership: 23.4%. N = 2,007.

membership, 38.4% constant membership). On average, the councils that were involved in membership recruitment applied 4.9 different tactics (out of a maximum of nine).

*Regression estimates.* Regression results are presented in Tables 2 and 3. The first two models (Table 2) estimate works councils' general recruitment activity, and also provide separate prediction equations that allow the construction of (a) a model including union dummies and (b) a model including dummies for retail and construction. Logit regression was used to estimate recruitment activities by way of a dichotomous variable indicating the presence or absence (1 or 0, respectively) of recruitment activities. Two other estimates were run using the dichotomous dependent variable "works council applies recruitment tactics of high intensity" (Table 3). Again, two separate models, one including union dummies and one including industry dummies, were run.

*Servicing and social exchange (Hypothesis 1).* The first hypothesis predicted a posi-

tive relationship between works councils' recruitment activity and the favorableness with which they view the union services they receive. Consistent with this prediction, in the first two models, a favorable assessment of union services has a statistically significant ( $p < 0.01$ ) positive association with recruitment activities.

*Union attachment (Hypothesis 2).* The second hypothesis proposed that stronger union membership attachment in the works councils would be associated with recruitment activity. Both union attachment variables are significant ( $p < 0.01$ ). It is hardly surprising to find that works councilors are more likely to recruit members when they are union members themselves than when they are not.<sup>5</sup> More surprising is the independent

<sup>5</sup>The results were substantively unchanged when alternative estimates were run that included a dichotomized density variable (1 for works councils with more than 70% union density).

Table 2. Works Councils' Recruitment Activity: Binary Logistical Regression.  
(Dependent Variable: Works Council Active in Membership Recruitment)

Independent Variable	Model with Industry Dummies			Model with Union Dummies		
	Coefficient	Standard Error	Marginal Effect	Coefficient	Standard Error	Marginal Effect
Union Support	0.349***	0.063	0.070	0.333***	0.064	0.065
Works Council Union Density	0.039***	0.003	0.008	0.037***	0.003	0.007
Union Workplace Representatives	0.894***	0.162	0.194	0.924***	0.165	0.196
Ver.di (reference)						
IG Metall				0.377**	0.181	0.071
IG BCE				0.415*	0.239	0.075
IG BAU				0.126	0.299	0.024
Transnet				-0.676	0.866	-0.149
NGG				0.783**	0.369	0.126
Other Unions				0.045	0.896	0.009
Additional WC Members Freed from Work Duties	0.113	0.216	0.022	0.182	0.220	0.034
Age WC	0.007	0.005	0.001	0.005	0.005	0.001
Merger	-0.213	0.152	-0.043	-0.166	0.155	-0.032
Dismissal	-0.005	0.149	-0.001	0.044	0.152	0.009
"Poor" Profit	0.488*	0.258	0.089	0.484*	0.259	0.085
Share Untrained $\geq$ 50%	0.178	0.219	0.035	0.117	0.223	0.022
Share University Trained $\geq$ 50%	-0.384	0.306	-0.082	-0.287	0.313	-0.059
Collective Bargaining Coverage	0.251	0.164	0.052	0.282*	0.168	0.057
East Germany	0.116	0.206	0.023	0.060	0.209	0.012
Retail	-0.102	0.262	-0.021			
Construction	-0.014	0.313	-0.003			
Log Employees	0.285***	0.067	0.057	0.275***	0.068	0.053
Constant	-5.495***	0.459		-5.531***	0.467	
Valid Cases	1,550			1,523		
-2 Log Likelihood	1,275.816			1,254.459		
McFadden R <sup>2</sup>	0.355			0.348		
Nagelkerke R <sup>2</sup>	0.506			0.496		
Model Chi-Square	703.331			670.685		
Sig.	0.000			0.000		

Note: Marginal effects are calculated at means.

\*Statistically significant at the .10 level; \*\*at the .05 level; \*\*\*at the .01 level.

and statistically significant influence of union workplace representatives. Even when the analysis controls for union density, the results indicate that works councils were more likely to engage in recruitment activity when a separate union workplace body was in place.

