

Social Observatory Institute (SOI) (Ed.)

Working Paper

Social and labor performance of Bayer, Bosch and ThyssenKrupp in Brazil: Research and process of change. Final report

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of Bayer, Bosch and
ThyssenKrupp in Brazil:
research and process of change***

Final report

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Social Observatory Institute (Ed.)

The SOI (Social Observatory Institute) was created by CUT-Brazil in partnership with three social research organizations: The Inter-Union Department of Statistical and Social Economic Studies (Dieese), The Center for Contemporary Cultural Studies (Cedec) and Unitrabalho. The purpose of the Institute is to study multinational companies located in Brazil, and seek the promotion of basic labor rights and the globalization of rights. Website: www.observatoriosocial.org.br.

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Contents

1	Introduction	7
2	Research and union action	9
3	Company Profiles	13
4	Freedom of association	15
	4.1 Profile of the unions	15
	4.2 Representation at the workplace	18
	4.3 Access to the workplace	19
5	Collective Bargaining	23
6	Salaries and working conditions	27
7	Gender	31
8	Race	33
9	Child labour	35
10	Relations with suppliers	37
11	Summary of the comparison of results	41
12	Impacts of the project	43
	Über die Hans-Hans-Böckler-Stiftung	

List of Charts and Tables

Chart 1:	Brazilian union entities involved in the Project	9
Chart 2:	German entities involved in the Project	10
Chart 3:	Location, activity and number of employees at the company studied – 2003	13
Chart 4:	Majority unions at the companies, union base and affiliation to a center	15
Table 1:	Proportion of workers associated to the majority union – 2003 – %	16
Table 2:	Participation of workers in union activities and fear of reprisals at the companies – 2003 – %	17
Table 3:	Opinion of all employees about discrimination against union activity* %	17
Table 4:	Form of union information * – %	21
Table 5:	Opinion of employees about the role of the union – %	25
Table 6:	Employees by salary range, at the companies and at the respective regions and sectors of activity – %	27
Table 7:	Employees by level of schooling at the companies and respective regions and sector of activities – %	28
Table 8:	Negative opinion of workers about working conditions * – %	28
Table 9:	Health problems during the time of employment indicated by employees – %	29
Table: 10	Workers by gender and company – Nov. 2003	31
Table: 11	Proportion of women employed at the companies and in the respective sectors of activity and region – % – 2002	32
Table 12:	Opinion of women about employment promotion criteria and perception of sexual discrimination – %	32
Table 13:	Distribution of workers and total population in the region by color (%)	33
Table 14:	Opinion about racial discrimination * – %	34

1 Introduction

This document compares the social and labor performance of the Brazilian subsidiaries of the Bayer, Bosch and ThyssenKrupp companies. The studies were conducted by the Social Observatory Institute (SOI) from April 2002 – November 2003, through an agreement with the Hans Böckler Foundation, of DGB (Germany).

The study at the three German companies focused on the following industrial units:

- Bayer S.A.: industrial plant at Belford Roxo and industrial plant and headquarters in São Paulo;
- Robert Bosch Ltda.: industrial plant and headquarters in Campinas (CWA), industrial plant in Curitiba (CTB);
- ThyssenKrupp: industrial plant and headquarters of ThyssenKrupp Elevadores (TKE) in Guaíba, industrial plant of ThyssenKrupp Fundições (TKF) in Barra do Pirai.

The study of these companies is the principal element of the Social Observatory Europe project, which seeks to raise awareness and conduct an exchange of union actors in Brazil, Germany and Holland involving six companies. In addition to the three German companies mentioned above, the project involves the Brazilian affiliates of the Dutch Ahold, Philips and Unilever companies.

The comparison between the companies focused on the labor and salary conditions, the degree of freedom of association and collective bargaining, labor discrimination in terms of gender and race, the use of child labor and finally the relationship with suppliers. The studies also looked at health and safety at work and corporate social responsibility and these themes are briefly discussed in this text.

The studies were conducted by realizing eight workshops, 54 interviews and issuing 1.417 questionnaires to workers. Preliminary versions of the reports were reviewed and commented upon by the companies and by the union entities. The Hans Böckler Foundation accompanied the process through five sessions of its Consultative Council.

The SOI was created by CUT-Brazil in partnership with three social research organizations: The Inter-Union Department of Statistical and Social Economic Studies (Dieese), The Center for Contemporary Cultural Studies (Cedec) and Unitrabalho. The purpose of the Institute is to study multinational companies located in Brazil, and seek the promotion of basic labor rights and the globalization of rights.

The SOI uses International Labor Organization (ILO) Conventions as references in the evaluation of the degree of social responsibility of a company because the conventions embody a broad international social consensus among governments, employers and workers about the minimal norms that should be respected by all nations that are members of that international organization.

The first section of this article situates the reader in the process of construction of the participative research that sought to identify the elements to change the situation at the companies according to the terms negotiated between the companies and unions. The companies studied were then characterized and the themes studied presented in specific sections for each one. The final considerations are presented in a section that compares the results of the study and another section about the impacts of the project in general for both labor relations and conditions as well as for the Social Observatory Institute.

2 Research and union action

The experience of promoting union actions based on research, which will be presented below, was not unique, but was innovative on the Brazilian scene. First, it addressed one of the greatest difficulties that Brazilian unions face today – the lack of information about companies and what takes place within them.

Secondly, these studies involve the unions, workers and company management, to get to know the reality, publicize this knowledge, and in this way, promote changes. One of the intentions of the project was to strengthen union organization by supporting the creation of the National Bosch Workers Committee, the National Network of Bayer Workers and the National Committee of ThyssenKrupp Workers.

The project had indispensable support from DGB Bildungswerk, IG Metall (metalworkers unions), IGBCE (chemical workers union) and the company boards of Bosch, Bayer and ThyssenKrupp. This help was important because it facilitated contact with company headquarters, which in turn communicated to their Brazilian affiliates their support for cooperation with the study.

The process began in the 2001-2002 period when SOI conducted initial studies about German companies in Brazil based on information available on the Internet, in publications and the press. Then, new studies identified the unions that represent the three companies, and with their participation in workshops, identified the problems related to basic labor rights and the environment.

The choice of the companies to be part of the project occurred after consultation with union entities in Brazil and Germany. Practically the entire year of 2002 was marked by mobilization and discussion with the unions in the two countries for the realization of the studies. This involved 14 entities in Brazil and six in Germany. The Social Observatory Institute made contacts with the following unions and confederations:

Chart 1: Brazilian union entities involved in the project

Company	Union entities involved	Union Centers
General	CUT CUT/Multinationals Project Social Observatory Institute	
Bayer	Chemical Workers Union of São Paulo (Sindiquímica/SP)	CUT
	Chemical Workers Union of Belford Roxo (Sindiquímica /RJ)	Independent
	National Confederation of Chemical Workers (CNQ)	CUT
Bosch	Metalworkers Union of Campinas and Region Metalworkers Union of Bahia	CUT
	Metalworkers Union of Curitiba Metalworkers Union of São Paulo	Força Sindical
	National Confederation of Metalworkers (CNM)	CUT
ThyssenKrupp Elevadores ThyssenKrupp Fundições	Metalworkers Union of Porto Alegre (STIMMMEPA)	CUT
	Metalworkers Union of Barra do Pirai/RJ (STIMMMEBP/RJ)	CUT
	National Confederation of Metalworkers (CNM)	CUT

Source: Social Observatory

Chart 2: German entities involved in the project

Company	German entities involved
General	Hans Böckler Foundation Social Observatory Europe Project Europe DGB Bildungswerk
Bayer	IGBCE Company Boards (at different levels)
Bosch	IG Metall Company Boards (at different levels)
ThyssenKrupp	IG Metall Company Boards (at different levels)

Source: Social Observatory

The phase of engaging the actors encouraged contact, dialog and exchange of information between the unions that operate at different units of the same company in Brazil. The main obstacles that had to be overcome included the fact that there were often many unions at each unit, the physical distance between them and their political differences (between different union centers or within the same national union center). In this phase, some union initiatives were stimulated by the international dialog concerning the realization of the study, as a unionist from Bayer declared; "Our union came to be more respected by the company, our relation with other Brazilian unions improved and we conducted joint actions against the abusive increase in the health plan". The SOI gained recognition from the actors in union relations, as an objective and impartial entity, exactly because it listens to all those involved.

It was proposed that the companies in Brazil accompany the studies, provide information and facilitate access to workers. The response from each company depended on decisions from headquarters and strongly reflected the existing relations with the unions. The time required for the contact and response was different at each company, which resulted in different research schedules.

A key factor that allowed the participation of the companies was the confidence in the compliance with the objectives and the initially negotiated agreement.

The participation of the companies allowed access to information about company practices, about management opinions and access to workers at their workplaces. The importance of this last point should be emphasized given that the unions in Brazil have not assured this access.

The two ThyssenKrupp companies that were studied adopted, since the beginning of the process, a posture of openness to dialog, but sent the decision about participation with the study to headquarters. This may have reflected the companies concern with the breadth of the entities that participated in the initiative, as well as their sensitivity to current social and labor themes.

