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# **Case studies of good practice for the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the workplace**

Germany

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**for the Improvement of Living and Working Conditions**

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## **OBSERVATIONS WHICH MAY HELP AVOID MISUNDERSTANDINGS AND FALSE INTERPRETATIONS**

The present text was produced in response to the European Foundation's request for a compilation of selected examples of "good practice" in promoting equal treatment at the workplace in the Federal Republic of Germany. In accordance with our terms of reference, these examples are presented in the form of three case studies.

In view of the fact that our terms of reference required us to draw up a report not exceeding fifty pages, it was unavoidable that the report should be based on certain theses and, regrettably, that arguments be kept concise. The authors assume that readers will be aware of the complexity of the subject. The framework available also means that they are unable to present a comprehensive bibliography. Similarly, the subject matter to be covered and the required length of the report did not allow us to pay sufficient attention to all the important background data of a political, cultural, institutional, legal and historical nature or to conduct labour market analyses. This means that the report does not provide an exhaustive analysis of the situation or of the framework conditions which determine the situation of foreign employees, nor should readers expect a definitive discussion of the subject.

What the report does is to present three case studies from a number of perspectives, different parties being involved in each and different terms of reference applying to each. The starting point for each, however, is the undisputed fact - though it may manifest itself in different ways - of day-to-day discrimination at the workplace, the eradication of which gave rise to and is the aim of the "Joint Declaration" adopted by European employers and trade unions in Florence.

It is true that Germany's constitution formulates clear principles of equality. The Betriebsverfassungsgesetz [Works Council Constitution Act], the constitution of the workplace, as it were, postulates clear principles of equal treatment (of section 3.1). In practice, however, there are plenty of examples of a discrepancy between the statutory requirement and the reality, a discrepancy which is just as visible in the statutory requirement for equal treatment of men and women, which is still not fully complied with in practice. The authors are not concerned to assign blame, or indeed to reproach society as a whole; they assume, rather:

- that the practice of day-to-day discrimination has as yet made far too little inroad into the consciousness of people in general;
- that this lack of awareness runs the risk of allowing discrimination to be seen as "normal", as tolerated by society.

The authors describe such day-to-day unequal treatment, of which most people are unaware, as latent xenophobia.

The main yardstick by which the three case studies are judged is thus the extent to which they contribute to equal treatment and, in particular, to the efforts to make people aware of discrimination (or unequal treatment). The examples chosen demonstrate initiatives which have been taken and possible ways of bringing about change in companies and in society at large, and of implementing the principles of equality. They make no claims to completeness nor to general applicability.

By way of conclusion, a proposal for the expansion of company practice to date is made at the end of section 3.2. In proposing that discrimination should be made visible, our aim is to stimulate discussion among the social partners.

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# CHAPTER 1 THE SITUATION OF FOREIGN EMPLOYEES IN THE FEDERAL REPUBLIC OF GERMANY

Over 7.17 million foreigners currently live in Germany. They represent about 10% of the overall population of the old Federal Republic, but only around 1% (215 000) of that of the new Federal Linder (the former GDR). Official figures (as at mid-1995) refer to around 2.2 million employed persons of foreign origin. While there was a clear increase in the employment of foreign workers between 1989 and 1993, the figures have been gradually dropping since mid-1993. Such workers account for a good 9% of the overall figure for those in employment in the old Länder. In contrast, people of foreign origin account for only 1% of all employees liable for social security contributions in the new Länder. The unemployment rate among this population group is considerably higher than that of German nationals. Almost 17% of foreign workers were unemployed (in 1995 at least; more recent data are incomplete), while the average for Germany as a whole was “only” just over 9%.

The following table<sup>1</sup> shows the trend in countries of origin of foreign employees:

Table 1 Foreigners in employment and liable for social security contributions by nationality and EU citizenship 1965, 1985 and 1995 (in %)

Country	June 1965	June 1985	June 1995
Total foreigners, of whom:	1 164 364	1 583 898	2 128 722
EU states, of which:	71.8%	33.1 %	31.9%
Italy	30.9%	12.8%	9.6%
Greece	15.6%	6.5%	5.5%
Spain	15.5%	4.3%	2.4%
Non-EU states, of which:	28.2%	66.9%	68.1%
Turkey	10.4%	31.5%	28.2%
Yugoslavia	5.5%	18.5%	19.7%
Other non-EU countries	12.3%	25.3%	20.2%

The situation of foreign employees in the labour market, in particular in terms of sectoral distribution, can be outlined as follows:

As a result of recruitment campaigns in the 1960s and early 1970s, foreign workers represented a kind of “industrial reserve”; they filled the gaps which had arisen in the processing industries (industry and the building and construction sector) in particular, when German employees migrated into the tertiary sector. They contributed to the upward mobility of German employees precisely because they worked on the lowest rung of the occupational and company hierarchy. This distribution structure still tends to prevail today - despite all the changes in the various sectors of industry, despite partial naturalisation and (proclaimed) integration, despite the improved knowledge of the language and skills of the “second” generation: foreign employees still work mainly in industry and, to a far greater extent than Germans, work there as semi-skilled workers and foremen; below-average numbers work in commerce, the banking and insurance sector and in the state sector. Within the processing industries, they work above all in jobs involving heavy physical work, dirt and noise, in process manufacturing and vehicle manufacture. Foreign women work primarily in the electrical industry and in the fields of hardware, tinware and fabricated metal products. To cite two examples of high-tech industries, far more German workers are found in the chemicals industry and in data processing. In the context of services, foreigners are employed above all in restaurants, dry-cleaning companies, road maintenance and refuse collection, and on the railways; self-employed foreigners are also found in the hotel and restaurant trade, as a result of the formation of numerous enterprises. Foreigners are least likely to be found in

<sup>1</sup> Source: Bundesanstalt für Arbeit [Federal Employment Service] (publ), 1996: Arbeitsmarkt 1995 [Labour market 1995], Nuremberg, p 106.

higherranking service occupations and occupations involving close contact with customers. While there has been a gradual change in this situation, there has been no fundamental change in the typical distribution structure described for second- or even third-generation foreigners, despite an extensive increase in skills and qualifications. The two tables which follow<sup>2</sup> provide an overview of the occupational positions of foreigners and German nationals:

Table 2 Occupational positions of foreign and German employees 1990-1994 (in %)

Position in occupation	Foreign employees		German employees	
	1990	1994	1990	1994
<b>Overall</b>				
Unskilled workers	22	16	4	3
Semi-skilled workers	37	44	11	9
Skilled workers/foremen	27	22	19	17
Clerical workers	5	6	9	12
Executives/senior executives	5	6	37	39
Self-employed	5	6	10	10
<b>Second generation</b>				
Unskilled workers	13	7	4	2
Semi-skilled workers	29	27	9	4
Skilled workers/foremen	37	28	31	8
Clerical workers	13	20	16	16
Executives/senior executives	9	16	31	37
Self-employed	0	2	3	4
<b>Women</b>				
Unskilled workers	38	25	8	5
Semi-skilled workers	35	39	13	11
Skilled workers/foremen	9	5	5	4
Clerical workers	10	17	19	24
Executives/senior executives	7	11	43	41
Self-employed	2	3	7	9

<sup>2</sup> Rudolph H, 1996: Die Dynamik der Einwanderung im Nichteinwanderungsland Deutschland [The dynamics of immigration in Germany, a country of non-immigration], in: Fassman, H and Münz, R (eds), Migration in Europa [Migration in Europe], Frankfurt/New York, Campus, pp 171, 172.

Table 3 German and foreign employees by sector (%) Germans in sector

Sector	Germans in employment		Foreigners in employment	
	1989	1994	1990	1994
Agriculture	1.0	.9	.9	1.3
Mining, energy sector	2.1	1.8	1.9	1.2
Industry, manufacturing	37.3	32.9	52.4	41.1
Construction sector	6.4	6.8	8.3	10.0
Commerce	14.1	14.8	7.4	10.1
Transport, communication	4.9	5.1	4.0	4.7
Financial services	4.3	4.6	.8	1.1
Other services	20.5	23.6	20.2	26.5
Associations, private households	2.3	2.7	1.2	1.5
Public Service <sup>1</sup>	7.0	6.8	2.9	2.5

<sup>1</sup>(Schools, colleges, public health services, etc., are classified under “Other services” and not under “Public service”.)

On the one hand, “More than 30 years since the ‘guest worker’ policy was introduced, foreign workers as a group can be considered to be economically and socially integrated. Some 25% of foreign employees and their dependants come from countries which have acceded to the European Union in the interim (Spain, Italy, Greece, Austria, etc.), which means that they now have the right to remain and to work. The position of the two largest groups, namely migrant workers from Turkey (28%) and the former Yugoslavia (20%) is, however, less assured, although the majority of them have already lived in Germany long enough to be able to apply for permanent residence permits or even German citizenship.”<sup>3</sup>

On the other hand, although the rate of participation of foreign students in education and their success at school have improved in recent years, in 1994 some 20.3% of them left school without taking their school-leaving examination, as against 7.8% of German students. Moreover, 6.4% of foreign students were in special schools, as against 4% of German students. Even greater differences are apparent in relation to vocational training colleges: fewer than half (45.9%) of 16- to 18-year-old foreigners had a training place<sup>4</sup>.

In addition to this actual imbalance as regards people of German and foreign origin (which should be countered not by setting “quotas” but rather by measures such as those described in the case studies), the “political climate” in the Federal Republic of Germany has worsened over the years. All too often, there are reports in the media of attacks on foreigners or “foreign-looking” people. Surveys have shown that many people expect or fear that xenophobic attitudes and violence will increase because of rising unemployment, fear of the future and growing poverty in society. The findings indicate that a growing number of people blame foreigners for unemployment. The increasing competition for jobs threatens to result in increased marginalisation, not only verbally but also in actual practical terms.

At the same time as the state is taking steps to promote integration, some policy-makers are reacting by restricting the right of non-Germans to work. The government is introducing compulsory visas for young people from countries where workers were previously recruited, new legislation on citizenship is

<sup>3</sup> H. Rudolf, op cit., pp. 172/3.

<sup>4</sup> Cf Jahrbuch der Schulentwicklung 1996 [Yearbook of school trends, 1996].

being blocked and people without a German passport can be expelled from the country even more easily than hitherto.

