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Innovating employee participation in the Netherlands*

Frank Tros**

Abstract In this article, thirteen case studies are analysed which study the innovation processes renewing structures and forms of employee participation in companies in private and public sectors of industry in the Netherlands. In the majority of the case studies, new hybrid forms between representative and direct participation have been launched, in which elected members of works councils co-operate with non-member employees, mostly in temporary projects. These initiatives show successful results in mobilizing employee involvement in representative as well as in direct workers' participation, and in improving efficiency and effectiveness in consultations with management in the workplace, as well as with company directors. At the same time, however, works councils have compromised on lowering the number of seats on their councils, leading to dilemmas around questions of democracy, formal powers and coordination. Furthermore, these experiments show limitations in their scope. Firstly, they hardly address more effective inclusion of the many (younger) workers with flexible contracts in employee participation schemes, nor the broader potential impacts on companies' strategic decision-making. It can be concluded that practices aimed at renewing employee participation develop within the confines of the traditional characteristics of Dutch industrial relations, such as cooperative relationships between works councils and management, a low level of interventions from trade unions and a focus on the field of operational management (rather than on conflictual workers interests and strategic issues).

Keywords: Works councils, organisational change, employee participation, co-determination. JEL: J50; J53; J83

Innovationen in der Beschäftigtenpartizipation in den Niederlanden

Zusammenfassung In diesem Beitrag werden 13 Fallstudien analysiert, die Innovationsprozesse untersuchen, die zur Erneuerung von Strukturen und Formen der Beschäftigtenpartizipation im privaten und öffentlichen Sektor der Niederlande geführt haben. Die Mehrzahl der Fallstudien betrifft neue, repräsentative und direkte Partizipation kombinierende Mischformen, bei denen gewählte Betriebsratsmitglieder – zumeist im Rahmen befristeter Projekte – mit nicht dem Betriebsrat angehörenden Beschäftigten kooperieren. An diesen Initiativen ist zu sehen, dass es nicht nur gelingt, Beschäftigte sowohl für die repräsentative als auch für die direkte Partizipation zu gewinnen, sondern auch, die Konsultationen auf Betriebs- und Unternehmensebene effizienter und effektiver zu gestalten. Allerdings haben sich die Betriebsräte auf eine Reduzierung der Anzahl der Betriebsratssitze eingelassen, was Fragen in Bezug auf die demokratische Legitimation, formale Rechte und die Koordination aufwirft. Auch ist zu erkennen, dass diese Experimente nur eine bedingte Reichweite besitzen: Zum

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einen gelingt es kaum, die vielen (jüngeren) Arbeitskräfte mit flexiblen Arbeitsverträgen wirksam einzubeziehen; zum anderen werden damit auch die weitergehenden potenziellen Auswirkungen strategischer Unternehmensentscheidungen nicht erfasst. Die auf die Erneuerung der Mitarbeiterpartizipation abzielenden Praktiken entwickeln sich, wie zu sehen ist, innerhalb des traditionellen niederländischen Systems der Arbeitsbeziehungen – geprägt durch ein kooperatives Verhältnis zwischen Betriebsräten und Betriebsleitung, ein geringes Maß an Intervention von gewerkschaftlicher Seite und mit Fokus auf operativen betrieblichen Abläufen und nicht auf konfliktive Arbeitnehmerinteressen und Strategiefragen.

Schlagworte: Betriebsräte, organisatorischer Wandel, Beschäftigtenpartizipation, Mitbestimmung

1 Introduction

In the last decade, more companies in the Netherlands have started to experiment with new forms of employee participation. Mostly in the context of renewing the model of representative participation through works councils. This ‘traditional model’ has been embedded in national legislation since 1950, in the *Wet op de Ondernemingsraden* (Works Councils Act). Through high establishment degrees, works councils are still highly institutionalized in many companies in the private and public sectors in the Netherlands. Nevertheless, this traditional model of representative participation seems to be facing more and more challenges in relation to its functioning. Firstly, this model is challenged by low levels of worker commitment and involvement in that participatory model, and lack of communication between works councils and the rank and files they represent on the shop floor. Quite often works councils are hindered by vacancies and low turnouts at elections (Van den Tillaart, Heijink, & Warmerdam, 2016; Wajon, Vlug, & Enneking, 2017). Decentralized business organizations require more decentralized structures of employee participation, and an increasingly individualised organization of work seems to push to more direct forms of participation. Secondly, the increasing numbers of workers with atypical employment contracts are rarely represented on works councils (Wajon et al., 2017). The Works Councils Act hinders the inclusion of temporary workers and even excludes workers on self-employment contracts. The Netherlands is the European leader in flexible labour: currently just 60 percent of the workforce in Netherlands have an indefinite employment contract, the so-called ‘normal’ or ‘typical’ employment contract. The phenomenon of solo self-employment has increased quite rapidly, while a high proportion of solo self-employed people work for just one or two companies. Furthermore, new generations of workers are less included in the traditional model of works councils. This is partly due to younger workers being on temporary employment contracts to a great extent. In this context of short termism there are weak incentives for both the younger worker and the employer to invest in employee participation. Therefore, it could be that younger generations of workers are more interested in direct forms of participation, such as flexible, project-based participation and digital consultations. In sum, it is questionable whether the traditional model of representative participation as it was established in the 1950s–1970s in the Netherlands is still fitting and adaptive enough to modern business organisations and new generations of workers in more flexible labour markets.