The international action and the visit of the world Human Resources Director of the company and of the president of the company Board of Directors in Brazil were certainly decisive. The meeting that culminated in the accord signed concerning execution of the study included unions, confederations, representatives of the DGB and the company. Since the negotiating phase concerning the study, the union has had greater access and respect during negotiations.

At Bayer, the international restructuring promoted by the company delayed the decision about participation in the study, which depended on authorization from the German headquarters. This decision was taken, with the support of the IGBCE and the company council.

One of the most intensely discussed issues was the publication of the results. It was agreed that the results would first be provided to the parties involved and that their release to the public would be subject to negotiations. This was an important issue because it involved building the confidence between different actors in a country where information is traditionally used for criticisms and confrontation, which is legitimate when

negotiations do not result in social improvements. In this case, the SOI and the unions sought to use the information to improve the collective bargaining process.

The objective of the SOI studies goes beyond gathering information and seeks concrete results. In the case of Bayer, there was an agreement to define an Action Plan that would be used to resolve problems raised by the study and be negotiated with the unions and factory commissions to be executed in a defined period and with broad information. The content of the agreement with the Bayer company was also innovative in that it authorized a research organization linked to the unions to evaluate their social and labor behavior. The company agreed to seek solutions to any problems involving the unions and factory commissions.

Bosch was the most complex case, because the company conditioned its participation in the study to the involvement of all the unions that represent its employees, at all its productive units, and that they be connected to Brazil's different union centers (CUT and the Força Sindical). The company justified its position by saying that it did not want to favor one representation in detriment to another. This condition imposed on the SOI the complex task of constructing a consensus between the different centers. Visits from representatives of the company councils from Europe, the representatives of DGB Bildungswerk and IG Metall, accompanied by the SOI, assisted the process.

In addition, the company later announced the transfer of production lines from one of the factories chosen for the study, provoking another change in the study and the need to build a new consensus. Later, one of the unions removed its support, by fearing that they could suffer reprisals from the company. This problem was partially controlled with the formal commitment from Bosch to not apply sanctions. Another union only agreed to participate after one of its directors took part in the exchange program in Germany, when his Center expressed interest in the study and when the project work plan be adjusted to the elections calendar for union management.

The company agreed to review the SOI study reports and based on the problems raised, prepare a positive agenda for national negotiation. Bosch President Edgar Garbade stated: "The Social Observatory convinced us that it would be important to enter this project with the unions. I think it is important that the work be open and honest. There is potential for improvement on one side and the other and we are disposed to try to resolve the problems. If the two sides want, we can advance".

It is worth noting that during the research period Bosch signed with the FITIM and the company European Committee a global accord about the Bosch Social Responsibility Principles.

This entire process was supported by the union exchange program organized by the SOI and the Social Observatory Europe in 2003 and 2004. In September 2003, Brazilian union leaders from Bosch, ThyssenKrupp and Bayer went to Germany to get to know their German colleagues, create stable relations and improve the quality of the relationship with the companies. The Brazilian unions had the support of the factory commissions, the company councils and the German union and they were able to gain a better understanding of labor relations in Germany. A seminar was held to discuss the activity of German multinationals in Brazil, the role of research and other actions in the globalization of worker rights.

In March 2004, European union directors from six multinationals (the three German companies and the Dutch Akzo Nobel, Philips and Unilever) visited Brazil. In addition to participating in a seminar, they visited the factories and met with the directors of these companies in the country, and won important agreements in most cases. According to the representative of DGB Bildungswerk, Manfred Brinkmann, "We were able to prepare a new form of international solidarity that is not reduced to declarations but advances to the construction of national and international networks.

The third exchange occurred once again in Germany in November 2004. As in the previous cases, there was an exchange of experiences, factory visits, internal debates about the study results and meetings with the companies and a public seminar. This time the Brazilian unionists from Bosch, who had formed a National Union Committee, which had refused the support of the SOI and the Social Observatory Europe, decided to not participate in the exchange.

3 Company profiles

The companies studied are part of large economic groups composed of various subsidiaries that exhibit distinct degrees of autonomy between them. Bayer S.A. is one of the companies of the Bayer Group in Brazil, which also controls Bayer Crop Science Ltda. and Bayer Seeds Ltda. The Bosch group, in addition to Robert Bosch Ltda, controls three other major companies in the country¹. The ThyssenKrupp group has a structure that is apparently the most decentralized of the three in terms of its operations in Brazil and is divided into 18 different companies with no holding company.

Both in the case of Bayer S.A as well as in Robert Bosch Ltda. factory units of each company were studied. At ThyssenKrupp, two industrial units were also used studied, but of two legally independent companies: ThyssenKrupp Elevadores S.A. and ThyssenKrupp Fundições Ltda. In any case, the organizational and productive structures make the factory units different from each other, whether they belong to the same company or not.

The companies studied undertake activities in two distinct sectors of economic activity, with one from the chemical sector and two from the metal and machinery sector.

Chart 3: Location, activity and number of employees at the company studied – 2003

COMPANY	LOCATION	ACTIVITY	EMPLOYEES
BAYER S.A.	São Paulo(headquarters), Belford Roxo, Porto Feliz, Camaçari and Porto Alegre	Production and commercialization of chemical products in general.	1.510
ROBERT BOSCH Ltda	Campinas (Headquarters), Aratu, Curitiba and São Paulo	Manufacturing of automotive equipment, automation systems, electrical tools, domestic appliances, sales and services.	10.200
THYSSENKRUPP ELEVADORES	Guaíba (headquarters)and commercialization units and services throughout Brazil	Elevator Manufacturing, sales and maintenance.	1.800
THYSSENKRUPP FUNDIÇÕES	Barra do Pirai (Headquarters) and Matosinhos	Manufacture of forged products.	1.340

Source: Social Observatory

In addition, Bosch manufactures parts and systems for the automobile industry, while ThyssenKrupp Fundições produces forged parts for the heavy machinery industry and ThyssenKrupp Elevadores operates in the segment of elevator equipment for commercial and residential buildings.

In the case of the two ThyssenKrupp units studied, ThyssenKrupp Fundições (TKF) has a quite traditional Taylorist organization that is hierarchically constituted with a centralization of power. Meanwhile at TKE, which to a large degree produces goods on order, production organization is more flexible with more teamwork and less centralization.

There are also important differences between the Bayer units at Belford Roxo and São Paulo. The first concentrates the production of polyurethanes, while the second, in addition to housing the administrative area, produces articles for the Health Care division.

There are differences and similarities between the units. Four of the units studied also include the administrative activities of the respective companies (Bayer São Paulo, Bosch Campinas and ThyssenKrupp Fundições and ThyssenKrupp Elevadores), which affects the composition of the personnel and the working conditions. It can

¹ Robert Bosch controls the companies BSH Continental Eletrodomésticos Ltda, after a merger with Siemens and which has a factory in Hortolândia; Bosch Rexroth Ltda., which has industrial installations in Pomerode and ZF Sistemas de Direção, which has a factory in Sorocaba.

also be said that only ThyssenKrupp Fundições is not located in one of Brazil's important industrial regions. All of the others are located in metropolitan regions.

In one way or another the three companies were undergoing restructuring processes in Brazil of differing degrees. For example, the restructuring that Bayer was (and still is) undergoing practically changed its identity in relation to its type of business. In reality, it is no longer predominantly in the chemical sector and has transformed itself into four different companies in different sectors. The group is now represented by the Bayer AG holding company, which manages the companies (subgroups) that are becoming legally independent and which operate in four business areas. They are: Bayer CropScience AG, the result of the combination of Bayer's plant protection business with that of Aventis CropScience, and which has been independent since October 2002; Bayer Health Care AG and Bayer Chemicals AG, the later two have been independent since September 2003; and Bayer Polymers.

Meanwhile, ThyssenKrupp Elevadores was a company of Brazilian capital that was purchased by the ThyssenKrupp Group in the year 2000. At the time of the study sharp changes in the organizational and productive structure have not been implemented. Thus, the situation found at the time of the study still essentially reflects the practices originated in the earlier period. In the 1990's, the company passed through a technical and organizational modernization process, with the adoption of total quality management techniques and those for increased productivity inspired by the so-called "Japanese model" (including just-in-time, a 5S program, kamban etc.).

ThyssenKrupp Fundições was the only company studied not undergoing a restructuring process at the time of the study.

At Bosch, an internal restructuring has been underway since 2001, through the adoption of a structure divided into business units and corporate areas, linking them directly to the corresponding world units, even if still hierarchically subordinated to the management of Robert Bosch América Latina. The process was not caused by technological change or innovation, but was due to strategic global factors. In Brazil, the restructuring most expressively affected the Campinas unit, and gave greater autonomy to the factory units in relation to the company headquarters in Brazil. At first there was a reduction of work posts in practically all the factories, but the initial level of jobs had been restored at the end of 2003.

4 Freedom of association

To deal with the freedom of workers at these companies to organize in unions, a profile will be presented of the unions that now represent them, and then we will look at the issues particularly important to the Brazilian reality, related to union organization and activity at the workplaces.

4.1. Profile of the unions

Following a characteristic of the Brazilian union structure, the workers at the companies studied are mostly represented by local unions with an intermunicipal base.² Nevertheless, there is a number of differences between them, both in size (the number of workers in the territorial base) as well as their political orientation (determined by the union center to which they are affiliated). In addition, the companies studied have quite different strategic importance for the union entities.