Trade unions and company management do support the adoption of firm positions against xenophobia and discrimination<sup>5</sup> as foreign employees are after all part of their everyday life at work. However, the crucial question is what is achieved. Are resolutions to counter discrimination and xenophobia, to adopt equal treatment, anything more than well-meant declarations of intent? Do they affect the current policies of the social partners, do they change the attitudes and actual behaviour of employees within the company and outside it? What action can or could trade unions and employers propose and carry out if they want to establish company - and hence also societal - anti-discrimination policies, what can they do if they want to achieve equal treatment and equal opportunities?

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<sup>5</sup> Cf eg the joint declaration of the Confederation of German Employers' Associations (BDA) and the German Federation of Trade Unions (DGB) of December 1994, in the preface to the social partners' initiative.

## CHAPTER 2 HYPOTHESES ON REQUIREMENTS AND CONDITIONS FOR COMBATING DISCRIMINATION AND XENOPHOBIA

**a. The xenophobic excesses in recent years neither were nor are an “industrial accident”. They are, rather, the tip of an iceberg of latent xenophobia.**

Only when the first houses were set on fire did the effects of xenophobic attitudes evoke a response and become a topic of public debate. If, however, it takes burning houses to arouse public feeling, it has to be asked to what extent society tolerates or indeed fails to notice everyday perceptions, attitudes and interpretations, covert (even if unintentional) racism, “accepted and customary” discrimination and “innocent thoughtlessness” (von Freyberg): mutual ignorance and concealed racism can be found<sup>6</sup>. We call this lack of awareness “latent xenophobia” - a basis for manifest aggression.

**b. If latent xenophobia is one of the conditions underlying manifest racism, it follows that equal-treatment policy should not simply target these extremes, but should be directed at a much earlier stage, where latent xenophobia leads its relatively hidden life. The task then faced by an anti-discrimination policy is to identify latent, “customary”, day-to-day discrimination and to open it to debate. This is a fundamental requirement for achieving equal treatment.**

People have to learn how to open a subject to debate, however, and this takes time. It involves identifying everyday discrimination, analysing it critically, and bringing discrimination into the public arena. It requires an intercultural learning process based on solidarity, in order to combat degrees of discrimination ranging from latent xenophobia to open racism in a differentiated fashion. This also applies to companies, where this latent xenophobia also leads its repressed life.

Relevant research in companies<sup>7</sup> has shown that the majority of foreign employees still have the worst and least secure jobs, that they are more likely to be made redundant and more likely to have industrial accidents; in company restructuring plans, they are often those whose jobs “disappear”. The research refers to actual discrimination, to acceptance “as a matter of course”; it provides evidence of the daily practice of non-extreme forms of discrimination, which are obviously not perceived as discrimination at all - and which are simply endured by victims, as being their “normal” fate, something with which one comes to terms.

**c. Only in exceptional cases is discrimination at work, in companies, the result of deliberate xenophobic action. Discrimination is much more likely to occur in the context of a social structure involving “normal” discrimination which has evolved in the company. The task faced by efforts to combat discrimination at work is to break into this grey area where day-to-day discrimination is taken for granted and seen as normal, and actively make it the subject of policy.**

This social structure of “normal discrimination” which has evolved is therefore to some extent a structural element of everyday life in the company, without this having been the conscious intention. Exhibiting considerable tenacity, it exists in an area between principles of equal treatment and actual discrimination. Combating this structural discrimination, i.e. everyday discrimination in the company which is not explicitly racial, is a key aspect of corporate antidiscrimination and equal-treatment policy, and it requires “a great deal of stamina”.

To summarise, xenophobia and violence by right-wing extremists are not an industrial accident. They are based on discrimination which is largely accepted by society and is seen as normal, unremarkable

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<sup>6</sup> The words of Dieter Sculte, leader of the German Federation of Trade Unions (DGB) on the occasion of the event held to launch the joint initiative “Zusammenleben mit Ausländern Gemeinsam geht’s besser” [Living with foreigners - things work better when you do them together] on 7 October 1994, Frankfurt, Verlag für interkulturelle Beziehungen.

<sup>7</sup> Cf inter alia Thomas von Freyberg, 1996: Der gespaltene Fortschritt [False progress]. Frankfurt/New York, Campus, or Burkhard Hergesell, 1994: Arbeiterkulturen im Betrieb - Interethnische Beziehungen zwischen Produktionsarbeitern [Workers’ cultures in companies - inter-ethnic relations among shop-floor workers]. Frankfurt, Verlag für interkulturelle Beziehungen.

and a matter of course; this discrimination can then “spill over” and result in manifestly racist actions when individual and collective insecurity reaches a critical mass, for example when the competition for jobs intensifies or when social standards fall. If things come to a head in this way, however, it is in no way simply a case of one thing following another; in the same way, the problem cannot be resolved by combating it with a simple regulatory system of “good practice”. Sensitivity, diversity, a desire for change, and an approach geared to the long term are, in our view, the central pillars of “good practice”.

The social partners are in complete agreement about the aims of a policy directed at equal treatment. This is shown both by the Joint Declaration adopted by European employers and trade unions on the prevention of racial discrimination and xenophobia in Florence and by the earlier joint declaration adopted by German employers’ associations and trade unions. The problems arise in everyday practice, since considerable efforts are required in order to wage the joint battle against discrimination at the everyday level of “normal” discrimination within the company if established habits which result in discrimination are to be changed. Moreover, anti-discrimination policy, which aims at making people conscious and aware of the problem, with a view to the discussion and elimination of a process that, looked at objectively, is discriminatory, but which is largely regarded as “normal”, faces a further task: those implementing it also have to subject to self-critical and reflective analysis not only what society regards as “customary”, but also their own behaviour and their own perceptions and attitudes. Finally, the players concerned will have to agree on their own respective scope for action and their experience, and their respective interests, if they are not soon to reach the limits of consensus, particularly if the interests of personnel policy and those of society at large clash.

## CHAPTER 3 SELECTION OF CASE STUDIES

It is not an easy task to choose from among the multitude of examples of “good practice”. In what follows, we shall describe in detail both examples which relate directly to discrimination at the workplace and examples which tend to relate indirectly to working life. In addition, examples have been selected in such a way that they show different groups of actors and different starting-points, relate to different target groups and employ different instruments and strategies for action.

### **Example 1: Actors: Representatives of the social partners at company level (works council and management)**

#### **Corporate implementation of the “Joint declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace” adopted in October 1995 in Florence**

The examples selected show various ways of implementing the “Joint declaration” with the aid of the “works agreement” between works councils and company management, the statutory contractual instrument frequently employed in the German industrial relations system. All the examples have obligation and enforceability as their aim, but their scope varies, ranging from consideration of personnel policy and prevention of a discriminatory moving force underlying personnel policy to an approach which also includes the prevention of discrimination on the grounds of gender or sexual orientation. Although the central point of reference in these examples is the workplace, anti-discrimination practice also extends to the locality or region, for example:

- **Thyssen Stahl AG** (signed on behalf of the group) and various forms of implementation;
- **Volkswagen-Wolfsburg** (signed, valid for Wolfsburg).

Thyssen, a long-established steel company rich in tradition, and Volkswagen, a major player in the automotive industry and equally rich in tradition, are examples of companies in their respective sectors with a large proportion of foreign employees. In both companies the social partners signed works agreements aimed at promoting equal treatment of all employees and the prevention of racism and of discrimination on the grounds of gender.

### **Example 2: Actors: Central organisations of the social partners**

#### **An inter-company approach to combating discrimination, xenophobia and racism by means of awareness and information campaigns, specifically in the area of training**

The example selected extends from traditional” trade-union education to the use of new approaches in vocational training and the training of trainers, all aimed at enlightenment and awareness-raising, although it covers a very wide range of groups. Under the slogan:

**“Living with foreigners - things work better when you do them together”**, this initiative is the work of the BDA (Bundesvereinigung der Deutschen Arbeitgeberverbände or Confederation of German Employers’ Associations) and the DGB (Deutscher Gewerkschaftsbund or the German Federation of Trade Unions - their umbrella association).

This campaign by the social partners is a case of joint action at a high political level. On the one hand, it addresses company executives and the trade unions, i.e. the important players in the company, and, on the other hand, it addresses young people and trainees in the company and those training them; it aims to cover a subject not previously covered by vocational training: making people aware of discrimination processes, arguing and taking action against xenophobia and violence within the company and in society as a whole.

### **Example 3: Actor: Company management**

#### **An example of anti-discrimination practice oriented towards both the company and society**

The example selected includes activities which attempt to take up discrimination and xenophobia in a manner which goes beyond the company and reaches into society and, at the same time, to try out inter-company action and new coalitions. The example describes the

- **“Bertelsmann Campaign for Tolerance”** - a variety of activities within and outside the company, accompanied by a mobilisation of employees by company management.

Bertelsmann is a group which is active throughout the world and whose product - media - aims to open up new sectors with a promising future. The initiative is aimed not only at the group’s own workforce but also at young people in schools and training establishments or at work.

### 3.1 Corporate implementation of the “Joint declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace” (Thyssen Stahl AG)

The metal industry trade union [Industriegewerkschaft Metall - IGM] presented a proposal for a works agreement<sup>8</sup> aimed at implementing the “Joint declaration on the prevention of racial

discrimination and xenophobia and promotion of equal treatment at the workplace” made in Florence on 21 October 1995. Central to this proposal is the establishment of a company “joint committee” made up of representatives of company management and the (company) works council. “This committee will monitor the progress made in implementing the aims laid down for equal opportunities and will identify deficiencies which remain. On the basis of the knowledge acquired in relation to continuing discrimination, the committee will make proposals to the employer regarding the measures required to remedy the situation, proposals whose implementation by the employer is compulsory. Employee representatives and the workforce must be informed of the results of the equal-opportunities measures.” The model works agreement also focuses on arrangements in the following areas:

- **personnel recruitment**  
(posts to be advertised in the main languages, non-discriminatory selection criteria and selection tests);
- **transfers of personnel**  
(equal treatment in allocating work, promotion opportunities, pay increases, changes in work organisation);
- **basic and further training**  
(non-discrimination in the selection of trainees, equal opportunities in relation to in service training places and further training programmes);
- **information policy**  
(company-wide information in the relevant languages, language courses);
- **allocation of works housing**  
(equal treatment in allocating housing)

This model works agreement was widely distributed, but only a few companies took up the initiative. To date equivalent agreements have been signed by only two companies, and a third is about to sign one. In what follows, we shall describe the situation in the two companies that have signed agreements, Thyssen Stahl and Volkswagen-Wolfsburg.