*Union strategy (Hypothesis 3).* The third hypothesis was that works councils' recruitment activity is affected by the particular strategies of unions. As the second model shows, three out of the six union dummies (with ver.di, the unified service sector union, as the reference category) have a positive and statistically significant association with recruitment activity: the chemical and mineworkers union, IG

BCE ( $p < 0.10$ ); the metalworkers union, IG Metall ( $p < 0.05$ ); and the Food and Catering Workers Union, NGG ( $p < 0.05$ ).

*Professionalization and resources (Hypothesis 4).* The fourth hypothesis was that professionalization would be positively associated with active membership recruitment. The results do not support this prediction. Neither professionalization variable (additional works councilors freed from their work duties; works council age) is statistically significant.

*Establishment and work force characteristics.* Two out of the three variables for economic crisis or discontinuity (merger, dismissals) are not statistically significant. The exception is

Table 3. Works Councils' High-Intensity Recruitment Activity: Binary Logistical Regression.  
(Dependent Variable: Works Council Applies High Intensity Measures of Recruitment)

Independent Variable	Model with Industry Dummies			Model with Union Dummies		
	Coefficient	Standard Error	Marginal Effect	Coefficient	Standard Error	Marginal Effect
Union Support	0.274***	0.061	0.063	0.246***	0.062	0.058
Works Council Union Density	0.027***	0.003	0.006	0.025***	0.003	0.006
Union Workplace Representatives	1.104***	0.182	0.228	1.123***	0.183	0.236
Ver.di (reference)						
IG Metall				0.441***	0.159	0.104
IG BCE				0.435**	0.195	0.105
IG BAU				0.015	0.292	0.003
Transnet				1.125	0.799	0.274
NGG				0.660**	0.291	0.162
Other Unions				-0.259	1.139	-0.058
Additional WC Members Freed from Work Duties	0.054	0.168	0.012	0.067	0.170	0.016
Age WC	0.007*	0.004	0.002	0.006	0.004	0.001
Merger	-0.043	0.130	-0.010	0.020	0.133	0.005
Dismissals	-0.100	0.130	-0.023	-0.060	0.132	-0.014
"Poor" Profit	0.341	0.213	0.081	0.335	0.215	0.080
Share Untrained $\geq$ 50%	0.224	0.182	0.053	0.168	0.184	0.040
Share University Trained $\geq$ 50%	-0.068	0.288	-0.016	-0.042	0.295	-0.010
Bargaining Coverage	0.320**	0.153	0.072	0.331**	0.154	0.075
East Germany	-0.192	0.196	-0.043	-0.236	0.198	-0.054
Retail	-0.349	0.253	-0.077			
Construction	-0.361	0.307	-0.079			
Log Employees	0.378***	0.059	0.087	0.372***	0.059	0.087
Constant	-6.696***	0.447		-6.732***	0.452	
Valid Cases	1,547			1,521		
-2 Log Likelihood	1,576.872			1,563.631		
McFadden R <sup>2</sup>	0.251			0.247		
Nagelkerke R <sup>2</sup>	0.389			0.384		
Model Chi-Square	528.119			512.109		
Sig.	0.000			0.000		

Note: Marginal effects are calculated at means.

\*Statistically significant at the .10 level; \*\*at the .05 level; \*\*\*at the .01 level.

a variable identifying establishments with a "poor" profit situation; it has a significant ( $p < 0.10$ ) positive association with recruitment. One possible explanation for these findings is that crisis situations create ambivalence for works councils: on the one hand, works councils rely heavily on union support and advice to deal with all the challenges that arise from mergers and dismissals, but on the other hand, the turmoil of such a situation leaves works councils with little time to take on "routine" tasks such as membership recruitment.

Not statistically significant in either model are the dummy variables for skill (high skill, low skill) or industry (retail, construction).

Establishment size, however, had a statistically significant, positive effect on recruitment activity.