In the case of the Bayer São Paulo unit, for example, the Chemical workers Union of São Paulo, which represents its employees, has more than 2.000 companies in its territorial base, with approximately 55 thousand workers, of which 12 thousand are union members. The employees at Bayer are a small fraction of this contingent. Meanwhile, Chemical Workers Unions which represents the employees at the Bayer unit at Belford Roxo, has five companies within its base, and approximately 850 workers, 450 of whom are unionized (53 %). In this case, the Bayer employees are nearly half of the union base.

The same difference is found in case of the two ThyssenKrupp companies. The union that represents the employees at the TKE Guaíba unit³ has a territorial base composed of eight municipalities from the Porto Alegre⁴ metropolitan region, where there are thousands of metallurgical companies of varying sizes and approximately 25,000 metallurgical workers. In the case of the TKF Barra do Piraí unit, although its territorial base is intermunicipal, there are only 70 companies in the sector, with TKF the only large company.

The two unions that represent workers at the Bosch Curitiba and Campinas units studied have less similarities in terms of the size of their union base and the importance of the group of employees in this company to the union. There is, however, an important difference of a political nature, since they are affiliated to different union centers.

Chart 4: Majority unions at the companies, union base and affiliation to a center

COMPANY/UNIT	MAJORITY UNION	WORKERS IN THE BASE	REPRESENTED AT THE UNIT	AFFILIATED CENTER
BAYER Belford Roxo	Chemical Workers Union of Belford Roxo	850	404	Independent
BAYER São Paulo	Chemical workers of São Paulo	55.000	739	CUT
BOSCH Campinas	Metalworkers Union of Campinas	42.000	4,015	CUT
BOSCH Curitiba	Metalworkers Union of Curitiba	12.000	3,288	Força Sindical
TKE Guaíba	Metalworkers Union of Porto Alegre	25.000	570	CUT
TKF Barra do Piraí	Metalworkers Union of Barra do Piraí	2.500	1,341	CUT

SOURCE: Unions. PREPARATION: INSTITUTO OBSERVATORIO SOCIAL, 2003

- 2 There is also a significant number of unions considered to be "minority" that represent professional categories such as engineers, secretaries, administrators, mid-level technicians and others.
- 3 The fact that TKE is a company that provides elevator maintenance and installation services throughout Brazil means that its employees are represented by approximately 30 metalworkers unions throughout the country, at the territorial bases where the company has business units, and there is no single union entity that represents them.
- 4 Gravataí, Guaíba, Cachoeirinha, Alvorada, Viamão, Glorinha and Eldorado do Sul, in addition to Porto Alegre.

These differences between the units cause, but not automatically, a greater or lesser union presence within the factories, and in the way that the union leaders position themselves before the companies, in terms of collective bargaining and the mobilization of workers.

This is clear, for example in the case of Bayer, where its São Paulo unit is one of thousands of companies in the extensive union base. To operate in this region, the union has 43 directors, of whom 22 are freed to work in union activities. But, at the Bayer unit in São Paulo, there are only two union directors in the base and neither of them is given leave to conduct union work. On the other hand, the Chemical Workers Union in Belford Roxo has 24 directors, with 13 employees from Bayer. Among these, there are 4 directors who are given leave to conduct union activities⁵ and the other 9 work at the company.

In Porto Alegre, the local Metalworkers union has 24 directors with job protection who are released to act in the region where it is estimated that there are 23 – 25 thousand metalworkers, of whom 12 thousand are union members. Specifically at the TKE Guaíba unit, three workers have union mandates, while two of them remain working and another has been released for union activities. At the TKF Barra do Pirai plant there is a larger presence of the union directors at the workplace, with 7 members of the union board employed at that company (of a total of 16 directors). Three of these are released for work at the union and the other four work at the company full-time.⁶

The Metalworkers Union at Campinas has 40 directors, of whom 17 are released for union work. At Bosch, there are seven union directors who are still working, with a constant presence at the workplaces. At the Curitiba plant, the local union has 10 union directors that are Bosch employees, of whom only one is released for union work.

Concerning unionization, the sample study found the following data:

Table 1 – Proportion of workers associated to the majority union – 2003 –%

Association to the majority union	TKE	TKF	BAYER BELFORD ROXO	BAYER SÃO PAULO	BOSCH CAMPINAS	BOSCH CURITIBA
Yes	26	29	58	16	59	87
No	73	71	42	84	39	13
No info.	1	0	0	0	1	0
TOTAL	100	100	100	100	99	100

SOURCE: Social Observatory Institute, 2003.

The numbers presented above were confirmed with those obtained directly from the respective unions.

Some factors can explain the difference in the rates of unionization among the Bayer units. The administrative workers are concentrated in São Paulo. Most are in the base of the “minority” unions where there is traditionally more resistance to unionization than among operational workers, which are the majority at Bayer in Belford Roxo. Another factor is the large number of companies that the union represents in each location. At Belford Roxo, Bayer is the most important company at the union base, which is not the case in São Paulo, where there are two thousand companies in the union base.

At the two factories in the ThyssenKrupp group, the rate of unionization is similar. It should also be noted that there is a large proportion of employees in the administrative, engineering and research and development areas at TKE. The sample study found low levels of unionization among these groups of workers. The unionization of women at TKF is limited to one case (there are only 23 women employees) and 3 % of the male employees are associated to other unions.

5 One of the four was released on a judge's order after the union filed a complaint.

6 With the right to take three days per month for union activities, as long as the company is notified in advance.

In the case of Bosch, the Metalworkers Union of Campinas has 22.500 unionized members, or 53 % of all the workers in its area of representation. Thus, the rate of unionization at Bosch, identified by the sample research of 59 % will be higher than the average rate in the region. Nevertheless, the union indicated that, of the 4.015 employees at the BOSCH unit, 2.001 were unionized, or 49 %. This difference can be explained by the margin of error of the sample and since it included membership in unions other than the metalworkers.

The rate of unionization is accompanied by the degree of participation in union activities. At Bayer Belford Roxo, both the rate of unionization (to the majority union) and the declared participation in union activities are higher than in the São Paulo plant. While 32 % of the workers at Belford Roxo go to union assemblies or meetings with some frequency, in São Paulo this proportion drops to only 5 %.

Table 2 – Participation of workers in union activities and fear of reprisals at the companies – 2003 – %

	TKE	TKF	BAYER-RJ	BAYER-SP	BOSCH-CWA	BOSCH-CTB
Participates “always” or “at times” (1)	20	33	32	5	42	65
Do not participate for fear of reprisals from the company.	3	8	0	3	16	8

(1) Allowed the responses „rarely” or „never”

Allowed the responses „uninterested”, „lack of time”, „do not agree with the union positions” and “other reasons”

Source: SOCIAL OBSERVATORY INSTITUTE, 2003.

Nevertheless, non-participation in union activities, motivated by “fear of reprisal from the company” is not apparently related to the rate of unionization or to participation itself in union activities. This response reflects a more anti-union posture of Bosch and TKF factory floor managerial ranks in comparison with Bayer and TKE.

Another way of gauging the opinion of the employees at the studied units about the discrimination against union activity was to ask about the criteria that they believed management uses for job promotion, presenting a series of alternatives including non-involvement with union activities. It was noted that this response was most common in Campinas, where it was 13 %, but in the majority of the cases it was low (3 – 5 %).

Another question asked employees if they felt discriminated at their companies and provided various reasons for discrimination including participation in union activity. The percentages of response in this case were even lower, not going beyond 5% at any plant. Once again Bosch stood out, although in this case Bayer-Belford Roxo also had high scores.

Table 3: Opinion of all employees about discrimination against union activity* %

OPINION	TKE	TKF	BAYER BELFORD ROXO	BAYER SÃO PAULO	BOSCH CAMPINAS	BOSCH CURITIBA
Non-participation in union activities is a criteria for promotion	3	5	10	3	13	8
Feels prejudiced or discriminated at the company for union participation.	0	1	5	1	2	2

Note: allowed multiple responses

SOURCE: SOCIAL OBSERVATORY INSTITUTE, 2003.

A hypothesis that would explain the high percentage of responses indicating problems in union relations at Bosch Campinas is the fact that the relationship between the Metalworkers Union of Campinas and the company is historically one of conflict and tension. In the past, the company was seen quite negatively in this regard, and was accused of discrimination against unionized workers or of inhibiting their unionization. Although this situation has changed in recent years, the history of sharp conflict has left a lack of trust on both sides, especially for the union, which is reflected in the workers opinions.

In the opinion of the union directors in Curitiba, Bosch does not discriminate against workers for being union members. Nevertheless, they identified some problems in the company's relationship with the union: some managers, bosses and other company representatives instruct their employees to not contribute financially to the union; there are cases of layoffs of members of the Internal Accident Prevention Commission and union directors (despite the fact that the law guarantees employment stability); they lack information needed for collective bargaining, and there is not enough freedom for the union leaders to perform their functions.

Despite this, the relationship between the Metalworkers Union of Curitiba and the Bosch Company is based on negotiation and the search for solutions to conflicts. The sample study also did not find the same fear about any reprisal from the company among workers in Campinas.