We shall begin with an introductory comment: the German Works Council Constitution Act [Betriebsverfassungsgesetz - BetrVG], which was passed in 1952 and amended in 1972, the rights of co-determination laid down in it, its institutional form and the pragmatic approach to this instrument adopted by the trade unions have all had (and continue to have) the effect of ensuring that works councils operate in an integrative and co-operative manner geared to companies’ interests. § 75 BetrVG expressly assigns to works councils the principle of equal treatment under constitutional law:

“(1) Employer and works council must ensure that all persons working in the company are treated in accordance with the principles of what is right and proper and, in particular, that no instances arise where persons are treated differently because of their descent, religion, nationality, origin, political or trade-union activity or views, or because of their sex.

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<sup>8</sup> Model works agreement for the combating and elimination of discrimination against foreign workers and the promotion of equal opportunities in the workplace, IGM, Frankfurt/Main 1996.

“(2) Employer and works council must protect and encourage the free development of the personalities of persons employed by the company.”

Under § 80 para 1 item 7 BetrVG, the works council has a duty “to promote the integration of foreign employees in the company and good relations between them and German employees”.

In the day-to-day operation of the company, however, the performance of these duties is hampered by considerable difficulties and resistance which may arise consciously or unconsciously, for it is very rare for discrimination and unequal treatment to be overt - they usually occur in covert ways, often in the subconscious and undetected. For example, the principle of equal treatment does not prevent companies from giving foreign employees dirty jobs which are hazardous to health, or from formulating the skills profiles for recruiting and dismissing workers in such a way that, for technical or practical reasons, either foreign workers are not taken on or they are more rapidly dismissed. Since there is no requirement covering personnel recruitment, employers can actually discriminate openly here, with no need for formal sanctions, even if applicants are more frequently rejected because of lack of knowledge of the language or lack of specialised and social skills, if “practical reasons” are cited.

It is true that in the case of dismissal for operational reasons which are based on discriminatory selection criteria, the works council has the right, under § 102 para 3 item 1 BetrVG, to object on the grounds of a failure to take social criteria into account. However, if several employees with different skills are under threat of dismissal, the employer can enforce dismissal. Thus the works council’s right to object (“The works council must be heard before any dismissal. The employer has to inform it of the reasons for the dismissal. Dismissal implemented without a hearing of the works council is invalid.” § 102 para 1 BetrVG) can rarely have any effect in the event of indirect discrimination in particular, since practical arguments can normally be found.

So if discrimination and unequal treatment occur in practice, under the guise of “practical reasons”, if they can “hide” behind matters of logic, if they can become, to some extent, a structural element of the day-to-day operation of the company, what can the works council do within the given legal framework to implement and realise the demand for equal treatment? The Works Council Constitution Act gives the works council a number of participation and co-determination rights which provide, if they are systematically utilised, a series of startingpoints for taking action against discrimination in the workplace. However, in practice virtually no use is made of these opportunities in companies.

- By examining an individual case in detail, the works council can review the practice in place for recruiting, moving and transferring personnel. It can also monitor more precisely career advancement and classification. In short, the Works Council Constitution Act gives the works council the right to expose and (largely) to prevent discrimination in personnel policy in “measures relating to individual personnel” (§ 99 BetrVG), i.e. in “every recruitment, classification, reclassification and transfer of an employee”. For the employer has “to obtain the approval of the works council for the measure planned”.
- The works council also has a co-determination right in the case of dismissals (§ 102 BetrVG).
- In addition, the works council can make much more use of its participation rights in connection with the implementation of corporate training measures (to date virtually no use has been made of them): under § 97 BetrVG the employer has “to consult the works council on the establishment and equipment of corporate vocational training facilities, the introduction of corporate vocational training measures and participation in vocational training measures outside the company”.
- The works council can also propose training measures, for example language courses, to be offered to particular groups and people with particular levels of skills. It has the right of co-determination in the implementation of corporate vocational training measures.
- It can also change the corporate information policy, and tackle the language problems which often constitute a daily handicap and prevent the acquisition of skills and advancement.
- Finally, the works council can include foreign employees in its work (and in the work of union workplace representatives) to a much greater extent than has hitherto been the case.

These starting points, which already (in principle) exist, were the basis for the practice agreed in a “works agreement” - a legally binding contractual instrument - to promote equal treatment in Thyssen Stahl AG. It is worth setting out some background information at this point.

As at 29 February 1996, Thyssen Stahl AG has some 19 000 employees, of whom 13 000 are blue-collar workers and 5000 white-collar workers. There are around 1000 trainees. In September 1994 Thyssen still had some 23 000 employees, and one year later there were only 20 500. The situation at Thyssen is very serious in terms of cuts in staffing levels, and the recent merger with Krupp will result in further significant cuts in staffing levels in the coming years.

“Foreign employees” make up a steady 18% of the overall workforce at Thyssen. Thus the reduction in personnel has not been at the expense of foreign employees. However, there has been a significant shift in the position of foreign employees in relation to German employees: foreign employees account for only just under 2% of white-collar workers, while they make up something over 24% of blue-collar workers. In terms of the workforce as a whole, the ratio of blue-collar workers to white-collar workers is 72% to 28%, while over 97% of foreign employees are blue-collar workers and only just under 3% are white-collar workers.

Claiming that there was no discrimination at Thyssen Stahl, company management was not initially prepared to discuss the conclusion of a works agreement aimed at achieving equality. Negotiations between the works council and company management did not begin until after a meeting of some 65 foreign union workplace representatives (Thyssen’s committee of union workplace representatives includes 85 foreign employees), which made the practice of discrimination public.

The meeting of union workplace representatives began by referring explicitly to a number of discriminatory procedures which had hitherto scarcely been acknowledged as being discriminatory, but had, rather, been understood as “normal” everyday practice. These included the practice of allocating works housing (Thyssen has over 27 000 of its own homes in Duisburg). It also became clear that in the company hierarchy only just under 3% of foreign employees are at the middle level, i.e. supervisors and foremen. Most of the foreign employees are still working at the lowest levels (process mechanics) and they often suffer discrimination when wages are increased within the company. Without exception, young foreign trainees obtain the worst traineeships offering little opportunity for later career advancement. On average, they come off worse than their German colleagues in aptitude tests and, as a result, are allocated the worst places. There is almost no evidence of open xenophobia and open racism in the company, but covert xenophobia and inequality of treatment probably occur. In some areas, for example, there was a ban on speaking in Turkish, their mother tongue, even though the company newspaper is published in Turkish and German. Another point: the announcement of the works agreement described here provoked strong protests and objections from German employees, the basic tenor of which was that “we don’t need that here”.

As a result of this initiative, a working party was set up with union workplace representatives and employer representatives to draft a works agreement, with the aid of which equal treatment was to be achieved and help was to be offered accordingly, in relation to both groups, foreigners and Germans. The negotiations lasted from February 1996 until June. On 1 July 1996 the “Works agreement to promote equal treatment of all foreign and German members of the workforce” was signed by the management board of Thyssen Stahl AG and the company works council. The works agreement was modelled on IGM’s proposal, but modified and specified a number of circumstances. The joint committee proposed by IGM was not adopted.

The preamble to the works agreement states:

“In consideration of the fact that foreign and German members of the workforce do not always live together without problems, but that, nevertheless, Thyssen Stahl AG has a long and fundamentally positive tradition of cooperation, the parties concluding the agreement wish to promote equal treatment by means of this works agreement.

“Against this background, they reaffirm their intention of continuing to ensure in future that:

- in fulfilment of the principle of equality under Article 3 sentence 1 of the Basic Law [Grundgesetz], no member of the workforce shall suffer discrimination or be given preference because of his or her gender, descent, race, language, home country, origin or belief, or his or her religious or political beliefs; nor may anybody suffer discrimination on the grounds of disability;
- the relevant European Community standards in respect of equal treatment shall be observed;

- all German and foreign members of the workforce employed in the company shall act and be treated in accordance with the principles of what is right and proper and with the respect that is appropriate, within the meaning of § 75 of the Works Council Constitution Act;
- the integration of foreign members of the workforce and understanding between them and German members of the workforce are promoted.

“The parties concluding the agreement agree that there is and can be no place for discrimination of any kind at Thyssen Stahl AG.”

At the heart of the agreement is the aim “to promote interchange that is free of conflict within the company”. In this context, particular mention is made of the company employment regulation, which states that “Dealings between supervisors and workforce members working under them must be objective. Supervisors and workforce members must avoid anything that may lead to a disturbance of the peace in the company. The behaviour of workforce members among themselves and of supervisors and workforce members in their dealings with one another must be based on mutual respect. In particular, all behaviour which is insulting in any way or amounts to sexual harassment is prohibited.”

The “Corporate principles of equality” formulated in the works agreement are geared to preventing discriminatory situations, but they are also bound up with the company’s own central interest in peace at the workplace and freedom from conflict. This works agreement implicitly confirms that this peace is threatened not only by “non-objective” behaviour, by insults and sexual discrimination, but also by discrimination on the grounds of ethnic origin.

The Corporate principles of equality thus formulated, namely “Rights and obligations of all members of the workforce in the context of equal treatment”, relate to three aspects of equal treatment:

1. *Personnel matters*

“Managers with responsibility for personnel in particular shall be bound to honour the principle of equal treatment of workforce members in accordance with uniform criteria in actions involving individual employees (recruitment of staff, transfers, fixing of wages/salaries, promotions, departure from the company, qualifications, etc.). In this context, the crucial factors shall be technical skills and personal aptitude in terms of meeting the requirements of the job.”

2. *Social matters*

“With regard to fringe benefits, which here take the form of housing provision for the workforce, the allocation of housing . . . shall be handled jointly with the works council and shall be based on objective criteria, irrespective of nationality. In this context, both the demand for housing from individuals and the occupancy of the housing units shall be taken into account, with the aim of achieving household communities which function on a permanent basis. Efforts to achieve integration can, in particular, be promoted by giving serious consideration to the wishes of foreign and German employees to live in household communities when housing is allocated.”

