

Chapter 11

Against authoritarianism: participation, solidarity and (direct) democracy in the world of work

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Introduction

As in other parts of the world, right-wing populist and authoritarian currents and corresponding opinion-making have been on the rise in Europe (Berthold 2017: 3ff; Decker and Lewandowsky 2017; Zick and Küpper 2021). Studies have identified increasing experiences of powerlessness and insecurity as possible causes of openness to authoritarian and right-wing extremist movements (Betzelt and Bode 2018: 9; Betzelt and Bode 2017). The question therefore arises of whether more political participation and direct democracy, together with experiences of solidarity at the workplace and inside trade unions could contribute to preventing authoritarianism and right-wing populism. These questions are analysed in what follows, based upon examples from Germany.

1. Rise of right-wing populist and authoritarian views

In Europe, as in other parts of the world, right-wing populist and authoritarian currents are gaining strength, along with the corresponding opinion-mongering (Berthold 2017: 3ff; Zick and Küpper 2021). In Germany, for example, studies have identified increasing experiences of powerlessness and insecurity as possible causes of disenchantment with politics and openness to authoritarian and right-wing extremist movements (Betzelt and Bode 2018: 9 ff; Betzelt and Bode 2017; similarly see: Sauer and Detje 2019: 162 f). According to the Leipzig Authoritarianism Study 2020, only around a quarter of the population have the impression that they can influence political decisions (Decker et al. 2020: 27 (69)). Very similar are the results of the Friedrich-Ebert-Stiftung's (FES) 2020/21 Mitte Study, according to which more than a quarter of respondents (28.2 per cent) have a feeling of political powerlessness (Küpper et al. 2021: 43 (49)). In addition, a study by the Hans-Böckler-Stiftung found that a high level of disorientation – that is, 'the powerless feeling of being attached to social processes as a citizen and no longer being able to keep up' – goes hand in hand with a high openness to anti-democratic attitudes (Hövermann, Kohlrausch and Voss 2021: 9). The feeling of powerlessness and fear of the future is reinforced by changes in the world of work in the form of splits and relocations of companies, associated competition for locations, as well as rationalisation processes and cost-cutting programmes (Sauer and Detje 2019: 162). Some authors therefore describe the loss of the legitimising functions of commitment and performance in the working world as explanatory of right-wing populist attitudes (Menz and Nies 2019: 178). The experience of being exposed to competition at the workplace without protection leads to some people calling into question the legitimacy

of the state (Azmanova 2020: 44 ff), and people becoming more susceptible to populist propaganda (Gün and Hopmann 2020: 153). Based upon the destabilisation of the socioeconomic environment despite economic growth, populists are able to mobilise support by discrediting the establishment in the sense that the ruling elite rakes in the profits of growing prosperity, while leaving society in ruins (Azmanova 2020: 68 f).

As has been known for years, trade union membership alone is not a shield against susceptibility to authoritarianism and right-wing extremism (see: Fichter et al. 2005; Leonardi and Carrieri 2020: 279 ff). Rather, the entire breadth of society is reflected among trade union members, as the Authoritarianism Study 2020 once again points out (Decker et al. 2020: 58). Although legal protection against discrimination, for example, also fosters democratic inclusion (Mangold 2022: 15), this is not perceived as a value by insecure citizens who feel threatened by social relegation. It is therefore not a minor issue whether increased elements of participation and experiences of solidarity and direct democracy at the workplace and in trade unions can help to prevent authoritarianism and right-wing populism. Such possibilities are presented here.

2. Democracy in society and democracy at work

How work is organised in a society has a major impact on the state of democracy, not least because ‘the people’, the stridently invoked ‘sovereign’, often barely have time to exercise their democratic rights. Most citizens have to work hard to earn a living. As a rule, they go to paid – and sometimes unpaid – work for many hours every day and are therefore able to participate in democratic decision-making only to a limited extent (Honneth 2021). Politics is therefore not infrequently experienced as alien and even threatening; it is at best distant from people’s lives. Democracy can also be practised and experienced at the workplace, however. Social philosophers therefore hold that gainful employment and democracy have to be considered together. In the tradition of Hegel’s philosophy of law, the social philosopher Axel Honneth developed the theory of the ‘working sovereign’. A human being’s social status is defined through work, but free and not imposed work (Honneth 2021; Honneth 2023). Good, fair and transparent working conditions are thus needed.