4.2 Representation at the workplace

Unlike Germany, where there are legal norms that establish attributions and responsibilities for representation of workers at a company, such as those of Works Councils, in Brazil there is no legislation about this theme. Brazilian law does not require or prohibit the constitution of these entities and there are various experiences with the formation of „Factory Commissions“ (Workers Councils) in Brazilian companies. Normally, these Commissions are created in negotiations between companies and unions, with their by-laws defined in common accord. But it is possible for a Works Council to be created without the intervention of a union, which is legally recognized as the representative organ of workers. Of the companies studied, only Bayer had Works Councils.

At Bosch, the Campinas union has for years requested the formation of a Workers Council with its own by-laws, elections and stability for its members, but the company has not accepted this request. At TKE, in November 2002, the Metalworkers Union sent company management a letter requesting a meeting to discuss the freedom of the directors to conduct union activities and the creation of a commission of workers representatives at the workplace, among other issues. The union members were considering the creation of an organization similar to a Workers Council. During this study, the issue did not develop any farther.

The situation found at TKF reveals the development of a general culture that reinforces paternalistic attitudes, offers little space for participation, and is dependent on the State, the company and the union. At the same time, this aspect cannot be seen as an impediment to union activity with the workers in the base. In reality, the union has an important presence at the plant, which, in part, explains the fact that there has been no proposal to create a Workers Council. This is a situation where the union appears to have legitimacy with the workers and the ability to negotiate with the company. As a result, that proposal would add no new element in the relationship between the company and the union.

Thus, with the exception of Bayer, the presence of a union at the workplace, at the companies studied, takes place through union directors who are not released for their union work, and at times by union delegates. The organization of workers in entities that represent their interests before the company is limited to the Internal Accident Prevention Commissions in which 50 % of the members are elected by the employees. Nevertheless, this participation is restricted to issues linked to labor health and safety.

The creation of the Workers Council at the two Bayer units took place in 1991, in compliance with the Collective Company Agreement of 1990, which had a specific clause about the issue. In 1991, the company convoked the workers for approval of by-laws prepared by a Task Group representative of workers and the company. At Bayer São Paulo, the Workers Council was created in 1992, that is, one year later, with its own by-laws, which were very similar to those of the works council of Belford Roxo.

Some aspects of the by-laws of the Workers Council make difficult their approximation with the unions.⁷ First, the by-laws prohibit election to the Council workers who are or had been union directors. The by-laws also prohibited the Workers Council from acting in conjunction with a union or with the Internal Accident Prevention Commission, except as observer, consultant or assistant. In addition, the number of members of the Commission was reduced over time, to accompany the drop in the number of employees at the unit. While at the time of its creation the Commission at Belford Roxo, for example, had 20 members, at the time of the study, there were only 3 members (4 in São Paulo). The small size impeded the Commission's ability to organize. For example: all of the members of the Workers Council at Belford Roxo worked in uninterrupted shifts and did not leave their work posts to exercise coordination of the Commission full time, because this would cause an additional salary loss of 40 %; thus the Workers Council was left without a coordinator.

Proof that the Workers Council and the union have not had joint activity was the fact that the Council collected letters from employees canceling the discount of the union dues. This practice limited even more any chance of joint activity between the two entities.

4.3 Access to the workplace

This topic involves the right of the union directors to have access to the workplace to exercise their representational duties and communicate directly with workers. As mentioned earlier, in all the companies studied there are union leaders who keep working, and therefore have direct contact with their colleagues. In most cases, there are union leaders released for union activities. We will now analyze the conditions for exercising union activities, as well as the opportunity for the unions to communicate with workers via printed materials or other tools.

At Bayer, the union leaders declared that the company impeded their circulation within the factory. At the Belford Roxo plant, they could only enter the plant with previous permission. But recently they received a special identification card, and only need to inform a guard at the front gate where they are going, and thus do not need to announce their visit in advance. Nevertheless, within the plant, there are still some locations to which no union director have access, not even those who work within the factory.

The union representatives who are not released, and who therefore are working directly at the factory, said that it is common for the company to try to isolate the union members from the other workers, impeding contact between them or discouraging union activity.

At TKE, the two union members who work at the factory said they had access to their work colleagues during the lunch break and at the beginning and end of the work shift. At times, to make contact, they could use free time during the shift and that do not conflict with their work activities and with authorization from their immediate bosses. They could also request from company management – particularly the Human Resources Division – to be released from work, without loss of pay, for the time needed to conduct a specific union activity inside the factory.

As a rule, at TKE, release for activities conducted outside factory limits is made with loss of pay. This is due to the fact that Brazilian legislation guarantees the right for those who have a union mandate to use the time necessary to conduct their activities, without, however, guaranteed remuneration. The Collective Sector Agreement restricts the release of union directors, without pay, but maintains the weekly paid break and holidays, by request of the entity up to a maximum of 30 days per year.

At TKF, to undertake the activities of representation at the workplace (time and access), the union directors depend on ad-hoc authorizations. The union director, to have access and direct contact with workers, needs permission from management, even if he works at the location.

At Bosch Campinas, the union directors who are company employees are free to talk to workers within the plant and have access to all the work sites without previous authorization.

⁷ Based on a discussion of the preliminary results of the study, company and unions discussed the issue and decided to revise some points of the Workers Council by-laws.

At Bosch Curitiba, there is a problem in relation to the union activity within the factory. The company guarantees free access to all the company locations to the union directors who are its employees, but has punished directors with warnings and suspensions due to their union activity.

At Bayer, the distribution of newspapers and pamphlets can only be made at the factory gate or they can be placed on bulletin boards in determined locations. Distribution is prohibited in other places, including dressing rooms. This is important because the workers are informed about the union activities, principally through these means and very little by direct contact with directors, according to the results of the sample study.

The common form of communication of the workers union with TKE employees is by means of a sound truck, which is parked in front of the factory entrance before the work shift or during the lunch break. This takes place principally during the annual salary campaigns or at times in which the union pretends to mobilize workers to participate in assemblies or other events.

The sample study indicates that the Metalworkers Union is able to reach a high percentage of TKE employees with its printed material in both the industrial and administrative fields.

On the other hand, conversations with union directors were identified as a form of information and communication about union activities by only 23 % of those interviewed, and by practically none of the women at the Headquarters Unit. In the industrial area the proportion reached was higher, which may be explained by the proximity of the two union directors who work in this sector.

It should be highlighted that 52 % of those interviewed said they receive information about the union by means of conversations with fellow workers. This shows that there is no restriction to the flow of union information that limits this theme from interpersonal relationships among workers.

Thus, although conditions to exercise union activity at the Guaíba plant are not assured by means of a normative instrument, they existed and were not impeded by company directors or managers. The communication and information activities were less frequent in the administrative area than in the industrial area of the Guaíba Unit.

At TKF, the most common form of communication of the union entity with the workers were by means of printed material – newspapers, bulletins and pamphlets – distributed in front of the factory by union directors or placed on a bulletin board inside the factory. At times, a sound truck was also used, parked in front of the company gate before the work shift or during the lunch break. Even so, the company needed to be notified because the factory was located far from the city and the company owns all the land around the factory. This, in a certain form, impedes free access to workers, because the company can claim that the sound truck is on private property. The sound truck was used mainly during the salary campaigns, or at times in which the entity intends to mobilize workers to participate in assemblies or other union events.

Concerning the theme of Union Freedom, the sample study, and mainly the contacts with TKF workers, allow affirming that in general participation in union activities is not frequent among the workers. In their opinion the principal form of access to union information is from printed material and relatively few responded that participation in union activities is a form of receiving information.

Table 4: Form of union information * – %

Form of information about the union activities	TKE	TKF	BAYER BELFORD ROXO	BAYER SÃO PAULO	BOSCH CAMPINAS	BOSCH CURI-TIBA
Participating in union assemblies or meetings	6	2	19	6	15	27
Reading bulletins, pamphlets or union newspapers	90	87	98	80	91	92
Speaking with union directors	23	10	16	11	25	29
Speaking with work colleagues	52	19	22	37	34	40
Speaking with bosses or managers	3	0	11	4	9	5
Through the media (TV, radio, etc.)	21	2	6	28	22	6
I am not informed	2	2	2	6	2	4

Note: allowed multiple responses

SOURCE: SOCIAL OBSERVATORY Institute, 2003.

5 Collective Bargaining

In Brazil, labor norms are established by the Consolidated Labor Laws (CLT) and by various decisions of the Labor Courts. As a complement, worker unions negotiate with employers organizations the collective conventions that are valid for a sector and territorial base, or directly with companies, entering into accords that are valid for each company, also within the union's territorial base.

For Bayer São Paulo, the negotiations are conducted between the Chemical Workers Union of São Paulo, the Federation of Industries of São Paulo state (FIESP, a business association) and the Company Union to which this affiliate belongs. The Collective Sector Agreement takes force Nov. 1 and includes 2 thousand companies in the chemical sector, represented by this union.

Meanwhile, at the Belford Roxo plant, specific norms are negotiated directly between the Chemical Workers Union and Bayer, which are consolidated in the Collective Company Agreement. The negotiations take place in August, and the accord takes force on September 1.