3. *Vocational training*

” In order to provide trainees with an appropriate understanding of values at an early stage, equal treatment and efforts to achieve integration shall be taken into consideration right from basic training. For all training positions, the selection of applicants for training positions shall be based on uniform criteria with regard to aptitude and without establishing nationality quotas or concentrations in particular training positions. (...)

“The company shall have the same training programmes for all trainees entering a particular occupation. Training support shall be offered in particular cases.

“The further training offered by the company subsequent to basic vocational training and the associated personnel development programmes shall be available to all members of the workforce. To help promote integration, intercultural training programmes, amongst other measures, shall be available. These shall include, in particular, improvement of language skills and understanding of different cultures, in order to facilitate cooperation in working life.”

**Monitoring and possible sanctions** are covered in the last passage in the works agreement: “Where a concrete violation of the Corporate principles of equality occurs as a result of discrimination, the parties to the agreement shall initiate the response laid down in this connection according to their

competence.” Sanctions are regulated in the company employment regulations and range from a written warning to dismissal<sup>9</sup>. It goes on to state:

“The works council shall offer advice and support to workforce members who suffer discrimination. Where necessary, it can nominate particular union workplace representatives for this purpose. The persons suffering discrimination can consult them or be represented by them. Irrespective of measures contained in company regulations, workforce members who suffer discrimination shall have the option of initiating action under civil and/or criminal law, without being disadvantaged in any way in the company as a result.”

Thus reads the works agreement; it cannot, as yet, refer to any experience. Nevertheless, it offers the actors a framework for action within which steps can be taken in the direction of equality, through a continuous joint learning process, but also by means of monitoring. The term “objective reasons” [sachliche Gründe], which recurs frequently in the works agreement, represents a potential problem. It is precisely objectivity and logic [Sachlogik] which conceal a multitude of models for legitimising discrimination: lack of language knowledge, lack of skills, lack of social skills. However, structural inequality cannot be remedied by means of consistent application of objective and logical arguments; it is at best perpetuated and declared to be normal. What use is an aptitude test which is the same for everybody, if language barriers turn equality into a farce from the outset?

To this extent, the importance of the Corporate principles of equality as formulated is only relative. What matters is the target framework, the “principle of equality”, which allows measures involving “special support”. If, for example, the results of the aptitude tests (which are the same for everybody) mean that foreign workers can be employed only on the lower fringes of the company hierarchy, additional aid can then be offered on the basis of this works agreement. And if, for example, the practice followed in allocating housing leads to the formation of local ghettos in the city, a plan for intercultural coexistence which meets the needs and wishes of the people concerned can be implemented, although it will be effective only in the long term. If “ghettoisation” in the works canteen contravenes the Corporate principles of equality, an “intercultural learning” process can be initiated on the basis of the works agreement. And if the threatened dismissals following the merger with Krupp demonstrate an “ethnic imbalance”, equal treatment can be insisted on with the aid of the works agreement.

Thus this works agreement will have significant long-term effects, which can be achieved by means of “additional aid”, “intercultural training” and an “intercultural policy on the allocation of housing”.

The measures that have now been introduced are oriented towards these possibilities. A series of measures are already being implemented in collaboration with Duisburg’s adult education centre (with support from social scientists from the Sozialakademie [social academy] in Dortmund). Here, education and training is offered in the following areas and subjects:

- German courses for employees of foreign origin who have a basic knowledge of German and wish or need to improve their German for work-related reasons:
  - courses which build on and expand existing knowledge of German;
  - training courses: German on the PC;
  - German for particular needs;
  - German for career advancement;
- Turkish in the form of introductory and intermediate/advanced courses for employees wishing to learn Turkish or deepen their knowledge of Turkish for job-related or personal reasons;
- leading multicultural teams - intercultural training, a three-stage programme: foundation course, main course, exchange of experience, for trainers instructing young people/young adults/employees of various nationalities;

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<sup>9</sup> “Violation of these employment regulations may be punished by a warning, a reprimand or dismissal.”

- learning from one another: intercultural weekend for employees of various nationalities and their partners;
- learning from one another: intercultural exploration on the spot;
- Thyssen's intercultural celebrations, for participants in the projects and guests;
- learning and working together: intercultural training for trainees;
- “actively belonging”: becoming naturalised;
- becoming self-employed? setting up a company?;
- living and working in one's former homeland?;
- helping to create future opportunities: pre-school support, knowing more about schools, the transition from school to work, understanding young people;
- German as a foreign language for wives newly arrived in Germany;
- Thyssen wives get to know Thyssen, tour of the company with discussion;
- Thyssen wives keep fit, swimming and/or gymnastics;
- Thyssen child-care unit - babies; parents learn more about life with a baby;
- Thyssen introduces itself, to schools and interested groups.

The titles of the courses and events offered make it clear that the project extends far beyond offering language courses for foreign employees, that it tackles job-related and social problems within and outside the company and, above all, that it is directed towards foreigners and German nationals and their families, that it does not stigmatise foreign employees in relation to others, and that it takes seriously and addresses problems outside the company which have a definite influence on everyday life in the company.

Most of the funding for the project is provided by Thyssen, but additional funding is sought “throughout Europe”. The amount currently available stands at some DM 3 million. Since the project will be put into practice only in a few weeks' time, however, it cannot yet be foreseen how many or how few people will take up the various offers and consequently how far the money will go. Whatever happens, however, it will undoubtedly help integration.

The intentions behind the works agreement extend beyond the workplace and the company. In the context of this campaign, the decision to change the procedure used in allocating housing is a crucial one. The aim is to oppose the existing “ghettoisation”, to treat all applicants equally and to take more account of their wishes and ideas, by bringing foreign employees into the committee responsible for allocations and involving them in the decisions. The actors hope to transform the face of the city of Duisburg, in terms of housing policy and social affairs, in the space of ten to 15 years.

We have therefore little knowledge as yet of the extent to which the project - as a whole or in part - will be accepted and will succeed or fail. Members of the works council have reported that foreign colleagues greeted the signing of the works agreement “with joy”, but that many German colleagues have expressed anxiety; they are anxious and concerned about their own prospects for career advancement if equal treatment is put into practice. It is difficult to say what effect the most serious problem currently facing Thyssen, namely the mass redundancies which are threatened following the merger, will have on this project: “As yet there have been no dismissals for operational reasons in this context, but if it comes to it, they will spread like wildfire.” And it also remains to be seen how the players will deal with the feeling of competition which is obviously developing among German employees as a result of the additional support for foreign employees. If principles of equality are to be implemented, it is not only good beginnings that are necessary, but also the ability to fight for them, which has first to be acquired.

**Evaluation:** Now that a firm declaration of intent and the appropriate formal basis are in place, everything depends on how the social partners implement this in the day-to-day operation of the company. There are certainly great opportunities to raise the awareness of many employees by means of the projects described above. But if equal treatment is to be taken seriously, it has to go further than this. Trade unions and employers can no longer ignore structural inequalities or look the other way;

they have to make it clear where they stand, which social groups they, as representatives of interests, will in future be representing, and how they see equal treatment in society, how they want to achieve it, particularly with regard to changes in work, societal relations and so on. Given the problems, neither declarations nor public campaigns nor even the first small steps are enough; the aims and approaches to be adopted will need discussion, and this is bound to involve disputes. And the project will need a lot of staying power and commitment: “By giving people skills and changing their housing and living situation, we can change the city’s image in the long term.”

In addition to Thyssen, a works agreement based on IGM’s initiative has also been signed at Volkswagen-Wolfsburg. This agreement was also concluded in June 1996 and is entitled “Partnership-based behaviour at the workplace”. In this case also, it is too soon to talk of success or failure. At Volkswagen the first steps are currently being taken to approach the potential public within and outside the company and the first training initiatives are being set up.

The emphasis of the Joint declaration at European level has been expanded in the context of the implementation of this works agreement, which is taking up the advancement of women, the prevention of sexual harassment at the workplace and “mobbing” at the workplace, topics which have been under discussion at Volkswagen since as far back as 1992. By signing this works agreement, Volkswagen has committed itself to ensuring “fair and humane cooperation among employees, all of whom have equal rights”, and preventing “disparagement”:

Volkswagen describes this as follows: “The act of offending the dignity of the individual includes, in particular, the ‘deliberate, specific and negligent disparagement’ of persons or groups of persons. Examples of sexual harassment include unwanted physical contact, suggestive comments, personal comments or jokes, displaying sexist and pornographic objects, demanding sexual acts, and hinting that sexual favours could result in career advantages. ‘Mobbing’ is understood to include slandering employees or their families, spreading rumours, deliberate withholding of information required for work or even misinformation, threats and humiliation, abuse, wounding treatment, mockery, aggressiveness and unworthy treatment by persons in superior positions. Discrimination may be expressed in the form of dealings with employees that are motivated by racist, xenophobic or religious views.

In addition, the works agreement lays down where those affected can go for counselling and support. Company contact points include: company managers, the works council, women’s officers, the personnel department and the company health service. In individual cases, the company must take the appropriate course of action, ranging from cautioning through fines to action under labour law, such as dismissal.

The company attaches particular importance to preventive measures and has already held the first training seminars for specific groups, including managers, works councillors, and male and female employees with an advisory function. In addition, appropriate elements are being integrated into existing seminars for trainees, trainers, foremen and forewomen, management trainees, etc.”

After the present study was completed another, similar works agreement was concluded between management and the works council at the TWB Pressewerk in Hagen which combines the positive elements of the VW and Thyssen agreements.

### ***3.2 An inter-company approach to combating discrimination, xenophobia and racism by means of awareness campaigns, enlightenment and training (“Living with foreigners – things work better when you do them together”)***

In October 1994, the Confederation of German Employers’ Associations (BDA) and the German Federation of Trade Unions (DGB) launched a joint initiative under the aegis of the Federal Minister for Family, Seniors, Women and Youth, in order to set an example against intolerance, inhumanity and xenophobia. The initiative is aimed at young people in companies. The “Institut der deutschen Wirtschaft” [Institute of the German economy], which has close links with employers, was charged with its implementation. The initiative was intended to reach every sector, establishment and apprentice in Germany. The group targeted in the initial phase was made up of around one million apprentices in industry, trade and commerce.