The contradiction between the claim that all people are equal and have equal democratic rights and the existence of inequality and exploitative relations in the world of work illustrates that democratic and social rights must be thought of together. To a large extent, the assertion of social rights initially took place and still takes place in the context of gainful employment, as that provides the ‘power tools’ enabling people to assert their rights (Kohlrausch 2022: 46 f). Industrial citizenship rights thus derive from gainful employment and can be described as the specific rights of the working sovereign (Honneth 2021; Honneth 2023). In Germany, such rights are guaranteed, among other things, by employees’ direct codetermination rights and by their representative bodies, works councils and trade unions. This story of codetermination and the first steps of workplace democracy already started in the Weimar Republic, when the first Works Council Act was passed in 1920 (for further information, see: Däubler and Kittner 2020: 143 ff). As studies indicate, codetermination has the potential to strengthen workers’

political participation in civil society (Budd and Lamare 2021; Jirjahn and Thu-Le 2022: 4; O'Neill and White 2018: 258). Those who are subordinate at the workplace tend to remain subordinate in national politics.

The importance of democratic participation for employees in the workplace is highlighted by the fact that the voter turnout for the most recent works council elections 2022 in Germany, at 72 per cent, was significantly higher than that for the last state elections in North Rhine-Westphalia in the same year, at 55.5 per cent.¹ Formal representation through works councils or mere membership of a trade union, however, do not automatically lead to experiences of countervailing power and the possibility of exerting influence on what happens in the workplace. What is really needed is the experience of having concrete options of being able to influence what is happening in the workplace, of direct democracy. Direct democracy in this sense means that relevant decisions are taken by the people affected (Bundeszentrale für Politische Bildung 2022).

In addition, constant reminders must be given of democratic social achievements and successes so that they are not taken for granted, cultivating an understanding that participation in the social constitution of society cannot be dispensed with (Berger, Jäger and Teichmann 2022: 32). Because globalisation and digitalisation have narrowed workers' possibilities of asserting their rights against corporate power in many areas, industrial citizenship rights have to be thought of in European or international terms (Kohlrausch 2022: 47). Based on examples from and with the legal background of Germany, the present work thus examines which elements of direct democracy can be strengthened in companies and inside trade unions in order to reduce people's susceptibility to authoritarian tendencies.

2.1 Works councils and elements of direct democracy at the workplace

In the German system, works councils play a central role as workforce representatives. Works councils are elected by the workforce and receive a four-year mandate (Section 13 ff. Works Constitutions Act, BetrVG). Decisions on company policy are thus made by elected representatives, which is a characteristic of representative (or indirect) democracy.² If a works council fails to operate in the employees' interests they have a number of options for taking remedial action. First, such a works council will not be re-elected. In case of serious neglect of duties by the whole works council or by individual members, however, section 23 para 1 BetrVG can be invoked. In addition to the employer and the trade union at the company, the exclusion of a works council member or the dissolution of the entire body can be requested if a quarter or more of the employees are behind it. The quorum is calculated on the basis of the regular number of employees, whereby temporary employees are counted if they are entitled to vote (DKW-Bachner/Deinert, §23 BetrVG, marginal no. 16; MünchHdbArbR-Krois §297

1. See: <https://www.it.nrw/nrw-landtagswahl-2022-ruecklaeufige-wahlbeteiligung-allen-altersgruppen-109417> (accessed 10 December 2022).

2. Cf. https://www.bundestag.de/services/glossar/glossar/D/direkte_demokratie-247316 (accessed 14 December 2022).

Amtsenthaltung und Gesetzesverstöße des AG, marginal no. 16; Fitting, §23 BetrVG, marginal no. 9; GK-Oetker, §23 BetrVG, marginal no. 81). On one hand, the norm means that employees do not have to wait for the full term of office to obtain redress from the works council (or individual members) in the case of gross violations of legal duties³ by individual works council members or by the whole body, and thus represents an element of direct democracy. As practice shows, however, the norm is hardly ever used by workers, but rather by employers to get rid of unpopular works councils, as cases repeatedly end up in court in which the employer or executives demand that employees sign such a motion (for example, LAG Hessen 19.09.13 – 9 TaBV 225/12; ArbG Wiesbaden 22.08.12 – 11 BV 11/11). Section 23 para 1 BetrVG is therefore a double-edged sword in this respect.