A third, although less novel, challenge is that the consultation and co-determination model in the Netherlands has a limited impact on strategic company policies and in negotiating terms and conditions of employment, and other more confrontational interests between the management/employer and employees. The Works Councils Act is based on combining the interests of both sides: the works council, according to the law, is expected to represent the employees' interests within the interest of the company. In recent decades the model has tended to develop even more towards becoming an HR-instrument and less a body in the field of industrial relations and strategic decision-making (Van het Kaar & Smit, 2007). Traditionally, the trade unions in the Netherlands have weak structural and mobilising powers in relation to co-determination and workers participation within companies and are ambivalent regarding the aim of the works councils to act in those companies' interests. The institutions of employee participation within the company (i.e. the works councils) and the institutions responsible for collective bargaining around terms and conditions of employment outside the workplace and removed from the shop floor (i.e. the trade unions) largely function separate from each other in the industrial relations system of the Netherlands (Visser, 2013). Because of the shifting power relations in industrial relations in the Netherlands in favour of employers (De Beer & Keune, 2018), the powers held by trade unions in works councils are even more limited nowadays. It can be also assumed that this context of more business-friendly industrial relations is one of the driving forces of the new experiments in renewing employee participation. Is management trying to reduce the size, role and impact of representative employee participation in the companies? And if so, does this go hand-in-hand with investing in new or better forms of direct participation?

In the context of the challenges described above, we have analysed 13 case studies representing innovations in employee participation in companies in the Netherlands. The main questions in this research are the following:

- What are the driving forces and aims in renewing employee participation, who is the initiator and what forms do the new structures or patterns of employee participation take?
- How and to what degree do they contribute to the challenges which the Dutch model of employee participation currently faces? What are the effects on better involvement of workers in institutions of employee participation and better communication with the shop floor, more inclusion of flexible and younger workers and more impacts on strategic decision-making?
- What are the dilemmas involved in these innovations and how do modernization practices impact on the future of the employee participation model and works councils in the Netherlands?

2 Academic discussion and theoretical foundations

This article aims to contribute to the academic literature and theory on institutional change in the field of works councils and in the relationships between different models of employee participation. Institutions in representative participation in the Netherlands have not drastically changed since the last major reform in 1979 of the Works Councils Act. But as Streeck and Thelen (2005) and many others (e.g. Jackson, 2004; Baccaro & Howell, 2011; De Beer &

Keune, 2018) have argued: incremental institutional change in industrial relations can lead to in-depth changes over time. Streeck and Thelen (2005) distinguish the following five forms and mechanisms of gradual institutional change that can be applied to the position and functioning of the institution of works councils in the Netherlands:

1. *displacement*, in which dominant institutions are gradually becoming less important, while subordinate institutions are becoming more important. In the context of this article this could be the case when representative workers participation is replaced by direct workers participation.
2. *layering*, in which new elements are added to existing institutions. In relation to our topic, this is the case if companies introduce more direct participation next to the institution of works councils.
3. *drift*, in which existing institutions are not maintained and not adapted to changing environments leading to less scope, meaning, and function of these institutions. The introduction of this article already refers to the needs of works councils to respond to decentralized business unions, more flexible workers and younger generations of workers to prevent a possible erosion of the traditional model of representative participation.
4. *conversion*, in which institutions are formally not changing but are interpreted and used by the actors in another way. Works councils might become more instruments of HRM and less instruments of representation of workers' interests. Works councils might also be used as coordinators of direct participation at workplace level and less as partners in social dialogue at company level.
5. *Exhaustion*, in which institutions gradually fading away. This is not the case because of the still high numbers of works councils in Dutch companies (see later).

On the micro-level, the case studies in this article show mechanisms of institutional *layering*, *drift*, *conversion*, and to a lesser extent *displacement*. In the concluding section we come back to this and make some remarks on the limitations in making conclusions at the macro-level regarding institutional change of representative participation through works councils in the Netherlands.