We have selected this example as a case study because in it the social partners have launched a joint initiative to take concerted action against violence and xenophobia, by which they intend to reach,

persuade and enlighten young people in companies in a wide-ranging and multi-faceted fashion, with the aim of breaking down ignorance and silence.

As DGB Chairman D. Schulte explains, “The project launched jointly by the German Federation of Trade Unions and the Confederation of German Employers’ Associations is so far unique and represents a new step in our work. Why is this project so important to us? Our everyday work is done in companies. The same matters are being discussed there as in society at large. There have been scarcely any violent and brutal attacks on foreign colleagues in our companies. The main reason for this must be the fact that we are very much in agreement with employers on the subject of drastic sanctions against people who incite others to violence and gossips who spread rumours. In companies, the problems lie elsewhere: mutual ignorance and covert racism are both found there. It is clear to us that violence is far too often the result of what is not said or expressed. We want to change that. We want to break down the reciprocal silence.”

One important precondition for the initiative to be put into practice in the form of youth training was the holding of expert discussions with some 2000 trainers and over 20 000 trainees; the office of the Institut der deutschen Wirtschaft in Cologne was commissioned by the social partners to co-ordinate these talks. This office then developed programmes and offered information and advice, practical information packages with instructions for activities, study material, suggestions for seminars, and so on. The chief aim and recurring theme in all the individual measures is educating people to be tolerant, teaching them ways to resolve disputes without resorting to violence, and developing a better understanding of immigrants. On the one hand young people, as the target group, are to be addressed in the context of their identity and role as part of a company and, on the other hand, it is intended that what they learn in the company should be carried over into their private life and leisure time. For the social partners are starting from the premise that work and training and life in the company in general proceed for the most part without conflict, but that outside the company there are situations characterised by many prejudices, uncertainties and fears, which can spill over into violence, especially at times when the economy is in difficulties. This is why the social partners constantly stress that “German trade and industry employ over two million foreigners and have done so for a long time. They work hand in hand with their German colleagues. Many of them are skilled workers who have been trained in Germany. Foreign workers contribute to the success of our economy and are an important part of our society.”<sup>10</sup>

Consequently the essential aim is as follows: “Trainees should be given to understand that our country’s economic and social problems were not caused by foreigners and cannot be resolved by acts of violence against them.”<sup>11</sup> The first phase of the social partners’ initiative was restricted to a two-year period, but both the DGB and the BDA want to continue to work on these topics and problems in the future and to campaign for these problems to continue to be covered in corporate training until, in the end, they become an automatic part of practical work with young people in companies. We shall say no more about the general aims of the project.

On the basis of the assumption that trainers are primarily responsible for providing and conveying comprehensive information in vocational training in companies, material was created which would give trainers factual information on the subjects concerned for use in training sessions, offer concrete aids to implementation and arouse young people’s interest. This material was drawn up with reference to a training programme entitled “Handreichung für Ausbilder in der Metall- und Electroindustrie. Zusammen Arbeiten - Zusammen Leben Zusammen Lernen mit Ausländern” [Help for trainers in the metal-working and electrical engineering industries. Working together living together - learning together with foreigners]; reference was also made to numerous expert discussions with trainers, trainees, youth representatives, works councillors, etc. The result was an information package containing the following material:

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<sup>10</sup> From the foreword to “Handreichungen für Ausbilder in der deutschen Wirtschaft” [Help for trainers in German trade and industry], published by the BDA and DGB, Cologne 1995.

<sup>11</sup> Herrman, H and Werner, D, 1997: Sozialpartneraktion “Zusammenleben mit Ausländern - Gemeinsam geht’s besser” [Initiative by the social partners - “Living with foreigners - things work better when you do them together”], documentation, Institut der deutschen Wirtschaft [Institute of the German Economy], Cologne. p 13.

- “Help for trainers in German trade and industry”, as a teaching aid for trainers dealing with the following topics:
  - Who are “the” foreigners?
  - Employing foreigners - why?
  - The contribution made by foreigners to prosperity in Germany
  - Violence directed at foreigners
  - “Typical German” - “Typical foreigner”;
- the information brochure “Aushänder bei uns - 10 Fragen und Antworten” [Foreigners in our country - ten questions and answers], which is addressed to trainees; in terms of content, the questions relate to the subjects mentioned above and take up the questions and prejudices most frequently occurring in relation to foreigners; the individual questions are as follows:
  1. Who exactly are the foreigners?
  2. Can a foreigner become German?
  3. Do a particularly large number of foreigners live in Germany?
  4. How did the employment of guest workers start?
  5. What was the arrangement for contract workers in the former GDR all about?
  6. Where do foreigners work today?
  7. Are foreigners taking jobs away from Germans?
  8. Are foreigners taking our homes away from us?
  9. Do foreigners live at our expense?
  10. Are young foreigners taking apprenticeships away from young Germans?
- “Statistik”, a booklet containing statistics, for trainers;
- an offprint of the Institut der deutschen Wirtschaft trade-union report No 4/1994 containing information on the project, its aims and content, the story of how it came into being, and the people and institutions involved;
- video commercials showing typical scenes of xenophobia and violence, to stimulate debate with and among young people.

A total of some 2500 information packages were sent out. In addition to this, many company case studies and initiatives were collected as a result of regular feedback from young people and trainers and through expert discussions. Two campaign newsletters advertised the project and the information package.

**Evaluation:** When the project was launched in 1994, K Murmann, President of the BDA, made the following appeal: “Please go on giving your foreign colleagues the feeling that they personally are welcome, that we value their achievements. Be courageous and speak out against xenophobic slogans. Make it clear to agitators that it is they and not foreigners who are the outsiders. Show which side you are on! Involve yourselves and your families with campaigns to promote a society in which Germans and foreigners live side by side.” The joint initiative supports this goal, in that it aims to make young people - in the context of their vocational training in particular - aware of violence and xenophobia, so that they will also learn how to deal with them in their everyday life outside the company.

The social partners assess the success of their joint initiative as follows: “Overall, the opinions of those questioned on the information package compiled paint a very positive picture. ...According to the verdict of those who used them, particular mention should be made of the “help for trainers”, which was the key element in the information package. The social partners’ action made it much easier to

provide young people with relevant information in this context and to systematise such provision with the aid of the information packages.”<sup>12</sup>

They draw attention to a core problem: “In areas where Germans and foreigners have to rely on each other in the performance of joint tasks - namely in everyday working life and in vocational training - for the most part they work side by side and cooperate in an atmosphere of peaceful neutrality. We were able to see that there is more mutual acceptance within the company than outside its gates. There is no shortage of company initiatives to promote cooperation between Germans and foreigners, especially in companies with a high proportion of foreign employees. They usually arise spontaneously in reaction to xenophobic incidents and are sporadic in nature<sup>13</sup> Thus the main difficulty arising for the joint initiative is in penetrating into the core of the problem: distinguishing the usually “hidden”, everyday discrimination in the company, opening up to debate the “customary” structural model of discrimination that stops short of flagrant xenophobic incidents in society.

For the most part, foreign workers still occupy the lowest positions in the company hierarchy, are still treated with condescension in everyday corporate life, have fewer opportunities for career advancement, are more often threatened with unemployment, and so on. The justifiability of the “objective” arguments and reasons (lack of skills, inadequate knowledge of the language, etc.) put forward in support of this situation is not called into question. However, if this “normal”, actual discrimination is to be actively countered, it has first to be distinguished and made a subject of discussion, and its discriminatory effects need to be analysed. This task should be brought more clearly to the forefront of the campaign.

Certainly the social partners’ campaign has helped to raise, the awareness of many young people and has shown them that cooperation and tolerance can be put into practice in the company, on the spot. However, turning “us and them” into “us” needs to extend to making the patterns of structural discrimination within companies a subject of debate as well, patterns which probably tend to be concealed by the veil of “corporate operations”. It is right to point out that there are hardly any problems between Germans and foreigners on the shop floor, in the works, that people work together in companies, that xenophobia is much more likely to be encountered away from work. However, this argument also results (albeit unwittingly) in a failure to be sufficiently assertive in debating the established arrangements in companies involving actual discrimination, and prevents a critical look at the situation actually prevailing in companies. If, “from the point of view of economic resources, too much value is attached to the integration of foreigners”<sup>14</sup>, it becomes difficult to engage in debate and self-critical analysis.

Young people in companies are an important target group for information campaigns and campaigns to raise awareness. However, such campaigns are faced with the challenge of making both open and covert discrimination clearly apparent. But how is it possible to initiate learning processes which will bring to light widespread, covert, “normal” discrimination, just at a time of increasing competition for jobs? How is it possible to open to debate discrimination which is legitimised by the citing of “objective” reasons (“obviously” somebody who cannot speak the language properly cannot fulfil the requirements of teamwork)? How can discrimination (other than aggressive forms) be made transparent? How can support be given to a process whose aim is precisely to combat concealed racism?

Given the conditions currently prevailing in the labour market, information and consciousness-raising must take much more account of the situation of young people, who face the fear of unemployment, competition for a small number of jobs, fear of the future; young foreigners are particularly affected by these problems.

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<sup>12</sup> Herrman, H and Werner, D, March 1997: Sozialpartneraktion – “Zusammenleben mit Ausländern – Gemeinsam geht’s besser” [Initiative by the social partners – “Living with foreigners – things work better when you do them together”], documentation, Institut der deutschen Wirtschaft [Institute of the German Economy], Cologne, p.49

<sup>13</sup> Ibid.

<sup>14</sup> DGB Federal Executive/IDA e.V. (eds), 1997: “Dokumentation Antirassistische und interkulturelle Projekt in der beruflichen Bildung” [Documentation on anti-racist and intercultural projects in vocational training], Düsseldorf, p 14.

The joint initiative launched by employers and trade unions sends an important signal to society and is quite right to address training. It addresses young people, the very group for which such awareness in the area of interpersonal relations should become a normal and automatic element of training, thus the group which will play an important multiplier role in working life in the medium term.

