

What is a works council?

A works council is a group of elected colleagues who represent and advance employees' interests in discussions with management.

Works council members are entitled and required to advocate for the rights and equal treatment of all employees. This applies regardless of nationality or origin and also holds for temporary workers ("Leiharbeiter").

No matter where you come from or what kind of contract you have: the works council is there for you.

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DGB fair

Your rights when
you work in Germany.

Works council

Your voice in the company

A Fact Sheet from the
Fair Mobility Advisory Network

What does a works council do?

A works council has the legal right to participate in decisions which effect working conditions. This is guaranteed by law in Germany.

Works councils help with:

/ Fair shift schedules

Example: Stefan is employed in the industrial sector. Everyone in his company has to work two Saturdays a month. But Stefan's boss wants him to work every Saturday due to staff shortages. Stefan turns to the works council and the members speak with his boss so that a fair arrangement can be found.

/ Fair pay

Example: Christina is a butcher and works in the cutting department. The relevant trade union has negotiated a collective agreement that includes a higher wage for skilled workers. However, Christina has wrongly been categorised as an unskilled worker. The works council demands that the HR department categorise Christina correctly. She now receives the higher wage.

/ Time off and breaks

Example: Laura has children and would like to take time off during the school holidays. Her boss refuses because too many people have already applied for leave. Laura contacts the works council. After reviewing the holiday schedule, the works discovers that others have taken much more time off during the school holidays than Laura. After a discussion with the HR department, Laura's leave is approved.

/ Workplace safety

Example: Anna's workplace is very hectic. She often has to work with a piece of equipment that has a broken safety device. The works council arranges a safety inspection in the department. The device is repaired.

/ Protection against discrimination and violence

Example: Alex's boss displays unacceptable behaviour. He regularly insults Alex and shouts at him during work. If Alex stands up for himself, the boss "punishes" him with extra work. Alex arranges an appointment with the works council and explains the situation. The works council reports the case to management and the boss is forced to change his behaviour.

/ and with many other issues, such as the recording of working hours, overtime, working time accounts, break times, bonuses for performance...

...the works council even has a say on things such as smoking breaks and canteens. And: the works council must be consulted before any dismissal.

What is the difference between a works council and a trade union?

In Germany, a trade union represents an industry. Anyone working in that industry can become a member, regardless of the company or employer. The trade union supports its members in legal matters and can negotiate wages and working conditions with employers.

Works council members, on the other hand, are only responsible for the company in which they work. They have legally guaranteed rights to help solve internal problems. Any employee can stand as a candidate for the works council; they do not have to be a trade union member.

Trade unions and works councils often work together and share tasks. If you are not sure which trade union is responsible for you, give us a call or send us an email.

Who can get involved?

Any adult employee who has been with a company for at least 6 months may stand as a candidate for the works council. Nationality and origin are irrelevant. Everyone, including temporary workers, may vote.

How does the election work?

The number of works council members to be elected depends on the size of the company. There is an election committee that has to organise the election. All employees must be informed in advance about the deadline for submitting candidacies and when the election will take place. All employees in a company have the right to cast their vote – even during working hours.

Can an employer prevent the election?

No, works councils are protected by law in Germany. Reprisals and penalties against candidates and works council members are prohibited. Furthermore, works council members enjoy special protection against dismissal.

Take part in works council elections – and contribute to better working conditions and greater fairness!