Besides contributing to the theory on institutional change, this article also aims to contribute to theories on the relationships between different models of employee participation. Two models of employee participation have become dominant in Europe throughout the twentieth century (Geary & Sisson, 1994; Van Guyes, 2006; Wilkinson, Gollan, Marchington, & Lewin, 2010). Firstly, indirect participation or workplace representation by more or less unionized works councils or workers' councils, in this article denominated 'representative (employee) participation'. Secondly, direct workers participation without involvements of collective actors (see later). Germany is the prime example of the form of indirect, representative participation with its internationally well-known *Betriebsräte*. It is generally acknowledged that the works council regulations in Austria and the Netherlands also contain strong co-determination powers (Glassner, 2012; Van Guyes, 2016). The first Works Councils Act ('Wet op de Ondernemingsraden') in the Netherlands dates back to 1950. In the legal reforms of 1971 and 1979, the formal independence from the company or public sector director and the rights to information, consultation and co-determination were strengthened. The functioning of works councils in the Netherlands further expanded in the 1980 s and 1990 s (Van het Kaar & Looise, 1999; Visser, 1995). Currently, 95 percent of companies with more than 200 workers have established a works council in the Netherlands. Small and

medium-sized companies have lower, although stable in recent decades, establishment rates. Establishing a works council is obligatory for companies with more than 50 employees, although the legislature does not uphold this rule. Works councils in the Netherlands have a double aim according to the law: to act in the interest of the workforce in the context of the interests of the company. Trade unions in the Netherlands have been always ambivalent towards works councils as a consequence of this double aim. In their view, works councils cannot organize countervailing powers because work councils are expected to also represent the interests of the company and its management (Manshanden, 2014). Trade unions in the Netherlands focus their action on collective bargaining over wages and working conditions, mostly at sectoral level but also on company level. The Netherlands has a so-called dual channel system of employee representation: bargaining powers are assigned to the union body, information and consultation rights to the works council (Glassner, 2012; Van Guyes, 2016). There can be indirect trade union influence on the works councils through individual trade union members in the works councils, and through the organisation of a trade union list in the works councils' elections. Locally in the Netherlands, there are some exceptions where trade union powers in relation to works councils are stronger, such as in the steel industry (Tata Steel) and in the Rotterdam harbour. Generally speaking, compared to Germany, the interactions of works councils are based and focused on co-operation with management, social partnerships and constructive dialogue with management (Sapulete, Behrens, Brehmer, Van Witteloostuijn, 2016; Van den Berg, Grift, Sapulete, Behrens, Brehmer, & Van Witteloostuijn, 2019). Compared to the German *Betriebsräte*, works councils in the Netherlands co-operate to a lesser extent with trade unions, seems to act in a less formal way and have more intense social dialogue with management (Sapulete et al. 2016; Van den Berg et al., 2019). Board-level representation or the right to have employee representatives on a governing body or company-board is also very underdeveloped in the Netherlands. This means that this 'functional equivalent' of workers' power is lacking in the Dutch model of employee participation (Hassel, Von Verschuer, & Helmerich, 2018). Furthermore, it can be assumed that the shifted power relations weighted towards employers in the Dutch industrial relations system (De Beer & Keune, 2018) are reflected in the power relations between the director and the works councils. Therefore, it is possible to formulate a hypothesis that discussions and experiments in companies in the Netherlands around renewing structures and the functioning of representative participation will be based on cooperative relations between works councils and directors (hypothesis 1) and that these discussions and innovations will meet little resistance from trade unions (hypothesis 2).

Forms of direct participation in shop floor matters developed in a bottom-up fashion in the Netherlands during the twentieth century, without legal frameworks. Direct participation in the 1960s/70s was more driven by social and human factors and in the 1980s/90s was more driven by managements' attempts to increase empowerment and high performance from employees (Van Guyes, 2016). Examples of direct participation are discussion-meetings with colleagues about operational management and work, personnel surveys, project teams on the shop floor, quality control circles and self-steering teamwork. In the Netherlands, direct participation is not anchored in legislation, and direct participation at the workplace level in practice has weak connections with works councils (Visée, Saalbrink & Mevissen, 2012). Also in Germany, direct employee participation adopted in many manufacturing and service sector enterprises (quality circles, teamwork) is not regulated by law but is added to the co-determination system (Müller-Jentsch, 2016). From the perspective of management, it is

assumed that direct participation has positive effects on employees' loyalty and commitment to the organization, and on productivity by encouraging better teamwork and optimizing work-processes by using ideas and insights from workers (Bryson, Charlwood, & Forth, 2006; De Spiegelaere & Van Guyes, 2015; Wilkinson & Fay, 2011). From the workers' perspective, it is assumed that direct participation has positive effects on intrinsic motivational factors, such as commitment, job-satisfaction, competences, team co-operations and giving meaning to work (De Spiegelaere & Van Guyes, 2015). More marginally, there are sceptical and negative views regarding work intensification and horizontal control mechanisms of colleagues, more performance-related responsibilities towards workers on the shop floor and limited workers' rights (Della Torre, 2012). Because of the dominant assumption that direct participation brings positive effects for employees as well as management, we can advance a hypothesis that innovations in employee participation will focus on the introduction or extension of forms of direct participation (hypothesis 3).