To this extent the initiative is based on long-term aims. Although it has temporarily come to a halt, it is intended that it should be continued, that it should become compulsory to integrate intercultural training into vocational training. It is to be hoped that this will succeed, since to date no examples of “permanent incorporation of the subject of foreigners into company vocational training . . . have been found”<sup>15</sup>. The social partners face a challenge in their respective organisational spheres.

As a result of the joint initiative, the DGB youth section has launched a project entitled “Interkulturelles Lernen in der beruflichen Ausbildung” [Intercultural learning as part of vocational training]; it demonstrates and develops further examples of how intercultural elements have been and can be made an integral part of training, both in companies and in training establishments. In this context, intercultural learning is perceived as involving all aspects of training inside and outside companies and as being very demanding, “a radically new way of thinking, a change of perspective”, since “an intercultural approach in vocational training helps ensure social peace”<sup>16</sup>.

### ***Conclusions and proposal for expansion***

If we look at the campaign described above, which aims to raise awareness, in the context of the Thyssen Stahl initiative mentioned earlier, a possible idea comes to mind for further work in this area, and we shall outline this briefly: why should Thyssen’s approach (corporate principles of equality) not be expanded and integrated into awareness campaigns? Would it not be possible for discrimination to be rendered visible in a process conducted jointly by works councils and company management, a process which would reveal the very discrimination which is seen as “normal”, which could take procedures involving structural discrimination into a joint process of learning and debate? Would it not then be possible to bring the “visible” aspects of discrimination into vocational training?

After all, it is relatively simple to compile data and facts in a way which brings the practice of discrimination out of its “hidden life” into the public domain within the company. The everyday personnel policy decisions in companies listed below can be studied and compiled without major effort or expenditure, and in this way they can be made transparent:

- company workforce structures,
- the skills levels of employees,
- workforce distribution in terms of jobs and wage groups,
- policies on employing and dismissing staff,
- moves and transfers.
- participation in training programmes,
- holiday allocation.

All these data can be summarised in a “Company report on equality and discrimination”. Could it not be made compulsory for such a report to be produced annually, like the socioeconomic report which is already compiled by many companies? It could be the responsibility of company management and the works council.

An obligation to provide information of this kind would have several advantages. Firstly, it would be appropriate to make use of such information in works meetings and publish it in company newsletters. Secondly, this information would be to some extent “objective”. Thirdly, this information would facilitate the review of progress or problems in the context of equal opportunities policy.

However, “objective” evidence of discrimination also initiates debates, based on these data, on the subjects of justification, ideological positions and awareness-raising processes. The process of

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<sup>15</sup> Herrman, H and Werner, D, op cit, p 49.

<sup>16</sup> DGB Federal Executive/IDA e.V., op cit. p 5.

compiling the data alone makes the facts known, little by little, in the company and may lead people at least to question “normality” and help to make them sensitive to structural discrimination. While the report on equality is bound to result in polarised views, not talking about discrimination, sweeping structural discrimination under the carpet, is not an option. Taking action to stop people looking the other way and remaining silent means addressing the day-to-day operation of the company, asking questions about its normality and seeking out causes and forms of discrimination. Such a quest can be organised.

So why not broaden the information-gathering customary in many companies, such as ecoaudits or socio-economic accounting, to include an audit of the situation of foreign employees in the company, in order to reveal disadvantage and discrimination in the everyday life of the company and make it possible to combat them? The information is available. It needs only to be compiled and evaluated as appropriate. In this way the process of political debate on the subject of discrimination can acquire a common basis, which can be tested and is to some extent objective. A body of information of this kind can help us to leave behind (at least for the time being) the often distressing discussion of individual cases. It can make it easier to identify the structures underlying discrimination, and then resume the examination of individual cases on a new basis.

In the context of the social partners’ campaign, the opportunity arises to make demonstrable cases and actual examples of discriminatory practice within the particular company the subject of training, in a way which is objective rather than emotionally charged, with the aim of raising people’s awareness and, finally, bringing about change.

### ***3.3 An example of anti-discrimination practice oriented towards both the company and society (Bertelsmann campaign for tolerance)***

Bertelsmann AG is an international media group with some 50 000 employees, operating in more than 40 countries. Different languages and cultures are nothing strange or unusual for the company’s managers. The company philosophy is liberal and cosmopolitan, and includes a readiness to cooperate. Bertelsmann is a media group which is in the public eye, both within Germany and abroad. This company, which has many means of communication available to it and exerts a considerable influence on public opinion, is the subject of high expectations. “As a large media company operating internationally, we bear a particularly large measure of responsibility for information, enlightenment and democratic stability.”<sup>17</sup> Bertelsmann AG lays claim to its own partnership-based corporate culture, which respects and promotes national characteristics and cultural traditions.

#### *A review of some corporate data*

According to the 1995-96 personnel report, the German part of the group, in Gütersloh, then had a permanent workforce totalling 14 714 employees, of whom 9712 were white-collar workers and 5001 were blue-collar workers. It had 1089 foreign employees (7.4%). The largest proportion of these (11%) work in the field of industry, followed by entertainment (8.6%), new media (4.3%), head office (2.8%) and books (2.4%).

In 1992, a year in which there was a drastic increase in the number of acts of violence recorded against foreigners, the company’s own foundation commissioned several expert opinions and studies on the subject of immigration and integration of foreigners in a time of change, to honour outstanding multicultural initiatives and activities. On 15 December 1992 Mark Wössner, Chairman of the Management Board of Bertelsmann AG, wrote to the company’s managers in response to the attempted murder of a Turkish family in MölIn in November 1992. Managers and works councillors were requested to introduce their own initiatives and campaigns against intolerance and xenophobia: “Please get together with your colleagues both now and at the start of the new year to consider ways of supporting the fight against xenophobia, and also to think of measures which will be effective in the long term in creating positive awareness.”<sup>18</sup> Managers were requested to inform the Board by 31 January 1993 of initiatives implemented to date, to put their ideas into practice “quickly and without

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<sup>17</sup> Bertelsmann Report No. 219, March 1993, p 15

<sup>18</sup> M Wössner, An das Management unserer Firmen in Deutschland [To the managers of our companies in Germany], 15 December 1992, p 4.

red tape” and to suggest courses of action which could be put into effect jointly with colleagues or by Bertelsmann as a whole. They were appealed to take part in a “competition of good deeds”.

The view expressed by Bertelsmann’s Management Board was that “in the end Germany will not be able to take in all those in need of help and the state must introduce regulations to restrict numbers, as it is currently attempting to do”. At the same time the presence of “foreign guests” was seen as something positive. The appeal ended with the following sentences: “The presence of our foreign fellow-citizens brings variety and an abundance of qualities to our country. What would our country be without foreign guests behind the wheel of taxis, in the corner bar, in the construction sector, in hospitals and homes, in research laboratories, on the stage, in studios and concert halls - and in our company?”

The appeal to take part in a “competition of good ideas” met with a surprisingly positive response. By 10 February 1993, over 40 activities had been carried out and more than 170 suggestions or ideas for activities had been reported from all sectors of the company. Many employees had already either helped to organise campaigns or taken part in those in progress at the time. According to the report of the co-ordinator designated by the Board, the suggestions or campaigns implemented were based on the following central ideas:

- raising the awareness of the general public;
- promoting understanding and cooperation;
- initiating campaigns which offered concrete help.

By 2 February 1993 the following campaigns, *inter alia*, had been initiated:

- TV commercials against xenophobia on the RTL television channel;
- sponsoring and helping to organise a major rock and pop concert against right-wing radicalism and racism in Cologne on 9 November 1992, attended by more than 10 000 pop fans;
- setting up the campaign “Foreigners need friends - stop the hatred!” - launched with an event in Hamburg on 15 December 1992;
- sponsorship for foreign families and homes for foreigners.

The activities proposed or already carried out exceeded the expectations of the Management Board. As a result, the Board decided to make DM 1 million available to support exemplary campaigns. A co-ordination committee was set up, consisting mainly of members of the headoffice personnel and PR departments, to advise on the content and feasibility of several joint central projects to combat xenophobia. A woman who worked with the Federal Government representative of foreigners’ interests (foreigners’ representative) advised members of the coordination committee from the outset and helped in the organisational work. The committee met once, its members came to an informal agreement among themselves several times, and they took a decision of general principle to support three projects:

- “Language support for refugees”
- “That’s us”
- “Young people have a voice!”

*“Language support for refugees”*

“Language support for refugees” is the only major project to have been completely planned, organised and carried out by the company - namely by the subsidiary company BMG Ariola Miller. It involves distributing, free of charge, language tapes among refugees who have absolutely no knowledge of German and thus have particular difficulty in communicating. The background to the initiative was the belief that difficulty in communicating is one of the main reasons for the occurrence of xenophobia and prejudice.

The first stage consisted of determining which groups of refugees suffer particularly serious problems with language barriers. In this context, in-depth discussions were held with welfare institutions active in the sphere of caring for refugees and with local foreigners’ representatives. The following languages came under consideration: Croatian, Arabic, Farsi and later Albanian.

The discussions also revealed that the first thing refugees wanted to learn was not lessons relating specifically to their status as “foreigners” (e.g. “How do I apply for asylum?”), but idioms necessary for everyday communication. Hence eight everyday situations (arrival, first contacts, going for a meal, etc.) were summarised in the form of short audio scenes on a 60minute tape. The first tape to be developed was a demonstration tape of the “Croatian-German” version. This was tested in Hamburg and Schleswig-Holstein by BMG Ariola Miller in collaboration with the umbrella association of initiative groups working with foreigners.

After this, in autumn 1993, Bertelsmann’s Management Board decided to fund “Language support for refugees” as a head-office group project. By the time the project ended in January 1995, a total of 120 000 tapes were produced and distributed throughout Germany, at a cost of DM 350 000. Five people were employed for six months, on the basis of a 20-hour week, to distribute the tapes and carry out PR work.

One problem in organising the project was that first a network of contacts had to be built up. To this end, around 1500 questionnaires were sent to associations, initiatives and state offices working with refugees. The tapes could be ordered in this way. In addition to this, between 21 June 1994 and 16 September 1994 a total of 16 press conferences were held in various Länder in collaboration with local political representatives (the competent ministers in Land governments, Land-level foreigners’ representatives and mayors). The campaign gained good media coverage, with over 100 newspaper reports and around 40 mentions on the radio.