The traditional ways of maintaining contact with the workforce after elections, such as holding office hours (section 29 BetrVG) or one works meeting per calendar quarter (sections 42 ff. BetrVG), do not automatically involve the workforce in the work of the works council. That is apart from the fact that very few works council bodies actually hold one works meeting per quarter. These instruments can be made to be more interactive, however. Newer ideas such as Worldcafe or Open Space can also be used at smaller departmental meetings not only to inform workers, but to involve them in working out solutions. The works council has the possibility under section 80 para 2 sentence 4 BetrVG to get the employer to make available employees with special expertise in a particular area, although this only results in interaction with individual members of the workforce.

With the introduction of the possibility to transfer works council tasks to (additional) working groups, in accordance with section 28a BetrVG, it is possible in companies with more than 100 employees to involve staff members who are not works council members in substantive work. However, there may be a conflict with the works council's codetermination rights if, for example, the appointed working group is active in areas that are subject to mandatory codetermination under section 87 para 1 BetrVG. In addition, the group has a high degree of autonomy (DKW-Wedde, §28a BetrVG, marginal no. 4). There is a danger of the works council's rights being undermined by a working group that is not legitimised by the workforce, which is why some of the literature on the introduction of the standard in 2001 was rather critical (Däubler 2001: 289; Hanau 2001: 73; Picker 2001: 269). There is indeed a danger that members of the working group will be exposed to greater pressure from the employer, especially as they do not enjoy special protection against dismissal under section 78 BetrVG and section 15 of the Unfair Dismissal Act (KSchG), like members of the works council. Such a working group only becomes active after the works council has concluded a framework agreement with the employer on the exact structure of the group's work and its authorisations, however. This can be taken into account when drafting the framework agreement on such working groups. Provided that the rights of the group are limited to the preparation of a proposal, the rights of the works council and its power to conclude a works council agreement can be secured and the protection of the

3. For the legal requirements, see: DKW-Bachner/Deinert, § 23 BetrVG marginal no. 4.

employees participating in the working group can also be guaranteed (DKW-Wedde, §28a BetrVG, marginal no. 8, 10, 21ff). Such working groups are particularly suitable for preliminary work in labour-intensive areas, such as Industry 4.0 (Engels and Trebinger 2018: 122). If they are set up with a clearly formulated and limited mandate, such groups offer a good opportunity to involve interested parts of the workforce in the works council's activities. In the meantime, the advantages of this possibility are therefore emphasised more strongly in the legal literature (DKW-Wedde, §28a BetrVG, marginal no. 4; Engels and Trebinger 2018: 120ff; Reichold 2001: 862; Tüttenberg, already 2006), even if the use of such working groups has not yet become particularly widespread in practice.

Beyond the possibilities provided by the Works Constitution Law, works councils have developed other forms of participation, for example, organising employee surveys to develop solutions tailored to the needs of the workforce. Another option is not only to present a solution to the workforce before concluding a works council agreement, but also to put it to a vote. Works council work that is interlinked with the workforce in this way can take away the workers' feeling that 'there is nothing we can do' and, if necessary in combination with specifically anti-racism work, may have a preventive effect against authoritarianism and right-wing populism.

2.2 Elements of direct democracy in trade union work

Although the structure of trade union work is based on representative democracy, there are various elements of direct democracy. For example, collective bargaining demands are largely worked out in collective bargaining committees, which are mainly made up of volunteers. While the executive board does set guidelines, the main bargaining demands are developed by the bargaining committee. Central issues are thus defined by the members or their delegates, who usually have to agree before the collective agreement is signed (Zimmer 2022: 56). Consequently, there are elements of both direct and representative democracy in collective bargaining practice and the same applies to strike practice. Even if the executive board usually gives the go-ahead for a strike, a ballot is usually necessary in which a certain percentage of the members must vote in favour of the strike, and another ballot must usually be held for the strike to be called off or the result of the negotiations to be accepted.

An important element for the work of trade unions (in Germany) inside a company are unionised 'persons of trust', who are elected as informal representatives of the trade union at the workplace. They not only shape the union's internal organisational work and position-finding, but also influence the work of the works council (Faupel and Köhler 2022: 248). Employees are even more involved when informal union representatives try out new, agile ways and forms of participation (Faupel and Köhler 2022: 250).

Basic elements of participation are thus in place and have been further developed in participation-oriented trade union work (Zimmer 2022: 56). Initial approaches to such work were documented already in the early 2000s in Germany, as well as in other

countries. Authors were already calling for intra-union democracy and telling unions to involve their members more closely. An orientation towards action and active conflict management was classified as indispensable for union identification and members' politicisation (Hälker and Vellay 2006: 250). Based on Anglophone organising concepts (cf. Crosby 2009), a participation-oriented trade union policy was conceived and partly also practiced over the years. The motto of such trade union work is to 'turn those affected into actors themselves' (Wetzel 2013: 27; similarly: Dribbusch 2013: 93, as well as Schröder 2010: 19ff), which is no longer practised only in small fringe projects (cf. IGM Bezirk-BW 2018). Such participatory trade union work signifies a departure from traditional proxy politics (see: Weißenbrunner and Eckerts 2020: 222).