Among academics, there is a discussion about the relationships between both types of employee participation. On the one hand, some authors assume a trade-off relationship. Management could put the representative forms of participation out of action by implementing the direct involvement of workers, especially if they want to break the power of the unions in representative forms of participation (Guest, 1987; Bryson, 2004). Giving a direct voice to individual workers is an alternative communication channel between management and workers other than via employees' representatives in more collective forms of dialogue. On the other hand, other authors point to complementary and even synergetic relationships between the existence of both forms of employee participation (Eurofound, 2015; Van Houten, Akkerman, Sluiter, Jansen, & Vermeulen, 2016; Wood & Fenton-O'Creevy, 2005). The direct employee voice may become a goal of trade unions or other works councils, as the expression of employee self-determination and human dignity (Armaroli, 2020). Further, direct participation can function better when embedded and supported by representatives and (traditional) representatives can have more access to the rank and file and to new groups of workers in cases of project-based employee participation on the shop floor (Haipeter, 2013; Haipeter, Bosch, Schmitz-Kießler, & Spallek, 2019). In the manufacturing industry for example, in contrast with blue collar workers, white collar workers are more committed to workplace and work-content related issues than to conflictual issues in the employment relationship and therefore more interested in being involved in forms of direct participation (Haipeter, 2016). This can be also true for professional workers in public service sectors like education and health. Theoretically, there can be a third kind of interrelationship between representative and direct participation, namely a neutral or non-existent one, in which both types co-exist without (many) combined actions. This is the case when direct participation is limited to exclusively internal, organizational, work-content, and productivity related issues, while representative participation is limited to terms and conditions of employment and distributive issues. Based on the theories above, one can expect variations between the cases of innovations in employee participation. Assuming directors/employers make strategic choices in more business-friendly contexts in employment relations, we can advance a hypothesis that some employers, aiming to avoid resistance to their decisions, will encourage less representative participation and more direct forms of employee participation, especially when (many) works council members are trade unionists (hypothesis 4). However, others will try to combine both forms of employee participation in complementary or synergetic ways for the purposes of generating more

productive effects in employee participation for both management and employees, especially in companies with less conflictual employment relations (hypothesis 5).

3 Methods

In the preliminary phase of the research, an inventory of ongoing innovation-processes in employee participation within companies in the public and private sector in the Netherlands was compiled (October 2018 – January 2019). We published announcements about the research project in the most popular professional magazines and internet platforms in the field of works councils, such as the most known magazine for works councils ‘OR magazine’ and websites of the ‘Socio-economic Council’, ‘SBI-formaat’, ‘pwnnet.nl’ and ‘ornet.nl’. We formulated ‘innovations’ and ‘experiments’ in a very general and neutral way, to collect as much responses among companies. To cite the announcement: ‘We want to learn from recent innovations in employee participation. The research focuses on recent experiments in practice of companies and if and how they respond to changes in organisations, workplaces and more involvements of workers’. We received a response from 56 companies in ten sectors of industry, namely in agriculture (2), manufacturing and construction (8), commerce (1), transport (1), hospitality (3), IT and communication (1), financial and business services (5), public administration (9), education (2) and health and welfare (24). All respondents completed a short survey about the date, initiators, subject and aims of the innovation of employee participation in their company. Within this sample, a targeted selection of case studies was made to represent several sectors of industry and to represent the three main challenges facing the traditional model of representative participation in the Netherlands (employee involvement and communication with the shop floor; inclusion of flexible and younger workers; impact on policies and business strategies). Finally, thirteen case studies across ten different sectors of industry were conducted, including three cases in the health and welfare sector and two cases in public administration (see Table 1, first column). It could be argued that the sample suffers from two kinds of ‘biases’. Firstly, because of the publicity in magazines and internet-platforms for works councils, it is possible that works council-initiated renewals in employee participation are overrepresented and that management-initiated renewals are underrepresented in the sample. Secondly, there is a possibility that less problematic cases are overrepresented because companies with negative experiences in innovation processes and/or with conflicts between the works council and the director are less likely to have volunteered for the case study research.

Each case study is based on three in-depth interviews and company documents. Interviews were conducted with at least the chair of the works council (usually joined by other members of the works council) and the company’s director in every case. A third interview was carried out with those who were specifically involved in the innovation projects within the company. All 39 interviews were systematically conducted and reported around a list of key questions about (i) backgrounds, motives, initiative, aims and design regarding the innovation in employee participation, (ii) stakeholders’ experiences of the dialogue about renewal in employee participation and the functioning of new forms of employee participation (including dilemmas and conflicts), and (iii) effects of the renewed employee participation in

terms of workers' involvement and relations between works councils and their rank and files, inclusion of younger and flexible workers in employee participation and impacts on management's decision-making and business strategies. After drafting a concept text for every case study, we asked the three respondents to comment on them and to provide extra information. All 13 companies have approved the final reports of the case studies. Two organizations have asked for anonymity.