The two normative instruments have differences and similarities. The fact is that at Bayer the work rules are not the same for all of its productive units and there are no negotiations that join them. The documents have distinct characteristics: the Collective Sector Agreement (CSA) for the São Paulo Chemical Workers, because of its nature as a collective convention, is broader and less specific than the Collective Company Agreement at Belford Roxo.

It is worth emphasizing that some clauses that appear in the CSA for São Paulo, for example those about Legal Termination and Equal Salary for Equal Work, reveal advances in the struggle for anti-discriminatory attitudes, principally in relation to work for women. Nevertheless, there is no clause in the document calling for the elimination of race and color discrimination.

In the interviews, workers said that the Bayer company had a rigid position in relation to the unions and union members, both in terms of making documents available for collective bargaining or in providing access of union directors to company grounds.

In the case of TKE, the company does not normally negotiate specific collective accords with unions. As determined by law, the employees at the Guaíba plant (TKE) are under the CSA signed between the Metalworkers Union of Porto Alegre and three employers organizations.⁸ This CSA is the same for all the companies in the metallurgical sector in the seven municipalities in the region encompassed by the union (except for the municipality of Gravata).

The convention does not stimulate direct negotiations between companies and the union, to establish specific working conditions. One of them is the option to adopt a special regime for compensating hours worked, the so-called "Time Bank" which can be enforced as long as the workers approve the plan in a secret vote, accompanied by a union representative. In the case of implantation of new technologies and automation processes that cause a change in responsibilities and functions, the text of the CSA maintains that the union must be informed by company, with the qualification: "when it is foreknown". In addition, the company should "make an effort" to implement the profit or incoming sharing, "even" by means of a CCA, but not always. That is, in none of these cases is there an obligation to negotiate with the union or with representatives elected by workers with assistance from the union.

With sectoralized negotiations, specific information about the companies has less importance for the negotiation, in which general data about the sector is needed. The Metalworkers Union has little systematized information about TKE, only the legally required documents, such as approved contract recisions, the list of associated workers and the registrations of financial contributions.

If the corporate strategy is centralized negotiations at a sectoral level, apparently the Metalworkers union also does not seek to establish specific negotiations with TKE in order to reach a CCA. As an exception, in

⁸ The Union of Metallurgical, Machinery and Electrical Material Industries of Rio Grande do Sul State (SINMETAL), the National Union of the Machinery Industry (SINDIMAQ), and the National Union of the Automotive Parts Industry (SINDIPEÇAS)

2002, the union sent a list of demands to the company, requesting negotiations about representation at the workplace.

Thus, although direct negotiations between TKE and the union were poorly developed, this situation is not in contradiction with the generally accepted practice in the country and is part of the local culture of collective bargaining. On the other hand, both company executives as well as union directors said that there is room for direct understanding about specific issues that are of mutual interest.

There is also a process similar to collective bargaining for the definition of the Profit Sharing Program (PSP) that is discussed among representatives of company management and representatives elected by employees at the Guaíba unit. According to those interviewed, the process of consultation and understanding was quite consensual and the conditions for the exercise of this activity of representation are adequate. The rules for the PSP and the data needed for monitoring were available to employees on bulletin boards and in periodic brochures. There was no guaranteed participation of the union representative in the commission, contrary to what is required by law, and only took place because a union leader questioned the electoral process.⁹

By means of the PSP, all of the workers at the company, including the union members, come to have a set of information about the financial and operational performance of the company, which could be used for collective bargaining.

Other important issues that escape collective bargaining are the salary structure at the company and the training policy. There is also no specific norm negotiated that guides overtime work. Neither the union nor the company display interest in implanting an Time Bank.

In the case of TKF, the company directly negotiated a collective labor accord with the Metalworkers Union at Barra do Pirai. The relationship between the parties has been built in a process of mutual learning and has improved significantly in recent years. In interviews, the union representatives commented that previously there was confrontation and greater hostility on both parts. They then realized that there was fertile ground for the creation of incentives that improve the general conditions for worker participation at the company.

In the case of the PSP, all of the objectives are established for each department, by a commission formed by employees, which always has a union representative. Departmental and global goals are set, which, once reached, result in an annual bonus of one minimum salary (R\$ 240,00 or U\$ 80.00). There is a system of shared information, the union accompanies the evolution of the goals and is involved in periodic discussion about the process.

Even so, one of the main difficulties emphasized by the union directors, in relation to negotiations with the company, refers to the fact that TKF does not supply information about its economic-financial performance. Without access to the financial results of the company, the entire negotiating process is hampered, including the negotiation of PSP.

In Campinas, since 1999, the Metalworkers Union has not signed a Collective Labor Convention for the category with the employers organization (Sindipeças). For this reason, in that year, the Regional Labor Court reviewed the accord and renewed all the existing social clauses, and conceded a 16.5 % pay raise to cover inflation. Nevertheless, in July 2003, the workers union reached a specific agreement with Bosch that defined the value of the PSP at R\$ 1.400,00 (U\$ 466.66), to be paid in two parcels.

Thus the company recognized the union as the legitimate representative of the workers, sought to negotiate with the union directors and supplied the information requested by the union for the negotiating process. The unionists said that the company complies with the agreements.

The negotiations did not include non-financial benefits received by employees and the company job and salary plan defined without union participation.

⁹ In this respect, the company said that there is "always" participation of representatives of the Metalworkers Union because they were democratically elected by the employees.

In Curitiba, the union that represents Bosch workers negotiates a CSA with the employers organization. The agreement of December 1, 2003 established a real salary increase, a bonus of 20 % of the salary, a base monthly wage of R\$ 530,20 (for companies with more than 350 employees/US\$ 176.73).

There is also an CCA negotiated directly with Bosch, signed in a conciliation hearing at the Labor Court, as a result of a strike, that established salary increases, complementary profit-sharing, a work shift of 42 hours per week, and other items. At this unit the PSP is based on negotiated goals for production, absenteeism, quality and other factors.

Collective bargaining, in the opinion of workers at these companies, is the function attributed to the unions cited with most frequency. The proportion is highest at Bosch Curitiba and Bayer Belford Roxo, where there are direct negotiations between the unions and companies. Contrary to the rule, at TKF, the rate is lower. On the other hand, at Bosch Campinas, where the negotiation did not result in a collective accord, the rate is one of the highest.

Table 5: Opinion of employees about the role of the union – %

Union Roles	TKE	TKF	BAYER RJ	BAYER SP	BOSCH CWA	BOSCH CTB
Guide the worker struggle	58	51	52	50	73	69
Provide medical and dental services	16	28	11	15	4	6
Provide legal assistance services	41	22	53	43	43	27
Offer professional training courses	35	38	24	42	11	40
Conduct salary negotiations	66	61	89	69	79	83
Resolve problems with management and the company	29	31	34	16	26	22
Other function	5	2	0	1	8	6

SOURCE: SOCIAL OBSERVATORY INSTITUTE, 2003.

The table also shows the great importance given to the political role of the unions, and relatively little interference in the issues that emerge in the day-to-day relations with management.

6 Salaries and working conditions

In general terms, the companies researched have a salary profile that is substantially higher than those that prevail in the sector of activities and regions where they are located. Although the data used for comparison refer to different moments in time¹⁰, it is possible to perceive that only at TKF are the employees more concentrated in the lower salary ranges, in comparison with the plant region and the sector. At the other companies, especially at those in which the unit also includes administrative activities, the proportion of employees in the higher salary ranges is much higher than that in the corresponding region and sector (TKE, Bayer-SP, Bosch CWA). It can be noted that the two Bayer units are those with the highest salary profile among the companies studied.

Table 6: Employees by salary range, at the companies and at the respective regions and sectors of activity – %

Salary Range *	TKE	Ind. Metal POA	TKF	Ind. Metal Barra	BAY-ER-RJ	Ind Quim RJ	BAY-ER-SP	Ind. Quim. SP	BOSCH-CWA	Ind. Met. Campinas	BOSCH-CTB	Ind. Met. Curitiba
<= R\$400	0	14	17	9	0	24	0	5	0	12	1	19
R\$401 – R\$600	2	26	45	36	0	16	1	29	1	28	19	37
R\$601 – R\$1000	54	29	27	36	5	15	9	25	27	28	41	25
R\$1001 – R\$1400	14	16	6	9	31	8	21	12	38	14	13	8
R\$1401 – R\$2000	10	9	3	4	37	8	19	9	7	9	12	5
R\$2001 – R\$4000	14	5	2	4	23	15	37	13	17	7	10	4
>=R\$4001	5	2	0	1	5	13	14	8	8	2	4	1
TOTAL	99	100	100	100	101	100	101	100	98	100	100	100

* At the time of the studies at TKE and TKF the minimum wage was R\$ 200,00 and was R\$240,00 at the time of the other studies.

SOURCE: RAIS/CAGED. 2002; PREPARATION: Social OBSERVATORY INSTITUTE.

This salary range and the difference found in relation to the sector and region of location is related to the employees' relatively higher level of education than that found in the respective industries, as is seen in the chart below. A high school degree seems to be a requirement of most of the companies, with some exceptions. Workers with less than elementary schooling are only found at a higher rate at TKF. Once again Bayer had the highest degree of schooling along with the Bosch Campinas unit and TKF.