Regression models 3 and 4 included the dichotomous dependent variable "works council applies recruitment tactics of high intensity" (Table 3) in order to distinguish recruitment activities that require extra strategic planning, time, and effort from more routine activities. A works council is considered to employ high-intensity tactics if it engages in at least one of the following: building a special group of recruiters at the establishment level; designing recruitment campaigns that target specific groups of employees, such as youth, women, or immi-

grants; or home visits. Both models mostly confirm the results of the first two estimates. Both social exchange and union attachment have a very robust positive association with high-intensity recruitment. However, the results of these models and the earlier ones differ somewhat with respect to the professionalization hypothesis. As in the first two models, the inclusion of the log of the number of employees produces a significant ( $p < 0.01$ ) and positive association. The same is true for works councils' age ( $p < 0.10$ ) in the third estimate only. The estimates for union strategy also confirm the previous results in the cases of IG Metall and IG BCEs, with improved levels of significance ( $p < 0.01$  and  $p < .05$ , respectively). Variables for establishment characteristics are not statistically significant in either model. Also not statistically significant is the effect of "poor" profitability.

So far, the analysis has focused on the factors that lead works councils to actively pursue membership recruitment on behalf of the unions. I now extend the analysis a step further by investigating the impact of active recruitment on general growth trends in plant-level union membership. Ordered logit regressions were used to estimate the impact of recruitment activities and intensive recruitment activities, respectively, on general membership development at the plant level during the previous two years (with 1, 2, and 3 representing declining, constant, and increasing plant-level union membership). The following analysis uses membership development as a dependent variable, together with most of the independent variables that were already used to estimate recruitment activity (Tables 2 and 3).<sup>6</sup> Two additional dependent variables used in this analysis are "recruitment activity" and "intensive recruitment activity."

The regression results are reported in Table 4. While both models are somewhat

limited due to data set restrictions,<sup>7</sup> they still indicate a correlation between recruitment activity and membership growth ( $p < 0.01$ ). In both models, size, age, and east German location are negatively associated with positive membership development (all statistically significant at  $p < 0.01$ ). While the results for east Germany validate common wisdom on the problems arising from the transfer of new institutions from the west to the east, the results for the size variable might be explained by a saturation effect. Because work force union density tends to increase with establishment size, recruiting additional members might be more difficult for works councils in large establishments, where union density is already comparatively high, than for those in smaller establishments. In both models, a favorable view of union support is positively associated with works councils' recruitment activity ( $p < 0.01$ ); and in the second model, which includes the "high intensity" variable, works councils' union density also bears a statistically significant positive association ( $p < 0.05$ ).

### Discussion

In their analysis of works councils in developed capitalist economies, Rogers and Streeck (1995:11–12) identified two contrasting strains of suspicion with which unionists, depending on their political/institutional preferences, may regard works councils. For moderate unions that accept wage restraints and sub-optimal working conditions in exchange for political concessions, the major fear is of wildcat militancy (including excessive demands and unauthorized strikes); for more militant unions, the fear is of potential wildcat *cooperation*, with workers subordinating their own interests to "their" firm's health and profitability. Since the Second World War, German unions have alternately had to confront both of these brands of opposition. The wildcat strikes of the 1960s and 1970s bear witness that unions

<sup>6</sup>The variable "dismissal," indicating cases in which dismissal occurred within the previous two years, was excluded. Without controls for cases in which establishment-level work forces were growing—which I was unable to incorporate due to lack of sufficient information—including "dismissal" probably would bias the estimates.

<sup>7</sup>The dataset does not allow me to control for changes in the number of employees of an establishment or for union density among employees.

Table 4. The Impact on Plant-Level Union Membership of Active Member Recruitment by Works Councils: Ordered Logit. (Dependent Variable: Membership Development)

<i>Independent Variable</i>	<i>Standard</i>		<i>Standard</i>	
	<i>Coefficient</i>	<i>Error</i>	<i>Coefficient</i>	<i>Error</i>
Active Recruitment	0.843***	0.137	–	–
Intensive Recruitment	–	–	0.722***	0.116
Union Support	0.330***	0.048	0.346***	0.048
Works Council Union Density	0.002	0.002	0.004**	0.002
Union Workplace Representatives	–0.093	0.133	–0.092	0.132
Additional WC Members Freed from Work Duties	–0.041	0.138	–0.057	0.139
Age WC	–0.015***	0.003	–0.016***	0.003
Merger	0.015	0.102	0.017	0.102
“Poor” Profit	–0.052	0.167	–0.035	0.168
Share Untrained $\geq$ 50%	0.187	0.145	0.191	0.145
Share University Trained $\geq$ 50%	0.359*	0.213	0.315	0.212
Collective Bargaining Coverage	–0.115	0.119	–0.129	0.119
East Germany	–0.932***	0.156	–0.890***	0.156
Retail	0.345*	0.194	0.357*	0.193
Construction	–0.414*	0.247	–0.320	0.245
Log Employees	–0.186***	0.046	–0.200***	0.047
Valid Cases	1,515		1,513	
–2 Log Likelihood	3,052.094		3,045.073	
McFadden R <sup>2</sup>	0.060		0.060	
Model Chi-Square	193.891		193.939	
Sig.	.000		.000	