4 Analyses

Table 1 shows the findings from each of the cases. In this section I will explain these findings in more depth.¹

Table 1: Sample and findings from 13 case studies

| Company | Form of renewal in employee participation | Motives / aims / initiator | Positive effects | Negative effects / dilemma |
|---|---|---|--|--|
| Agriculture company <i>Rijk Zwaan</i> | committees/ contactpersons in local units | better connections between wc-work- places. initiator: wc | wc are earlier/ better informed by employees; visibility of the wc at workplaces; more impact in dialogue with man- agement | unclear com- petence of the committees |
| Construction firm <i>Heijmans</i> | from 5 to 1 central works council + new commit- tees and project-groups; reduction in wc- seats | response on cen- tralisation in man- agement, low func- tioning of the former councils, more impact of employee partic- ipation. initiator: Manage- ment and wc. | cooperation between wc and management better foundations of wc's positions | more distance between repre- sentation and workplaces; resistance of trade unions and some workers groups. |
| Retail business <i>IKEA</i> | strengthening central and local repre- sentative partic- ipation; | internationalisation of bussiness, pro- fessionalisation in representative par- ticipation and | higher turnout at elections, more ca- didates for wc, acti- vation of workers participation in most of the units | lack of con- tinuity in some local partic- ipation-com- mittees |

¹ Acknowledgements: the fieldwork in the case studies is the result of hard work and cooperation of a team of researchers: Evert Smit, Simone van Houten, Robbert van het Kaar and Frank Tros. The author of this article remains solely responsible for the interpretations of the findings in the context of this article.

| Company | Form of renewal in employee participation | Motives / aims / initiator | Positive effects | Negative effects / dilemma |
|---|--|---|--|---|
| | survey-panels among personnel; reduction in wc-seats | better links with wc's rank and files. initiator: wc + HR | | |
| IT company <i>IBM CIC</i> | 'networking wc' with project-groups earlier entitled to vote/be eligible for elections in wc | mobilising knowledge and expertise among employees initiator:wc voice for workers in temporary contracts initiator: wc | employees easier on board in project-groups bottom-up initiatives and successes (also on financial workers interests) candidates and voters in wc-elections among groups of younger flex-workers | barriers from main office IBM to renew employee participation little knowledge and experiences in employee participation |
| Bank <i>ABN AMRO</i> | participants' pool of 80 workers, available for projects with 4 works councils; reduction in wc-seats | better representation of non-traditional workers groups. initiator: wc at company levels | more participants from new workers groups: youth, women, high level jobs, non trade-unionists facilities for all participants | drop-outs among the participants more 'emotions' in direct participation in conflictual situations |
| Company in business services <i>Anonymous</i> | sociocratic circle-organization method. no works council | workers participation without wc, more 'open' dialogue. initiator: management | reciprocal links between direct participation at the workplace with representatives at company level | declining dialogue; little support of the method from management and workers |
| Municipality <i>Haarlem</i> | permanent and temporary projectgroups (besides wc); reduction in wc-seats | better use of expertise from employees. initiator: wc | support for organisational development among personnel | unclear roles between wc and project-groups |

| Company | Form of renewal in employee participation | Motives / aims / initiator | Positive effects | Negative effects / dilemma |
|---|--|---|--|---|
| Municipality <i>Hengelo</i> | direct participation and participants' pool; reduction in wc-seats | enthusiasm in direct participation and flexible projects in participation. initiator: wc | 150 participants in the pool impacts of direct participation in decisionmaking at the workplace | lack of central steering from wc |
| School (intermediate vocational education) <i>Scalda</i> | tripartite dialogue WC with board of governors and supervisory board | impact on strategic decision-making at company level. initiator: wc | placing long-term policy issues on the agenda | Unclear impact of wc's input; Dependency on individuals involved |
| Organisation in health and welfare <i>Pantein</i> | sounding board of 130 workers reduction in wc-seats | commitment of employees in policy-making and wc-issues. initiator: manager and wc | regular e-consultation and meetings among the members of the sounding board visibility of the wc | still vacancies wc-seats, low participation of youth in the sounding board, lack of follow-up after consulting the sounding board |
| Organisation in health and welfare <i>Zienn Het Kopland</i> | wc stimulates direct participation at team-level; reduction in wc-seats | ideological driven by management. initiator: management | integration of employee participation at several levels; part of personnel is positive about self-management and team-based direct participation | little support of the model in new merged organisation |
| Organisation in health and welfare <i>ZorgAccent</i> | self-management and team-based direct participation; reduction in wc-seats | organisational effectiveness and efficiency. initiator: wc + management | trust among employees at the workplace | lack of determination and central steering from wc |
| Organisation in arts & entertainment <i>Anonymous</i> | involvements of self-employed in representation | response on flexibilisation in staffing practices initiator: wc. | inclusion of self-employed in wc-election | lack of management support - |

| Company | Form of renewal in employee participation | Motives / aims / initiator | Positive effects | Negative effects / dilemma |
|---------|--|---|---|----------------------------|
| | tive participation; two flexible wc-seats | appointments dependent on ongoing issues initiator: wc | fitted in emerging issue of outsourcing the canteen | |

Source: own compilation; wc = works council, HR = Human resources manager/HRM department