¹⁰ The sectoral salary data refer to December 2002, those for TK Elevadores and TK Fundições to January 2003, for Bayer to April 2003 and for Bosch to August 2003.

Table 7: Employees by level of schooling at the companies and respective regions and sector of activities – %

Schooling	TKE	Ind. Metal POA	TKF	Ind. Metal Barra	BAY-ER-RJ	Ind Quim RJ	BAY-ER-SP	Ind. Quim. SP	BOSCH-CWA	Ind. Met. Campinas	BOSCH-CTB	Ind. Met. Curiti-ba
Literate	0	1	0	0	0	0	1	1	0	1	0	1
Elementary Inc.	3	35	36	44	2	17	1	24	3	25	2	28
Elementary Comp	10	24	19	18	5	20	2	18	7	28	4	27
HS Inc.	6	11	10	11	5	7	1	10	6	11	6	13
HS Comp.	48	21	28	20	49	29	37	28	48	27	62	26
College Inc.	17	4	3	2	21	6	12	6	13	3	11	3
College Comp.	16	4	5	4	18	20	45	13	22	5	13	3
TOTAL	100	100	101	100	100	100	99	100	93	100	94	100

Notes: Inc. = Incomplete Comp = Complete HS = High School

SOURCE: RAIS/CAGED. 2002; PREPARATION: Social OBSERVATORY INSTITUTE.

Concerning the work shifts, the legally established shift of 44 hours predominates, but overtime is common. According to the sample study, in the month immediately preceding the study, the percentage of employees who worked overtime hours was at least 49 % at TKE, up to 64 % at TKF and at Bosch Curitiba, it oscillated around 55 %.

The workers interviewed evaluated their working conditions concerning temperature, noise, air quality, organization of the workspace, cleanliness and comfort. TKF stood out with the worst evaluation, particularly for temperature, noise, air quality and comfort. Bosch had the worst evaluations for noise and air quality, as well as TKF but to a lesser degree.

Table 8: egative opinion of workers about working conditions * – %

FACTORS	TKE	TKF	BAYER-RJ	BAYER-SP	BOSCH-CWA	BOSCH-CTB
Temperature	4	33	6	1	9	10
Lighting	1	13	3	1	6	2
Noise	12	56	21	5	27	27
Air Quality	10	63	16	2	19	24
Order/Organization	4	10	5	18	5	7
Cleanliness	1	5	2	3	2	4
Comfort	2	39	8	2	10	13
AVERAGE	5	31	9	5	11	12

* Total of responses "bad" and "very bad"

SOURCE: Social OBSERVATORY INSTITUTE.

The health problems those interviewed said they suffered during the time that they worked at their company were led by depression, stress, repetitive stress injuries (RSI) and back problems. The data suggest that the organizational factors at work (work pace) play a more important role than environmental factors (noise, for example).

Table 9: Health problems during the time of employment indicated by employees – %

HEALTH PROBLEMS	TKE	TKF	BAYER-RJ	BAYER-SP	BOSCH-CWA	BOSCH-CTB
Back problems	19	13	17	17	21	16
Deafness	3	12	10	4	5	3
Skin diseases	8	5	4	1	10	17
Respiratory diseases	4	3	10	3	6	8
Repetitive Stress Injuries	13	7	6	9	15	14
Blood diseases	1	3	5	0	2	1
Depression or stress	22	11	15	25	23	31
Other	4	7	12	1	5	5
Do not present a health problem	51	54	42	57	44	41

SOURCE: Social OBSERVATORY INSTITUTE, 2003.

Concerning the company health programs, there are in general structured health services offered by professionals with specializations in labor health (doctors, nurses, etc.). But, in some cases, the high rate of certain diseases, such as RSI in particular, have been criticized by the unions. The lack of a consensus about how to handle these cases is evident.

The companies present indicators related to work accidents revealing a decline. The most critical situation is apparently found at TKF where serious accidents have led to criticisms from the unions and even intervention from government authorities. The instruments for participation of employees in accident prevention, through Internal Accident Prevention Commissions, received positive evaluations at all of the companies studied, particularly Bayer and TKE. Once again, TKF was the company with the lowest evaluations.

7 Gender

The composition of the employees at the companies studied differ by gender with distinctions among those in the metallurgical and chemical sector. The size of the administrative and productive areas at each unit were also important factors in determining the distribution of work by gender.

Table 10: Workers by gender and company– Nov. 2003

UNITS	NUMBER OF EMPLOYEES	SEX			
		Male		Female	
		Number	%	Number	%
BAYER	1.143	811	71	332	29
Belford Roxo	404	378	94	26	6
São Paulo	739	433	59	306	41
THYSSENKRUPP ELEVADORES	1.805	1.619	90	186	10
Guaíba	570	495	87	75	13
THYSSENKRUPP FUNDIÇÕES	1.381	1.347	98	34	3
BOSCH	7.637	6.648	87	989	13
Curitiba	3.622	3.288	91	334	9

SOURCE: The COMPANIES. PREPARATION: Social OBSERVATORY INSTITUTE, 2003.

Bayer is the company with the highest proportion of female workers, nearly 34 % of the total. The higher proportion of women at the unit reflects the higher concentration of administrative activities.

At, Bayer women have higher average schooling than the men, and have been at the company for less time (9.4 years for women and 13.2 for men). Despite the higher proportion of women at Bayer in São Paulo there is no specific corporate program to promote minorities to management positions. The concentration of women at the plant reproduces the traditional sexual division of labor that place women in the “lighter” operations.

TKF in Barra do Piraí has an opposite situation – only 3 % of the workers are women. The plant is characterized by a low degree of automation and demands intense physical force.

In the case of TKE, the low presence of women among all employees was justified by its representatives with the argument that the nature of the work executed does not attract women, even those with the required technical training. They gave as an example the function of elevator technician, the most important among all the employees. At the industrial unit and the company headquarters women represent 13 % of staff, a percentage similar to Bosch.

None of the companies studied have affirmative action programs for promotion of women to management positions demonstrating that the issue of gender was not important. It is possible to postulate that the lack of orientation about gender in the corporate activities and programs favors the passive reproduction within the company of the sexual division of labor present in society in general. It is important to verify if the companies employ female workers in proportion to the local or regional distribution.

In this aspect, the behavior of the companies is unequal. In addition to Bayer São Paulo, mentioned above, Bosch Campinas, TKF and TKE have percentages of women employed close to or above the average level of female employment in the respective sector in the region. It is important to remember, that these units concentrate administrative activities where there is higher employment of women. For example, for TKE as a whole, the percentage of women employed falls to 10 %.

Table 11: Proportion of women employed at the companies and in the respective sectors of activity and region – % – 2002

	Company	Sector and region*
TKE	13	13
TKF	3	3
Bayer Belford Roxo	6	32
Bayer São Paulo	41	31
Bosch Campinas	16	13
Bosch Curitiba	9	13

* This considers the metallurgical industry in the Porto Alegre metropolitan region (TKE), the metallurgical industry of Barra do Pirai (TKF), the chemical industry of the Rio de Janeiro metropolitan region (Bayer Belford Roxo) and of São Paulo (Bayer São Paulo) and the metallurgical industry of the metropolitan regions of Campinas (Bosch Campinas) and Curitiba (Bosch Curitiba).

Note: Employment ties formalized by labor contract with private and public companies in December 31, 2002.

Source: Ministry of labor and employment, preliminary annual report of social information, 2002. Social Observatory Institute, 2003.

In conclusion, in addition to the fact that most of the companies studied do not have specific programs for the promotion of opportunities for women, in the case of Bosch Curitiba and Bayer Belford Roxo, the female participation at the company is lower than that found in the same sector and in the same region.

The data from the sample study gives hints about the perception of women concerning gender discrimination at the companies. A significant portion of women believe there are discriminatory practices. This is more clear among women who work in the administrative area at TKE and at Bosch Curitiba.

Table 12: Opinion of women about employment promotion criteria and perception of sexual discrimination – %

Company	Being a man is a promotion criteria	Have felt gender prejudice or discrimination
TKE	36	29
TKF	7	17
BAYER Belford Roxo	4	12
BAYER São Paulo	11	8
BOSCH Campinas	20	8
BOSCH Curitiba	23	27

SOURCE: SOCIAL OBSERVATORY INSTITUTE, 2003.

Other data from the employee profiles at these companies show as a rule that women have higher schooling than their male colleagues, have less time at employment and receive lower average salaries. All the companies studied adopt salary structures without differentiation by sex, as determined by Brazilian legislation. Nevertheless, there is a high degree of subjectivity in the criteria for selection and promotion to the degree that immediate managers or superiors exercise a decisive role in these processes.

8 Race

The data about color and race were obtained from the use of questionnaires, by sample, with employees, who classified themselves according to the categories used by the Brazilian census agency, the Institute of Geography and Statistics (IBGE). The total of blacks and browns is considered as the population of the black race.

The Table below presents data obtained in the sample research and the ethnic profile of the population of the regions where the corporate units studied are located, according to the last national census (held in 2000). With the exception of Barra do Piraí, the Metropolitan Regions were selected because they compose the labor market for the employees of the companies being analyzed.