It is also clear that strikes in particular can have a great mobilising effect if workers are 'taken along' (Schmalstieg 2013: 8, 13 ff; Zabel et al 2022: 203 ff.). Surveys have been used by various trade unions to find out about members' concerns or to set strike targets and collective bargaining demands (see, for example: Schmalstieg 2013: 26f). Participation-oriented trade union work thus offers its members an opportunity to experience that they can make a difference and that they are not powerless in the face of negative political developments in the world of work.

3. Inclusive and exclusive solidarity

In addition to participation and direct democracy, the experience of solidarity can also have an important function in arming workers against authoritarianism and right-wing populism. Solidarity may be divided into inclusive and exclusive solidarity. Inclusive solidarity refers to a situation in which the group concerned has common interests, but a particular concern does not affect everyone equally and the group is not homogeneous (Zeuner 2004: 325 f; Zimmer 2022: 45). In some cases, it is emphasised that inclusive solidarity is practised with others who do not belong to one's own collective (Bude 2019: 144; Zeuner 2004: 332), for example in the case of international solidarity (Sangiovanni 2013: 213). Different interests are thus included. Exclusive solidarity, on the other hand, is practised for the benefit of a particular group (Bude 2019: 144), potentially at the expense of others (Lessenich et al. 2020: 322; Zimmer 2022: 46). The group concerned tends to have homogeneous interests and emphasises the commonalities that exist with the subject of solidarity (Zeuner 2004: 325 f). As inclusive solidarity is not just for the benefit of one specific group, but includes different interests, it is more likely to have an emancipatory effect than exclusive solidarity, which explicitly excludes others from the relevant benefits.

3.1 Inclusive and exclusive solidarity in the work of works councils

As works councils represent the whole workforce, which comprises a number of different groups of workers, elements of inclusive solidarity are an inherent part of their work (Zimmer 2022: 57). On the other hand, those who do not belong to the workforce are not represented. Besides that, it is known that work councils tend to represent primarily the core workforce, which can be characterised as mainly male and

white (Däubler 2019: 1601 ff). Minorities or atypical or precarious workers are rarely represented in committees. In addition, works councils have no legal means to solve the problems of groups such as fixed-term workers or temporary agency workers (Däubler 2019: 1602 ff). Therefore, elements of exclusive solidarity are also structurally present in the work of works councils, depending on the composition of the various bodies and the nature of their activities (Zimmer 2022: 57). There are, however, examples of works councils including provisions for informalised employees, such as agency workers, in the social plan in the event of restructuring.

As European works councils (EWC) are composed of delegates not only of different companies, but also other European countries, they tend to be fairly heterogenous. If solidarity is practised, for example, when German works councils refuse overtime in case of a strike at a similar plant in another EU Member State in response to information passed on by the EWC,⁴ this can be categorised as inclusive solidarity. Other examples of such inclusive solidarity include ‘sharing the pain’, which involves the EWC attempting to counteract restructuring via competition of locations and the closure of particular plants by reducing working time at all plants.⁵ Works council members can therefore foster inclusive solidarity especially as delegates to the EWC, in contact with employee representatives from other countries.⁶ Nevertheless, it is a particular challenge of its own to communicate the work of the EWC to the workforce effectively.

3.2 Inclusive and exclusive solidarity in the work of trade unions

Solidarity has always been a core value for trade unions (Hoffmann 2004: 34 ff), as Stephan Born, one of the co-founders of the General German Workers’ Brotherhood, proclaimed as early as 1848. The motto ‘Free competition! Every man for himself!’ was contrasted with the principle of ‘solidarity and fraternity’ or ‘all for one and one for all’ (Born in the magazine *Die Verbrüderung*). Solidarity continues to be an important factor in trade unions’ self-understanding,⁷ based on the conviction that only together can anything be achieved (Zimmer 2022: 48). In establishing inclusive solidarity among a diverse membership, trade unions are to a certain extent naturally exclusive organisations (Ludwig 2020: 43), which represent primarily the interests of their members.⁸ Trade unions act on behalf of their members in order to protect their interests and trade union activities are therefore defined by the members (Zimmer 2016a: 18).