4.1 Types and aims of renewals of employee participation

It is mostly the works council itself that initiates an employee participation renewal process in the company, sometimes in co-operation with the director or the HR-department. Remarkably, in none of our cases have the trade unions played a main role in this initiating phase of innovation. However, only in the large bank and the large construction company, did trade union members of FNV in the works councils show some resistance to change. One important motive for the renewal process was the works councils' dissatisfaction with the functioning of representative participation in companies. In many cases there are vacancies on the councils, the composition of which are unrepresentative, the works councils' elections have poor turnouts, there is too little expertise and too much bureaucracy in the dialogue with the director, and a problem of scant communication between works councils and their rank and file. Another motive for innovation relates to adaptations to business reorganizations. The introduction of self-management and other forms of direct participation in the cases in the health and welfare sector made works councils smaller and sometimes more marginal. Only in a couple of cases was the innovation developed by a staff survey or another serious explorative investigation in the organization. Mostly there is also missing criteria to make later assessments, as the aims of the renewal were not sufficiently outlined. *ABN AMRO* (the large bank) is the only case that showed elaborative preparations and evaluations during the implementation of the innovation process (ie. selection of a 'pool' of unelected participants to engage in temporary employee participation projects, while the number of formal works councils' seats have been reduced). Generally speaking, renewal practices are step-by-step actions taken to resolve bottlenecks in the functioning of employee participation, and are not based on a 'grand design'.

In twelve of the thirteen cases, employee participation is decentralized and/or organized on a more bottom-up basis by the introduction of flexible project groups with employees who are not elected or formal representatives of the workforce, but who are participating in the group because of their specific expertise, profession, interests or shop floor location. Companies use different names, such as participation-pool, flexible participants, participation networks, location committees etc. Although these 'added participants' have no legal position and are not elected as representatives of the employees, they are interlinked with the works councils: works councils function as coordinators, and project groups are composed of both works council members and added participants. Table 1 (second column) shows that in eight of the thirteen cases, the introduction of these new hybrid forms of participation goes hand-in-

hand with a reduction of the number of work council seats. Cost reduction is an additional motive of directors for renewing employee participation, but it is mostly agreed with the works councils that changes will only take place in a 'budget neutral' manner. In the negotiations between the employer and the works council the cost reductions of less works councillors (not having to give them 5–8 hours per week leave for works councils' work) have been traded-off with new investments in new forms of employee participation. In this way, the resources for employee participation have been not or little cut, although it has affected the resources for works councils themselves. Works councillors can agree on this because of the open vacancies in the councils and their support for more involvement of direct participants. Fewer members on the councils means more participants in project teams. All new 'added' participants in all our case studies are compensated by paid working hours. *ABN AMRO* provides for education and training, a buddy (works council member) for every participant, extra dismissal protection for participants and inclusion of participants in the arrangements to sign secrecy clauses. Within the same aim of more bottom-up employee participation, we found works councils that have implemented new practices to gather opinions and discover needs within the workforce. Some examples of this are the 'sounding board' of 150 workers in a healthcare organization, 'informants' in geographically remote locations in the agricultural company, and IKEA's 'survey panel'. Finally, we found four cases in which direct participation has been integrated into work processes in the workplace, such as in team-based self-management structures in organizations in the healthcare and welfare sector. In one of the organizations even the works council itself is now working as a self-managerial team without following the formal consultation and approval procedures as stipulated by the law. The most extreme case is the company that has no works council at all but is following the *Sociocratic Circle-Organization Method*. This method is distinguished by the use of consent, rather than majority voting in decision-making (Romme, 1999). The management in this company maintains that the Works Councils Act does not reflect their open and informal culture with younger, more highly-educated and independent employees, and that works councils are overly based on 'old fashioned' ideas about unequal power-relations between workers and managers.

In sum, more direct forms of participation have been introduced. Works councils have become process controllers and directors of new flexible and temporary groups of participants, leading to hybrid forms of participation, combining (a decreased number of) representatives and more added members in participation projects, linking indirectly with direct forms of participation. The aim of these hybrid forms is to involve more people in participation, to establish participation activities more on the shop floor level, and to enhance and to add more targeted expertise and efficiency to employee participation. Furthermore, works councils have become supporters of self-management and direct participation on the shop floor without clear coordination structures. This tendency seems to be limited to the health and welfare sector and aims to enhance efficiency in operational management and professionalism of health care professionals.

Remarkably, the innovations seldom target the involvement of workers with atypical employment contracts and younger workers. However, there are two exceptions. Firstly, the works council of IT-company IBM's Client Innovation Center aims to include younger workers with temporary contracts in employee participation. New workers in this company are allowed to vote for works council representatives after 3 months, instead of the 6 months stipulated in the legislation. Here, employees can be elected as a works council member after only 6 months instead of the legally regulated 12 months. Secondly, in the anonymous case in

the public sector, the works council has initiated an experiment in giving solo self-employed workers (freelancers) voting rights in its elections. This was introduced as a response to the significant rise in the number of workers in that organisation (up to 50% of the workforce) without an employment contract, who are only offered a freelance contract with no social security provisions or job security.