At two of the companies, the racial profile differs significantly from that in the local population: at Bayer Belford Roxo (66 % of workers are white compared to 55 % of the population) and at TKF (39 % are whites compared to 51 % of the population). At the other plants, considering the margin of error, the proportions were very close to that of their regions.

Table 13: Distribution of workers and total population in the region by color (%)

COLOR	TKE	RM Porto Alegre	TKF	Barra do Piraí	Bayer Belford Roxo	RM Rio de Janeiro	Bayer São Paulo	RM São Paulo	Bosch Campinas	RM Campinas	Bosch Curitiba	RM Curitiba
White	87	86	39	51	66	55	68	71	80	75	82	82
Black	4	7	25	16	5	11	7	4	4	4	6	3
Brown	7	7	37	33	29	34	21	23	14	19	10	14
Asian	0	0	0	0	0	0	3	1	2	1	1	1
Indigenous	1	0	0	0	0	0	1	0	1	0	1	0
TOTAL	99	100	101	100	100	100	100	100	101	100	100	100

SOURCE: IBGE, Censo 2000. PREPARATION: Social OBSERVATORY INSTITUTE, 2003.

TKF is the only company at which black employees are the majority, and in a proportion substantially higher than in the local population – the difference is 13 %. This means that the company is in conformity with the local-regional racial diversity or, even more so, offers greater chances for employment to a population that has been historically discriminated in the labor market. What is the cause of this distinct situation?

To explain TKF's behavior concerning race is important to consider that the type of activity undertaken by the company generates employment with lower demand for education and technical training, in comparison with the other companies. This favors the incorporation of blacks who have average educational levels that are lower than whites. Although the study did not allow identifying the positions occupied by blacks, direct observation indicates that black workers are positioned with greater frequency in the production areas, above all in those that involve physically demanding operations, in comparison with the administrative areas and others related indirectly with production.

TKF is the only one of the companies studied where more than half of the workers have only completed elementary school, and where more than 1/3 have not completed elementary school. At the other companies, the minimum standard is a high school degree, a factor that increases the possibility of achieving higher salaries.

The higher rate of blacks at TKF is accompanied by lower salaries (more than half the workers earn up to R\$ 600,00 per month, about US\$ 200¹¹) and more difficult working conditions. In addition, the blacks occupy the most tiring positions in a higher proportion. In comparison, the majority of employees at Bayer have

11 Approximately US\$ 200.00 (December 2003)

monthly salaries above R\$ 1.000,00 per month (US\$ 333.33). In the other companies, the salaries are concentrated in the ranges between R\$ 600,00 and R\$ 1.000,00 (US\$ 200.00 – US\$ 333.33).

Only 11 % of the workers at TKE are black, a percentage lower than in the population of the Porto Alegre Metropolitan Region. The difference is found among those who say they are black, which are only 4 % at the plant studied, in comparison to 7 % in the region. It should be highlighted that the research did not find black or brown women workers at the administrative area (company headquarters). The company does not have programs or specific actions to correct inequalities and promote greater equality in labor relations.

At Bayer, the black population represents little more than 30 % of all workers. The chemical sector is characterized by employment mostly of white male workers. Only 40 % of the chemical companies are negotiating or already have policy clauses to promote gender and racial equality. In Germany the company has a policy to promote diversity by color-race, gender, religion, nationality and other forms. In Brazil there is no policy for promotion of racial diversity or for other minorities.

Two distinct situations were found at the Bayer units. In São Paulo, the proportion of blacks exceeds that in the regional population, apparently corresponding to the diversity policy mentioned above. But, at Belford Roxo, the proportion is well below that of the regional population. That is, the policy is not expressed uniformly within the various company departments.

Table 14: Opinion about racial discrimination * – %

OPINION	TKE	TKF	BAYER BELFORD ROXO	BAYER SÃO PAULO	BOSCH CAMPINAS	BOSCH CURITIBA
Being white is a criteria for job promotion.	1	4	1	1	1	2
Feel harmed or discriminated at the company because of your race or color.	1	3	0	2	1	0

SOURCE: SOCIAL OBSERVATORY INSTITUTE, 2003.

The opinion polls that asked workers what they thought were motives for job promotion, at all the companies the main criteria pointed to were education, technical training and work experience. The percentage of workers who feel discriminated because of race or color is not expressive – at the Bosch plant in Curitiba (where the presence of blacks is lower) and at the Bayer plant in Belford Roxo no one mentioned racial discrimination. The highest response citing discrimination by race-color was 3 % at TKF, the company with the highest black population among those studied, which may be related to the few chances for professional growth suggested by the low presence of blacks in better paying positions. It should be considered that the sample was not designed to capture differences of opinion between whites and blacks, because the racial profile was not available in the planning phase of the study. Nevertheless, the results indicate that racial discrimination is not strongly felt by workers in general. Notwithstanding, there is a complete lack of policies to deal with racial issues at these companies and the unions also lack a good analysis of this issue, which would allow them to include it on the negotiating table.

9 Child labor

The study found that none of the companies employ children or teenagers younger than the country's legally minimum age.

In addition, the companies contributed to the right to professionalization of youth through professional education programs, in compliance with national legislation. The SOI was not able to verify if the number of positions available correspond to that required by law.

It was also found that Bayer is considered by an important Brazilian NGO¹² to be a "Friend of Children Company" formally committing itself not to buy from suppliers that use child labor. Other companies are only beginning to adopt criteria for selecting suppliers with this concern, as is the case of TKE. Bosch is part of the automotive chain, and in this case, the companies require their suppliers to not contract workers younger than that permitted by law.

¹² Fundação Abrinq pelos Direitos da Criança, (Abrinq Foundation for Children's Rights) that organizes the Company Friend of Children program.

10 Relations with the suppliers

The purpose of the study was not to extensively evaluate the relationships the companies have with their suppliers. The intention was to identify the general principles that the companies say guide their relationship with their commercial partners, as well as the mechanisms and programs that control this relationship, focusing attention on any social, labor, and environmental conditions.

The enormous quantity and variety of products manufactured by Bayer makes its production chain quite extensive and complex, with a much higher number of suppliers, service providers and clients than the other companies. Bayer uses chemical and petrochemical products, natural colored minerals and packages, in addition to a series of other technical and promotional materials and also contracts services for maintenance, repairs and operations, cleaning, security, construction and other functions.

It is known that most of the raw materials that the company uses to produce its products are supplied by companies within Brazil, principally those located at the Camaçari Petrochemical Pole in Bahia, and the Petrochemical Pole of Triunfo in Rio Grande do Sul state. Only a small portion is imported from Germany. The goods and services used by the three commercial sectors of the company are purchased by the Bayer supply area.

Activity in the field of supplies, integrated to the Quality Management System of Bayer S.A., is undertaken by the respective purchasing sectors and orientated by corporate principles and guidelines that govern both the purchasing conditions for goods and services as well as the behavior of its staff.

Bayer monitors its sub-contracted companies with "surprise" visits, and according to a company purchasing manager, contracts have been terminated because of environmental problems. It uses sub-contracted labor offered by companies that operate in production, administration and support activities.

At Belford Roxo, Bayer employs 376 people in 14 sub-contracted companies, principally for cargo handling and logistics and for building maintenance and construction. It also contracts cleaning and gardening services, property security and even maintenance and tooling services. In São Paulo, the number of sub-contracted workers is 471 from 38 companies. The principal sub-contracted activities were the same as at Belford Roxo, but the contingent was more concentrated in cleaning and gardening.

There is a higher proportion of sub-contracting at Belford Roxo, corresponding to 93% of all employees, than in São Paulo, where the rate is 64%.

The contracting of services by Bayer is conditioned on the agreement, by the service providing company, to certain conditions related to transport, delivery time, payment, insurance, brands and patents, guarantees, dangerous cargo, unloading, publicity, taxes and other obligations, indemnification, etc. Acceptance of these conditions means that the contracted company "is committed to protecting Bayer's interests, and that of its clients and or consumers directly or indirectly involved in the services contracted, against all and any complaints or demands, as well as against possible losses and damages. ...".

As was mentioned earlier Bayer S.A. is registered in the Friend of Children Company Program of the Abrinq Foundation, and for this reason, is committed to not having commercial relations with suppliers that do not respect child labor legislation.

TKE produces capital goods for the metallurgical sector, and is located in the steel productive chain, its principal raw material input. It acquires steel plates from distributors who commercialize products from large Brazilian steel mills such as Companhia Siderúrgica de Tubarão (CST). Another productive input purchased by TKE in large quantity is forged parts. In addition, elevator manufacturing consumes plastic components that are supplied by various companies in the principal Brazilian plastic producing centers, placing it in this production chain. Finally, the motorization of the elevators creates a link with large suppliers of electrical motors also located in Brazil.

The company said that it imports few components, nearly all from developed countries.

The elevators manufactured by TKE are sold directly to the construction industry, in Brazil and Latin American countries. Their final use is for residential and commercial buildings.

Thus the company is positioned within production chains within Brazil such as steel (iron ore, steel mills, steel distributors), cast iron (iron ore and foundries) and plastics (petroleum, petrochemicals, plastics).

With its restructuring in the 1990s, some activities that had been conducted internally by TKE were outsourced. This includes woodworking, for the manufacture of wooden doors, and the production of spare parts for older elevator motors. In addition, telephone and security services were also outsourced.