The language tapes were not used directly by BMG Ariola Miller, but were used by associations and initiatives actively working with refugees. By 13 November 1994 over 120 groups had ordered some 100 000 tapes. In order to reach a wider public, copying of the tapes was expressly authorised.

A questionnaire was developed to evaluate the campaign and was sent to a large number of associations. By 30 November 1994, some 897 organisations had returned completed questionnaires. Over 90% of them assessed the degree of acceptance of the tapes as high and considered their quality as teaching material to be good to very good. According to information from 93% of the associations, the tapes were used more than once.<sup>19</sup>

#### *“That’s us”*

The members of the co-ordination committee of Bertelsmann’s campaign for tolerance decided to support a major project in the field of education and investigated the possibilities. At the suggestion of Dr Winkler, a colleague of the foreigners’ representative, they examined the project “That’s us”. Finally, at the beginning of 1994, the co-ordination committee approved financial support for this project.

The project is targeted at teachers, but also at educationalists working with children outside school, who want to implement new intercultural ideas in lessons (German, social education, religious education, art, etc.). It is suitable for classes 4-6 in all types of school (for children aged 9 to 13).

The following conclusion was a decisive factor in the project, the history of which goes back to the 1980s in England: that most conventional teaching materials are based on the premise of a healthy, white, middle-class child. If children from other ethnic groups occur at all, they are the exception. The diversity which actually exists in society is ignored. This idea was taken up in the Netherlands by the Amsterdam advice centre for schools and the Anne Frank Foundation. In this way the teaching project “dit zijn wij” (that’s us) came into being in 1990.

The German variant is not simply a “translation” of the Dutch model, but a new development, although it is based on the same basic ideas, principles and methods. The content of the project was developed by the Anne Frank House in Amsterdam in collaboration with the Institut für Lehrerfortbildung [Teachers’ Training Institute] and the PädagogischTheologisches Institut [Institute of Education and Theology] in Hamburg. In the opinion of those working in the Anne Frank Foundation, this project differs from others in one key respect: in most intercultural teaching material, “typical characteristics” of particular ethnic groups are presented, “problems” faced by minorities are picked out as central themes, or the causes of and motives behind migration are

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<sup>19</sup> Cf documentation from the Bertelsmann ‘campaign for tolerance’ project – language support for refugees, January 1995

discussed. As a rule, these approaches make it difficult for all children to develop respect for one another and to identify or reinforce a positive identity. In “That’s us”, on the other hand, all children are encouraged to describe their own personality as they themselves wish.<sup>20</sup> They are encouraged to experience diversity as something positive and exciting. According to Dr Grobmann, head of the personnel department, it was this aspect of the project in particular that convinced members of the co-ordination committee that they should support the project.

The “That’s us” teaching material consists of

- a reader for children,
- a teachers’ handbook,
- a video film.

In the reader, which has 72 pages and colour illustrations, six real children tell the story of important experiences in their daily lives. They live in Germany, are aged between 10 and 12, and come from different backgrounds. None of the children represents a particular group, they are individuals in their own right. The overall aim of these stories is to try to convey a picture of the diversity which actually exists.

The 144-page teachers’ handbook contains four chapters: “Educational starting-points”, “The use of modules”, “Modules for work with the reader” and “Organising ‘That’s us’ work groups”.

The 30-minute video film conveys an impression of actual teaching work with the project. It was produced by filming a school class in Berlin-Wedding taking part in the “That’s us” project. The video film was partially sponsored by the Stiftung PreuBische Seehandlung [Prussian Maritime Foundation] in Berlin and the Berlin education authority.

The teaching material has been available from bookshops since March 1995. Beltz Verlag is responsible for marketing it. Bertelsmann AG ensured that the teaching material could be developed by funding it to the tune of DM 300 000. Development costs were not taken into account in calculating prices.<sup>21</sup> The company also took on part of the public relations work involved.

The project was presented at a press conference on 31 March 1995, which was reported in several regional and national newspapers and in television and radio broadcasts. At the press conference, the Chairman of Bertelsmann’s Management Board said “Our company’s campaign aims to promote understanding of cultures, to support the integration of foreigners in Germany and to break down prejudices by providing information.”<sup>22</sup>

*“Young people have a voice!”*

As yet this project is still at the development stage. In 1994 a team of four worked on designing the “Young people have a voice!” project.

The cost of the project was estimated at DM 3 million. Bertelsmann’s Management Board rejected the idea of funding the entire project on its own and suggested that additional sponsors be sought. Hence the project’s funding is not yet assured.

“Young people have a voice!” is seen as a long-term project (at least two years). The target group is described as young people aged between 13 and 18. “Young people have a voice!” is intended to be a logical continuation of the “That’s us” project.

Young people are to be encouraged to show more courage and initiative, so that they themselves will take steps to combat xenophobic tendencies and prejudice. The early discussion with young people of social values such as tolerance, democracy and solidarity is seen as essential.

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<sup>20</sup> Cf Anne Frank House, Handbuch Das sind wir Interkulturelle Unterrichtsideen für Klassen 4-6 aller Schularten: Anregungen für den Unterricht [“That’s us” handbook ideas for intercultural teaching for classes 4-6 in all types of school: teaching suggestions], 1st edition 1995, pp 10-11.

<sup>21</sup> According to information provided by Anne Frank House, the following teaching material had been sold by the end of 1996: 11 334 readers, 2800 teachers’ handbooks and 722 videos.

<sup>22</sup> Bertelsmann Report No. 232, p 15.

“Young people have a voice!” is expected to consist of two parts:

- a media box, and a
- competition.

The educational and games package (media box) will contain both traditional media (books, magazines, etc.) and modern media (videos, CD-ROM, etc.). The media box will be used in ordinary schools as well as vocational training centres and facilities used by young people.

In a second phase, a competition is to be organised in collaboration with other sponsors. This competition will be intended to motivate young people to take exemplary, positive action involving a need for courage. The prizes should include group trips abroad.

#### *The projects in Solingen*

On Whit Saturday in 1993, five Turkish women and girls died in an arson attack in Solingen. As a result, Bertelsmann’s Management Board decided to make DM 1 million available to the victims in Solingen. It explained its decision as follows: “We are appalled by the escalation of violence and terror directed at our foreign fellow citizens in Germany and utterly condemn all political radicalisation and the resulting vandalism. We call on the state to take action. We ourselves want to make a gesture of reconciliation and offer a positive contribution to greater tolerance and public spirit.”<sup>23</sup>

The original idea was to use this donation as financial compensation for the Genc family, the family involved in the arson disaster, and to give them a measure of future security. It soon became clear, however, that the medical aid required and the cost of rebuilding the family home, which had been destroyed, were completely covered by insurance policies, health insurance funds, other institutions and smaller donations.

Thus it became possible to consider other projects in Solingen, to promote the co-existence of German and foreign citizens. Bertelsmann’s Management Board offered the sum to North Rhine-Westphalia’s Minister President, to be held in trust. A committee was formed to decide how the donation should be used. It was made up of representatives of the town of Solingen, the state chancellery, the Turkish Consulate General and of Bertelsmann itself. Minister President Rau, the Mayor of Solingen and the Chairman of Bertelsmann’s Management Board formed a supporting organisation and assumed the sponsorship.

The committee’s discussions proved to be problematical. The representative of the Turkish Consulate General was against using the donation for general projects in Solingen - he saw the money as belonging to the Turks, since it was Turks who had been harmed. It took nearly six months until it was finally decided to use the money to promote the integration of foreign citizens after all.

After that, Solingen’s town clerk made concrete proposals which were agreed with the Minister President of North Rhine-Westphalia, Solingen’s advisory council for foreigners, the family concerned and experts in the *Land* ministries, and approved by Bertelsmann. In accordance with these proposals, the money was used as follows:

- DM 250 000 was made available for rehabilitation measures for particularly seriously injured members of the Genc family. This was planned to include a job for the son of the family, who will be affected by the consequences of the arson catastrophe for the rest of his life.
- DM 625 000 went into establishing and maintaining an international meeting place for German and foreign young people in Solingen. A large pre-war house was purchased and renovated for this purpose. The youth centre would be manned by German and foreign social workers and specialists. Bertelsmann AG would fund this facility for five to six years, then the town of Solingen and the *Land* of North Rhine-Westphalia would take over the financing. The youth centre was handed over in summer 1994.
- DM 125 000 was used to fund some small projects, including a school exchange with Turkey, an international music festival for young people in Solingen and sanitation for a young people’s meeting place.

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<sup>23</sup> New service, 2 June 1993

In the second half of 1994 the Solingen projects were completed, in so far as Bertelsmann AG was concerned. A residual amount remained, for which more and more uses are being found. The practical work in which the company was involved was carried out by its PR and personnel departments. The works council welcomed the project, but otherwise had very little to do with it.

#### *Smaller projects*

In the context of Bertelsmann's 'campaign for tolerance' project, a large number of smaller campaigns against xenophobia were implemented in various parts of the company.<sup>24</sup> These campaigns took place outside the company and were not directly intended to improve the working environment. They ranged from supporting and helping to organise events and school exchange programmes to sponsorships and fund-raising, and included the following:

- In 1993 the Bertelsmann school exchange programme took place for the second time. Many young people aged between 15 and 18 whose parents worked for the company were able to spend three to six weeks of their summer holidays as guests of "Bertelsmann families" in other countries. They could choose from the USA, Spain, the UK and France.
- Mark Wössner, Chairman of the Management Board, donated the special jubilee payment he had received, for the purposes of promoting the occupational integration of young foreigners in Gütersloh. The aim of the project was to provide young foreigners with help in vocational training.
- On 12 September 1993, BMG Ariola Miller organised a party for children and families with the slogan "My friend is a foreigner", for residents of refugee homes and Quickborn families.
- MO PO distributed over 500 000 "stop the hatred" buttons in Hamburg, Berlin, Dresden and Leipzig.
- Topac distributed self-adhesive hologram stickers with the appeal "for a society without hatred and violence" at cost-price.
- In March 1993 the subsidiary company "Club" initiated the campaign "Direct help - we help refugees". At a "Club-in", possible ways of helping were discussed, and these were put into effect shortly afterwards. In close collaboration with the town of Rheda-Wiedenbrück, sponsorships were offered, donations of food and clothes were passed on to refugees living there, and collecting boxes were installed.