Generally speaking, the cases show (very) few activities to strengthen the works councils' involvements and impacts on the companies' strategic decision-making. The works council in the case in the education sector initiated social dialogue with the supervisory board, which invited the works council to be more involved in long term issues. In the construction firm and in *IKEA*, the works councils' structure is centralized as a response to the centralization of the company's management, but more efficiency in the participation processes seems to be a more important aim than real effective influence on business strategies.

4.2 Effects of renewing employee participation

What are the effects of the innovations that have been examined in the 13 case studies? Are the intentions of the stakeholders being realised? To what degree do they contribute to solving bottlenecks and weaker points in the traditional model of representative employee participation in the Netherlands? Some of these effects could include: i) better involvement of workers in employee participation and better communication with the shop floor, ii) more inclusion of flexible workers and younger workers and iii) greater impact on strategic decision-making?

The majority of the cases in this study have demonstrably contributed to expanding and improving the involvement of workers through representative and direct workers' participation and have also fostered closer relationships between the works councils and their rank and file on the shop floor. Works councils, directors and employees broadly report being satisfied and positive about direct participation because of the resulting empowerment, self-confidence and autonomy of individual workers and teams on the shop floor. In just one case of the municipality Hengelo there is evident influence of direct participation on management's decision-making (where the employer changed his proposal regarding outplacement of functions after a meeting with the employees). There is also evidence regarding increasing numbers of candidates and voters in works councils' elections and, temporarily, participants in the new structures as a result of (discussing) renewal processes. New, more informal project-based structures with shorter-term commitments are perceived as raising less barriers to participation, especially among workers groups that were less represented before the innovation. *ABN AMRO* has succeeded in including more women and younger workers and higher-educated employees in their participants pool, overcoming the 'older male trade unionist' image of employee participation in the bank. The municipality of Hengelo has incorporated no fewer than 150 new participants in the new flexible structure and *Pantein's* sounding board numbers 130 employees, effectively representing the departments and professional groups in health and welfare services. Because works councils are composed of mostly directors of the new project groups and new participants, the links between the representatives and the rank and file are strengthened and the works councils have become more visible in the organization. Unintentionally, the new structures turn out to be fertile ground for producing new works councils' candidates. Another advantage is that the new

participants bring more expertise and shop floor information to the discussions within the participatory platforms as well as to management circles. This helps the works councils to define their positions and makes dialogue with the director more substantive and supported by the workforce. According to most of our respondents – including the chairs of the works councils as well as the directors – the smaller-sized works councils are leading to less formal, less bureaucratic and more decisive and result-oriented dialogue and decision-making. In sum, it can be concluded that most of the case studies prove the presence of synergetic effects in the functioning of representative participation and the functioning of new forms of direct participation, although important conditions in these new hybrid forms can be disentangled. Firstly, works councils and their members have to develop new skills in directing project groups and the new participants. *IKEA* is a best case in terms of discussing and providing clear tasks and profiles for the new representatives and other participants on the shop floor, and its relationship with the works councils at a central level. *IBM* is a best case with regards to bottom-up initiatives, even in the complex and potentially conflictual fields of wages and pensions. On the other hand, we can observe less overall positive outcomes between works councils and new forms of direct participation in the cases in the health and welfare and municipalities sectors. Here, works councils suffer from a skills shortage in relation to directive and decisive powers, while experiences of self-management and team-based direct participation on the shop floor itself are positive. A second condition for establishing synergetic effects in representative as well as direct participation is that works councils have to come to an agreement with the director and managers to create facilities for the new structures and new participants (because these structures and facilities are – in contrast with the elected and formal representatives – not regulated by the Works Councils Act). The case studies show high variability in this area. In most cases, the new participants are only compensated by working hours. Sometimes, they also receive training and education and guidance from a works council member (known as a ‘buddy’). *ABN AMRO* even extends to the new participants the same formal protection and confidentiality that they give (by law) to the works councils’ members. A third condition for the effective functioning of hybrid structures in employee participation are the specific measures taken to limit the drop-out rate among the participants. Regular newsletters, giving feedback following up on their contributions in the project-groups and consultative rounds tend to encourage sustainable commitment.

The cases have quite limited effects on better inclusion of workers with atypical contracts, and therefore also younger workers, in employee participation activities. Although *ABN AMRO* and *Heijmans* aimed at the start of their innovation plan to include more representatives of flexible workers in the new participation structures, during the process other aims, such as targeting the innovation at the regular workforce, took precedence. Only the case of *IBM* shows, as was intended, a high level of activity of young employees with temporary contracts on its works council, as well as in its project groups, in their network model of employee participation. In other cases, younger workers – although only those with ‘normal’ employment contracts – seem to be better reached by the temporary project-based forms of employee participation than by the former structures of works councils. Developing a sustainable participation of young people continues to be a challenge, even in the new hybrid structures of employee participation. *Pantein* for example, have not made their sounding boards representative of younger personnel, despite targeted actions.