\*Statistically significant at the .10 level; \*\*at the .05 level; \*\*\*at the .01 level.

could not always prevail on works councils to refrain from making excessive wage demands or to accept the union prerogative in collective bargaining. In more recent years, such workplace militancy has mostly faded away, and “wildcat cooperation” has taken over. Recent incidents of works councils entering into unauthorized wage-moderation and concession-bargaining with their employers demonstrate that cooperation within the dual system of interest representation cannot be taken for granted. As the previous analysis indicates, unions do not just have the problem of “neutralizing” works councils by reducing their disturbing influence on industry-wide collective bargaining. Equally essential for the survival of unions is their ability to selectively “empower the workplace.” This study’s results show that passive works councils are not what unions need; rather, they need active forms of plant-level interest representation.

The likelihood that a union can successfully get a works council to commit itself to membership recruitment is closely tied to specific factors and circumstances. First, it

is important to note that size does matter. At least in the larger establishments, unions can still count on works councils’ help with membership recruitment, and as data on the use of specific recruitment tactics indicate, those councils that are involved in recruitment at all seem to dedicate considerable effort to it, employing, on average, 4.9 different recruitment tactics. The multivariate analysis also reveals a number of institutional factors that provide a basis for recruitment; notably, works councils’ union density, and the presence of union workplace representatives, are important factors that positively influence recruitment activities. Unions, however, do not receive works councils’ support automatically, but must renew this institutional basis continuously. Exactly this dynamic could turn out to be the unions’ Achilles heel. Even as works councils’ union density continues a decline that has now lasted over two decades, the number of union workplace representatives has also started to deteriorate (Wassermann 2002:412ff.).

I found that among the sampled works

councils, neither additional resources nor more professional work significantly boosted works councils' recruitment activities. In contrast, variables related to unions' own strategic potential appear to have had a rather close association with recruitment activities. While some unions were more successful than others in mobilizing works councils' recruitment efforts—as the results for the union dummy variables indicate—the multivariate analysis also underscores the importance of union support and training. Union support had a positive association not only with works councils' recruitment activity, but also with the growth of union membership among the plant-level work force. In contrast to the dichotomy that has commonly been drawn between “organizing” and “servicing” models of unionism, this study's findings indicate that in the German context servicing might indeed be a complementary rather than an alternative union strategy, one that enables and supports successful organizing strategies by works councils. Services for members need not always be simply a drain on resources and a hindrance to recruitment efforts; at least within the German dual system of industrial relations,

servicing can be considered a key ingredient for social exchange between two key players: unions and works councils. Thus, as long as the exchange is socially embedded, going beyond purely monetary terms (trading union dues for services), it can provide a powerful motivation for bringing new members into the union.

These findings also indicate that most general concepts, such as “membership organizing,” take on distinct meanings depending on the industrial relations institutions they are embedded in. In the German context, the dual system of industrial relations moderates the effects of servicing in the sense that it generates rather than replaces recruitment activity. Overall, the findings from this study support advice proffered by Jacoby in his analysis of the German reconstruction after the Second World War and German unification: social actors who wish to transfer institutions and practices from other countries and contexts should pursue a “functional equivalent approach” rather than an “exact transfer”; proceed gradually, rather than transferring a system all at once; and study institutions carefully before attempting to imitate them (Jacoby 2000).