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4. Overtime is among the issues subject to mandatory codetermination (Art. 87.1 no. 3 BetrVG) and the employer therefore is not allowed to order overtime without works council consent.
 5. A fairly prominent example of this strategy was elaborated by the EWC of General Motors; for further information, see: Haipeter 2006, 617 ff.
 6. However, there are both positive and negative examples of the work of EWCs; cf. Zimmer 2013b, in Alewell (ed.), 114ff; and Zimmer 2013a, *Europäische Zeitschrift für Arbeitsrecht* 4/2013, 459ff with further references.
 7. See, for example, statements on the webpages of the following trade unions: IG-Metall: <https://www.igmetall-nrw.de/mitglied-werden/solidaritaet-ist-kein-prinzip-von-gestern/?L=0>; Ver.di: <https://www.verdi.de/ueber-uns/idee-tradition> and DGB: <https://www.dgb.de/themen/++co++b0c8af80-c5cc-11ea-ad59-001a4a160123> (all accessed 11 January 2023). Däubler 2001, 285 (289); Hanau 2001, 65 (73); Picker 2001, 259 (269).
 8. On the different forms of trade union presence and the distinction between sectoral industrial trade unions and so-called ‘occupational trade unions’, see the following. For ‘professional unions’, see: Zimmer 2022, 48.

Several examples might be given of how solidarity is practised among trade union members. The economically weakest members, for example, are supported by having to pay a lower membership fee (in depth, see: Zimmer 2022: 50 f). Solidarity is also practised within the process of collective bargaining, when for example lower wage groups receive a higher pay rise than the members of other groups.⁹ The clearest examples of solidarity come, of course, from strike activities, for example, when in industrial trade unions workers in specific positions are chosen to strike not only on behalf of themselves, but also on behalf of other workers in the same union in the respective bargaining district who belong to a different (and weaker) status group (Zimmer 2022: 52). Even stronger forms of inclusive solidarity are practiced in solidarity strikes. Solidarity strikes are practised in solidarity with the interests of others, often by workers in the same sector, but from another section or from another company, or from the same trade union, but in another sector. Even members of other trade unions, partly even in another country may become involved (Zimmer 2022: 52). A classic example of inclusive solidarity is provided by the International Transport Workers Federation (ITF), which has used industrial action in the form of boycotts by ITF-affiliated unions to support pay disputes for many years in countries where solidarity strikes are legal (in-depth: Zimmer 2022: 53). The right to strike is guaranteed all over the European Union, either in Member State Constitutions or by ordinary statute law or by case law. Solidarity strikes, however, are not considered lawful in all Member States.¹⁰

An important component of trade union solidarity is the international dimension. International solidarity is exercised beyond national borders (see in depth: Lohmeyer et al. 2018: 400ff; Zimmer 2020: 167 ff, in each case with corroboration), as illustrated by the example of the Bangladesh Accord after the collapse of the Rana Plaza factory (Smith 2014: 56; Zimmer 2016b). Further examples are the struggles for better working conditions all over the world by concluding international framework agreements with transnational companies to secure social standards, sometimes in cooperation with the EWC. Such struggles are characterised by individual and collective experiences, but also by social discourses and this form of solidarity across borders can be categorised as inclusive solidarity. Nevertheless, this experience of international solidarity is often accessible to only part of the membership and could be strengthened.

It can be concluded that trade unions may practise inclusive and exclusive solidarity at the same time (Zimmer 2022: 48). In summary, union work can provide members with experiences of solidarity that are all the stronger the more inclusive and international solidarity is practiced.

9. Further examples are to be found in Wirth 2021, 1 f and Zimmer 2022, 51.

10. For further information see: Zimmer 2022, 53 ff.

4. Conclusion

Through participation-oriented work, both trade unions and employee representative bodies such as works councils or European works councils can give workers the experience of direct democracy and (inclusive forms of) solidarity. There are already (legal) tools that enable such an approach, but stronger codetermination rights would strengthen the exercise of democracy at the workplace in Germany, as well as stronger rights for European works councils. In Germany, a sensible demand is therefore the extension of works council codetermination to economic matters as well. History shows that only by building countervailing power from within workplaces can success be achieved (Gün and Hopmann 2020: 151). Being able to take action oneself, to experience direct democracy in the workplace and inside trade unions, as well as the experience of solidarity, may therefore help to prevent authoritarianism and right-wing populism. There is much to do.

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