Most of the smaller campaigns ended in 1993. Bertelsmann has not investigated the results and effects of these campaigns. They were organised and carried out in decentralised fashion.

#### *Conclusions*

1. The Bertelsmann campaign for 'tolerance' was a more or less spontaneous reaction, without deep thought behind it, to xenophobic acts of violence and riots. There was no carefully thought-out policy behind the project, but the intention was probably to initiate measures which would be effective in the long term. For as an international media group, Bertelsmann wants to put into practice a corporate culture based on partnership.
2. The campaign can be assessed positively in the following respects in particular:
  - in the Federal Republic of Germany, it is the exception for the board and management of a major company to initiate a large-scale campaign against xenophobia and racism;
  - some projects especially "That's us" and "Young people have a voice!" - represent remarkable attempts to make a contribution to positive intercultural education;
  - in the early months in particular, employees in various parts of the company displayed a high level of commitment.
3. After the great commitment shown in 1993, the Bertelsmann campaign for tolerance became less important in the company, however. Some projects were continued until the end of 1994 and there

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<sup>24</sup> By September 1993, over 60 campaigns had been recorded as having been carried out in all parts of the company (of minutes of the constituent meeting of the co-ordination committee, 17 September 1993).

are still some smaller decentralised campaigns, such as child-care circles for foreign schoolchildren. However, the subject is no longer treated in the former committed fashion:

- there is a lack of capacity, time and willpower for planning further campaigns;
- the documentation from the Bertelsmann campaign for tolerance has drifted into the company archives;
- the follow-up project “Young people have a voice!” is still at the “development stage”.

4. The following comment was made in the appeal for the “competition for good deeds”: “In the everyday life of the offices and plants there are a number of shortcomings in dealings with foreign colleagues, which need to be remedied,”

However, problems within the company and in the workplace came up for discussion only indirectly throughout the entire project. The works council claims, rather, that there is no discrimination and there are no “disputes worth mentioning” between German and foreign employees.

In the 1993-1994 socio-economic report, the significance of the campaigns is summarised as follows: “In many countries our day-to-day experience shows us that diversity means opportunity, diversity is fun. In order to experience diversity, we need boundless curiosity and a high level of tolerance. This is also expressed in the advertisement ‘We rehearse tolerance every day’, which is intended to make the general public aware of the overall campaign and it has appeared in various publications since the summer. ‘Bertelsmann for tolerance’ - a campaign of many small stages, is a task for every single one of us.”

## CHAPTER 4 SUMMARY

The projects selected and described, although too limited in number, are nevertheless symptomatic and typical of the situation in Germany. They are characterised by the formalised structure of industrial relations in Germany, and also by the biased nature of social relations based on partnerships. In the final analysis, they reflect the pronounced need for harmony in the German industrial-relations system, the need for cooperation and the avoidance of conflict.

In these examples, their ability to provoke debate on an organised basis, to develop a culture of conflict, is therefore limited. The projects are based rather on a strategy of enlightenment and developing awareness, which pursues the fundamental principle of harmony.

Yet the difference between awareness and behaviour is difficult to bridge, given the political difficulties in Germany generated by current social policy and policy on foreigners. If people are increasingly marginalised by official policy, if no effective action is taken against mass unemployment, if new scapegoat strategies are discussed daily in the media, if people's fear and insecurity are stirred up instead of reduced, how can proposals and awareness campaigns to combat exclusion and xenophobia be put into action?

It is true that, to date, there have been only a few cases in which manifest xenophobia has been demonstrated in companies, or has become known to the outside world. But companies are not a "society-free" space, behind whose doors "all's well with the world". As a key area of life in society, work is part and parcel of life, and also reflects it.

Reality within the company is characterised by a social arrangement that has evolved, by "normal" xenophobia and discrimination on the part of both sides, by relatively stable patterns of attitudes and behaviour, by particular forms of treatment, particular perceptions, in other words by generally accepted, everyday forms of discrimination and social inequalities. In this way discrimination becomes a structural element of everyday life in the company, although discrimination does not, as a rule, occur consciously or intentionally.

It is not easy for trade unions and works councils in the context of a policy to combat discrimination; they have to find a balance between international solidarity and competition within the company, between customary standards of behaviour and existential uncertainties. Moreover, their members demand of them both material security and social certainties, and the preservation of the standards attained. They threaten to leave the groups representing their interests if they perceive these certainties to be under threat, for example because of a "foreigner-friendly" trade-union policy, which increases fears that foreigners might affect their prosperity. Like the employers themselves, they tend to prefer "peace in the company", which can be threatened if discrimination is openly addressed.

Employers and management too prefer to be guided by a perception of everyday corporate reality, a reality determined by the maintenance of a functioning business, of corporate peace and avoidance of conflict. Fear that the eruption of conflict might disturb this corporate peace often prevents them from acknowledging the existence of discrimination within their own company. 'Company peace is undoubtedly important, but it alone cannot be the yardstick of social relations between German and non-German employees. The answer to the question of why such peace is by no means always to be found outside the factory gates must also be taken into consideration. Admittedly, if the company's image is put at risk in the eyes of its clients, or outside Germany, there will usually be a rapid reaction, but this reaction is more likely to be directed towards an appropriate "foreign policy" rather than anti-discrimination practice within the company itself. The marketing of the product rests primarily on its image, and depends only to a minor extent on whether equality is actually practised in the day-to-day operation of the company.

To this extent, both trade unions and employers suffer systematically from the restrictions imposed by the interests they represent on their perceptions and their ability to provoke debate. However understandable this may be, it does little to help the proclaimed intention of achieving equality. Thus anti-discrimination policy on the part of trade unions, works councils and management requires more than “correct” opinions, resolutions and statements or selective measures. If it is true that xenophobia also arises from a feeling of loss of “certainties”, these certainties must be debated, by employees, unions and management: a challenging task. For in the course of time, the normality and everyday nature of material and social certainties and standards, many of which were fought for and achieved by the unions (social security systems, job security, remuneration, savings agreements, houses, cars, holidays, etc.), have brought with them relatively firmly rooted ideas that they are “a matter of course” in society. Years of this security have shaped people’s thinking, behaviour and perceptions, and have developed material, social and cultural standards, norms and expectations. To put it very simply, this syndrome - let us call it a “security syndrome” - is obviously in disarray: not only are people worried about their material possessions, they have also become insecure in terms of their behaviour and perceptions. If there is latent xenophobia and fear of what is different, the threatened loss of accustomed security can rapidly be turned against those who are believed to threaten it.

Other attempts have been made to explain the situation. However, this “security syndrome” which has evolved and been silently accepted by society appears to us to represent an important key in explaining discriminatory and xenophobic reactions.

The more acute the conflicts about job security and allocation become, the greater the probability that real conflicts of interests in companies may progress through forms of manifest ethnic discrimination and turn into ethnic conflicts. The debate on company location - which is the responsibility of employers - and the debate about national competitiveness cannot go unmentioned in this context. Nor should the importance be underestimated of keeping an eye on principles of equality when introducing new production, management and organisational concepts (the buzzword being “lean production”). For it is precisely when such concepts are introduced that there is again evidence of the covert arrangement involving structural discrimination “objectively”, as it were, in the shape of skills characteristics, unless “special help” is given, as proposed in the Thyssen example. A practical policy on equality needs to begin by appraising these correlations and their possible consequences, in other words including the production factors involving everyday discrimination that have evolved.

Since works councils and employers must at least “fly the flag” in this situation, they will have to pursue an active policy within and beyond the company, with the aim of identifying everyday discrimination at an early stage, and making it known and open to dispute, in order to reduce feelings of oppression and uncertainty and to change the behaviour and perceptions of all employees. Thus they will need to act in good time, in order to prevent negative effects of each side trying to protect its own interests.

If unions and employers want to prove their worth as forces shaping society, it is precisely in the complex policy area of equality and anti-discrimination that they will have to go beyond their traditional arena of material and social security and ability to compete in the market and recognise areas of political interest outside the workplace, in housing, in cultural work, in education<sup>25</sup>. They will also have to enter into new coalitions, with foreigners’ associations and local initiatives. They will have to seek to cooperate more intensively with foreign trade unions and employers’ federations, and they will have to establish a new media and PR policy. They will have to seize the initiative in linking workers’ rights with human rights. Finally, they will have to be clear about whether they see themselves as a “body representing certain interests” or

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<sup>25</sup> Cf the debate on the DGB’s new basic programme.

a “human rights party”. In the end, their anti-discrimination policy will also decide their own future: should they fall back on the organisation of welfare services, should they refer to their (dwindling) traditional national membership, should they get involved in culturally repressive competition, or should they take up their internationalist tradition in a new way and play an active part in shaping an intercultural society based on solidarity?

To summarise: xenophobia and riots by right-wing extremists are not an industrial accident. They are based on discrimination which is accepted by society and is seen as normal, unobtrusive and a matter of course; this discrimination can then “spill over” and result in manifestly racist actions when individual and collective insecurity reaches a critical mass. What is largely lacking to date is active discussion of the situation in the day-to-day operation of companies. There must be increased discussion, to wage war against “normal” forms of everyday and institutionalised xenophobia and to open up to debate the well-established structures of largely unconscious discrimination which underlie our perceptions, the way we see foreigners and ourselves, the latent xenophobia in the norms, values and patterns of behaviour accepted by society. However, this requires far more than “simply” referring to a correct basis for decisions; it also requires long-term efforts and proper awareness on the part of all those involved as regards the issues.

The examples described show possible ways of starting out on the right path.

## CONTACTS

The information contained in this report is based on the authors' own national and international research work over many years, on contacts with associations, the parties involved and projects and, in this specific context, on conversations with members of the *Büro der Bundesausländerbeauftragten* [Federal office with responsibility for foreigners], and:

*Case study 1:*

Members of the Thyssen Stahl AG works council and shop-floor workers and management; members of the board and the works council of Volkswagen AG.

*Case study 2:*

Members of the works council and the management of Bertelsmann AG and members of the Bertelsmann "Campaign for tolerance" working party.

*Case study 3:*

Members of the BDA and the DGB.

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