**Appendix Table A1**  
**Variable Correlations**

<i>Independent Variable</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>
1 Active Recruitment	1										
2 Intensive Recruitment	0.61	1									
3 Organizing Success	0.21	0.17	1								
4 WC Union Density	0.60	0.44	0.14	1							
5 WC Members Freed	0.14	0.13	0.02	0.17	1						
6 Age WC	0.25	0.27	-0.05	0.30	0.11	1					
7 Union Support	0.38	0.29	0.22	0.39	0.09	0.20	1				
8 Workplace Rep.	0.41	0.33	0.08	0.44	0.12	0.17	0.35	1			
9 Merger	0.02	0.04	-0.02	0.05	0.05	0.04	0.01	0.04	1		
10 Dismissal	0.06	0.03	-0.09	0.10	0.06	0.05	0.04	0.06	0.22	1	
11 Untrained	0.04	0.05	0.06	0.05	-0.01	-0.04	0.05	0.01	-0.03	-0.05	1
12 University Trained	-0.11	-0.07	-0.01	-0.12	-0.02	-0.07	-0.05	-0.09	-0.01	0.00	-0.10
13 CB Coverage	0.16	0.14	0.00	0.18	0.02	0.21	0.08	0.13	0.05	0.03	-0.04
14 East Germany	-0.07	-0.11	-0.10	-0.09	-0.04	-0.37	-0.00	-0.01	-0.03	0.03	-0.08
15 "Poor" Profit	0.02	0.01	-0.00	-0.00	-0.01	-0.04	0.02	-0.03	0.03	0.14	-0.00
16 Ver.di	-0.24	-0.22	-0.06	-0.31	-0.01	-0.23	-0.27	-0.14	0.14	0.07	-0.07
17 IG Metall	0.16	0.17	0.04	0.19	0.01	0.22	0.17	0.11	-0.13	-0.08	-0.01
18 IG BCE	0.13	0.11	0.01	0.19	0.05	0.06	0.09	0.05	0.00	-0.02	0.04
19 IG BAU	-0.03	-0.07	-0.04	-0.04	-0.05	-0.02	0.02	0.02	-0.02	0.03	0.00
20 Transnet	-0.00	-0.01	-0.01	0.03	0.04	-0.07	0.03	0.01	0.02	0.05	-0.03
21 NGG	0.06	0.03	0.07	0.04	-0.02	0.01	0.06	0.00	-0.01	-0.02	0.13
22 Other Unions	-0.06	-0.04	0.02	-0.07	-0.02	-0.04	-0.02	-0.04	-0.02	-0.00	-0.02
23 Retail	-0.07	-0.08	0.04	-0.09	-0.05	-0.09	-0.09	-0.05	-0.02	-0.02	0.05
24 Construction	-0.02	-0.06	-0.05	-0.03	-0.04	-0.04	0.03	0.01	-0.01	0.06	-0.05
25 Log Employees	0.23	0.29	-0.06	0.23	0.20	0.34	0.10	0.17	0.12	0.07	-0.06

*Note:* N= 2007. Calculations based on unweighted data.

**Appendix Table A1**  
**Variable Correlations** (*cont'd*)

12	13	14	15	16	17	18	19	20	21	22	23	24	25
1													
-0.07	1												
0.07	-0.11	1											
-0.01	-0.06	0.01	1										
0.04	0.04	-0.00	-0.04	1									
-0.02	-0.07	-0.07	0.04	-0.58	1								
-0.02	0.03	0.07	-0.06	-0.34	-0.29	1							
-0.01	0.07	0.03	0.10	-0.21	-0.18	-0.10	1						
0.03	-0.08	0.06	0.03	-0.08	-0.06	-0.04	-0.02	1					
-0.05	-0.01	-0.01	-0.03	-0.18	-0.16	-0.09	-0.06	-0.02	1				
0.06	-0.03	-0.02	0.02	-0.07	-0.06	-0.03	-0.02	-0.01	-0.02	1			
-0.04	0.03	-0.03	0.01	0.29	-0.15	-0.12	-0.07	-0.03	-0.03	-0.02	1		
0.01	0.04	0.06	0.11	-0.18	-0.12	-0.07	0.74	0.01	-0.05	0.01	-0.07	1	
0.03	0.18	-0.12	-0.04	-0.04	0.12	0.03	-0.16	-0.03	-0.02	-0.04	-0.00	-0.13	1

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