The company is implanting a registration system for suppliers that involves evaluations of working and employment conditions. In the case of outsourced services, TKE controlled and accompanied compliance with legal obligations on the part of service-providing companies. Critical issues such as child labor have become part of the concern of the company in its commercial relations.

TKF occupies an intermediary position in the steel and machinery productive chain, serving as a link between companies in primary/extractive segments and those that process final products. The main raw materials used at the foundry are sand, scrap iron and coal.

Nevertheless, looking at the higher levels along this productive chain (in direction of the suppliers) questionable production processes are found, principally concerning working conditions and the environment.

In contrast, looking at the segments downstream in the chain (in direction of the clients) large companies are found that have sophisticated technological processes, such as Volkswagen, GM and Caterpillar. The production processes of these companies involve other small service-providing companies that operate within their facilities.

The outsourced work at the productive unit at Barra do Piraí, RJ involves nearly 180 people, except for unusual circumstances. The number of outsourced workers can grow significantly.

It was found that there are at least 15 companies that provide services for TKF. The services provided by these companies involve more "traditional" activities, such as food services, security, health care (emergency services outside the company) and transportation. But there are also services provided directly tied to production such as maintenance services, scrap recovery, industrial waste hauling, subproducts, and maintenance in the fusion sector.

The finishing of parts is conducted by third parties. Although these workers use equipment and uniforms at TKF there are some salary differences in relation to TKF staff that operate on the same production line.

The work conducted by third parties within the production areas, principally in maintenance, is demanding. The company representatives recognize the difficulties, although they justify that if these operations were automated, the level of unemployment would increase.

It was also found that subcontracting was at first seen as a way to decrease costs and increase profitability. Some sub-contracts are being reconsidered. The union representatives maintain, nevertheless, that in the productive sectors, such as the finishing area, there are workers employed by subcontractors, who although they conduct work equal to that of TKF staff, receive lower salaries and do not have the same benefits.

According to statements from some managers, the employees of the subcontracted companies, linked directly to the service providers, whose partnerships with the company are long-lasting, customarily receive food support and in some way make use of company medical assistance, transport and food services. In addition, the company provides security for these people, and they participate in lectures and training about labor health and safety, in order to avoid accidents. Responsibility for an injured party is that of the subcontractor, although in Civil and Labor Law, the concept of "subsidiary responsibility" extends responsibility for accidents and labor illness to TKF.

Although Bosch did not supply information about its suppliers, what can be gathered about its relations with suppliers is that, because it is at the center of the automotive industry productive chain (75% of its business is directed to this sector) in the position of a "Systematist" (first tier), it must meet the highest standards of

quality and competitiveness as a global supplier. As a systems supplying company, it has a close relationship with its principal client, both in terms of project development and supply conditions (price, quantity, just in time delivery etc.). This means that it must meet the demands of automotive companies concerning environmental and labor issues. This is because all of the automotive companies are signatories of the Abrinq Foundation "Company Friend of Children Company" Program which prohibits their suppliers from employing children. Bosch has a development program for its suppliers so that they can reach global quality levels.

11 Summary of the comparison of results

The results presented above paint a complex and multifaceted scenario. What are the general factors that explain the differences and similarities found among the factory units studied, in terms of their social and labor performance? In this final space we present some hypotheses that can be explored in response to this question.

The first factor that explains the differences is the organizational and productive structure of each company. This is clear in the ThyssenKrupp Group which is significantly different from the other companies studied, particularly in terms of labor conditions, and its organization in Brazil does not include a holding company that defines uniform corporate policies and procedures. This group has less capacity to transmit the principles and values that guide its corporate culture in the form of management and in the business guidelines in Brazil.

It is worth noting that greater decentralization of the organizational structure is a trend that has been found at Bayer and to a lesser degree at Bosch. At Bayer, the division of the companies by group by business area has already led to changes in its union relations as in the case of the scope of the Factory Commissions.

The model of productive organization is the second element that influences the differences between the companies. In the case of ThyssenKrupp, one company (TKE) adopted a model of flexible manufacturing with high involvement of personnel, while another (TKF) continues to use quite Taylorist standards, with a more defined hierarchy, less mobile and or polyvalent worker capabilities and less team work. TKE, where production is geared mostly to order, is organized in a more flexible manner, with more team work and less centralization. In reality, the TKE unit was organized in this manner in Brazil before it was purchase by the Thyssen group in 2000. The acquisition of the Brazilian company by the German group did not bring significant changes from the point of view of production organization, which reinforces the fact that they are independent units, without common guidelines for business management, and which operate as if they were autonomous companies.

At Bosch, where the productive structure is relatively more homogeneous between the two factory units, the social and labor indicators are also more similar.

It is worth noting, however, that the findings differ between one unit and another because of the greater or lesser presence of an administrative sector at each one of the plants. This accounts for distinctions in the profile of the employee population, in the penetration of the unions, in the working conditions, salaries and in the opinions of the workers about the research themes.

Even considering that the companies studied are multinationals with corporate policies and guidelines that tend to be internationally homogeneous, the weight of "local culture" is an important factor. This is found in relation to union relations and the representation of workers, in which the behavior between the three companies is quite distinct. The study found that corporate policies in Brazil concerning the theme "union relations and labor" are still not uniform. Within this "local" culture, labor legislation has important influence by guaranteeing the monopoly of representation to the union on a local-regional level and does not call for representation of employees at the workplaces. Union activity is seen by the companies as something to be practiced "outside the factory gate". Thus, nearly all the units studied place some obstacle to internal union activity at the factories (availability of time and access to the workplaces) or to the relationship of the union with representative organs or those with employee participation (Factory Commissions, Profit and Income Sharing commissions, Internal Accident Prevention Commissions).

Finally, the influence that the insertion in global productive chains has on the definition of labor conditions and relations in the factory studied must be considered. In this sense, it should be noted that Bosch is the company where this insertion is strongest, given that its production is aimed at an industry that is strongly linked to global markets. This company has more homogeneous conditions among its units and the performance in social and labor issues is decisive in the maintenance of its competitive position. Even though problems were identified, the company is well structured in its relation with employees and the unions. TKE, meanwhile, has a position in relation to the final market (local and regional) that gives importance to product safety, which

also causes the internal company culture to encourage accident prevention. But, TKF, even though it produces for export, appears to not have been influenced by the insertion of social criteria in the relations between agents in the production chain. That is, this fact is present, but still not in an equal form for all companies and sectors.

12 Impacts of the project

The concrete results of this entire process can be summarized as follows:

ThyssenKrupp:

- Formation of a National Union Committee, composed of eight unions from different factories; affiliated to different union centers.
- Recognition by the companies of the Committee: TK supported the realization of a union meeting, and was even present at the meeting at which it presented data about its economic and social performance;
- Improvement in the relationship between the unions and the two companies studied (TKE and TKF): through a positive agenda of meetings and encounters.
- Preparation of an action plan to confront problems found at TKF (Barra do Pirai) that was presented to the union; and
- Agreement by the company to investment 5 – 7 million euros in ThyssenKrupp Fundições, to resolve the problems as announced in the magazine of IG Metall in November 2004.

Bayer:

- Constitution of the National Committee that will be responsible for the organization of the activities of the network and will conduct communication with the management of the Bayer Group in Brazil;
- Change in the by-laws of the Factory Commissions to allow participation of unionists;
- Adjustments in salaries to eliminate differences between some functions;
- Extension of the system of the factory commission to the other units of the Group;
- Commitment from the company to present to the union and negotiate an Improvement Plan

Bosch:

The company had agreed to discuss the result of the studies and to prepare a plan of action to address the problems identified. But, in September of 2004, the Brazilian unions decided to leave the project alleging that the negotiating route was no longer the most suitable and that the Union Committee did not need the support of the SOI and the Social Observatory Europe. Thus, the unionists did not participate in the exchange visit in November and the discussions with the company were interrupted.

The company produced a folder to reveal the poll results which was broadly distributed to its employees.

Summarizing the principal points of this process, it is important to note that one of the first benefits to the unions involved in the project was access to sound and consistent information in relation to the companies and their national organization.

The participative nature of the project that simultaneously involved unions in Brazil and company management contributed to the search to correct important problems on the workers' agenda. In Brazil, a country characterized by conflict between unions and companies, this represents an innovative advance in labor relations.

Another gain made by the project was the joint initiative of the unions and confederations in establishing national union networks at the companies.

Thus, the chances increased that labor standards would be raised using ILO norms as a reference. National corporate policies were influenced involving issues such as labor discrimination, health and safety, the production chain, representation at the workplace and others.

For the SOI, the project allowed improving its methodology and developing its interpretation of labor norms at large Brazilian companies.

The experience acquired through the contact with the companies is of great importance for similar projects that SOI will undertake, because obstacles were identified as well as possible alternatives that can be adopted to avoid them.

The SOI came to be called on by a larger number of unions and international union entities for activities related to the themes of multinationals, corporate social responsibility and union research.

This growing interest in the SOI activities also came from government, and business entities and NGOs, because of the positive repercussion of the project.

Finally, the international ILO standards that are part of the Declaration of Fundamental Principles and Rights at Work form a concrete base to guarantee a social dimension to the economic globalization process.

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