More participants and more efficient and effective dialogue in the field of internal organizational issues does not (automatically) lead to more influence in the fields of terms and

conditions of employment nor strategic decision-making. The anonymous case in the public sector shows that the director wants to keep negotiations around payments and flexibility in labour contracts outside the workplace and only subject to collective bargaining with the trade unions, rather than putting these more conflictual subjects on the agenda of the works council. The case in the education sector shows a new dialogue structure with the supervisory board, but the influence of the works council on the strategic decision-making of the organization is unclear.

4.3 Dilemmas and continuity

An important finding of our study is that in eight of the thirteen cases the renewal processes go hand in hand with a reduction in the number of works councils' seats. This assumes a trade-off between the elected representatives on the one hand, and the non-elected new participants in the new hybrid forms and workers in direct participation on the shop floor on the other hand. Nevertheless, this is an erroneous assumption. The case studies highlight several dilemmas related to the replacement of works council members by new participants who are not part of works councils. Firstly, the latter group is, in contrast to works council members, neither protected nor facilitated by the Works Councils Act (*Wet op de Ondernemingsraden*). The Act does not include the position of the project groups and procedures around the new hybrid forms. Therefore, these participants and the new structures have fewer formal powers and stability in the companies than the works councils. The issue of less power played a role in the resistance of trade unions in *Heijmans* (construction sector) where the five former works councils have been decreased in exchange for one larger council and the introduction of hybrid project groups. Further, non-works councillors in employee participation faced unclear competences in *Rijk Zwaan* (agriculture), little knowledge about workers participation in *IBM CIC* (IT) and more emotions in conflictual situations with the employer in *ABN AMRO* (bank). *IKEA* (retail) and *ABN-AMRO* had problems with discontinuity of the new committees and drop-outs among the new participants. A second, more practical dilemma is that the new hybrid forms of employee participation demand more coordinating tasks from the works councils, while their capacities have become more limited because of the reduction of members. The cases in the IT sector, in the health and welfare services and in the municipalities show the problematic emergence of burdensome workloads for smaller works councils in initiating, supporting and co-ordination tasks for the direct participation and hybrid project-groups. Unclear roles between the works council and new project groups, such as in *Hengelo* (municipality) made the coordination by the works council even more problematic. A third dilemma is that works councils are supposed to make decisions on the basis of an integrated company-wide overview for all groups of workers. Project groups can provide specific expertise and information from certain departments or professions, but it remains the task of the works council to 'translate' the findings of the project groups into policies in the general interests of the company and all its workers. The new enthusiastic participants in the municipality of *Haarlem* were disappointed about the lack of follow-up of their own ideas, which were too detailed and too one-sided in the eyes of the works council. The direct participants in a restructuring process within a unit of *ABN AMRO* were too much vulnerable for their own dismissal, that the works council were seen as better partners of the management for integrated decisions. Last, but definitely not least, are the risks of marginalising employee

participation in the fields of strategic decision-making and negotiating employment terms and conditions. We see this very clearly in the cases of well-functioning direct participation on the shop floor (in *ZorgAccent* and in the municipality of *Hengelo*), but where the works councils demonstrate less and less leadership and steering powers. This is not a problem in the field of internal organization-development issues with joint interests among workers and management because of the functional equivalent of direct participation. But in social dialogue and negotiations around strategic policies and in conflictual and distributional issues (such as wages, working hours, job protection etc.) the works councils' stronger formal powers are needed.

Successful cases of innovation show high levels of trust, communication and consultations between the works council and the director. This is clearly the case in *Rijk Zwaan* (agriculture), *IBM CIC* (IT), *ABN AMRO* (bank) and *Pantein* (health and welfare) where management supported the councils' initiatives in innovating employee participation. Support from the director appears the cases in *Rijk Zwaan* (agriculture), *IBM CIC* (IT), *ABN AMRO* (bank) and *Pantein* (health and welfare) to be a critical condition from the beginning till the end: from investigating a plan up to the implementation and (mid-term) evaluations. The anonymous case in the public sector demonstrates a lack of trust and communication between the works council and director and therefore also uncertainty with regards to the continuation of the experiment. In this organisation, the works council has a more activist orientation in defending workers' rights and interests and the trade unions has a high density of members. The works council aims to elaborate on its experiment by including freelancers' representatives as members of the works council, but the director is reticent due to fears of being pushed into negotiations with the works councils over workers' low salaries (although the works council says that this is not their aim, because of the primacy of the trade unions in collective bargaining over wages and flexible labour).

All in all, the case studies present us with a mixed picture regarding the continuity of new structures and new forms of employee participation. The participants' pool in *ABN AMRO* and the integrated structures of direct participation in *ZorgAccent* are both deeply embedded. Another six cases of innovation seem to have produced sufficient successful effects and support from the whole organisation to raise expectations of further continuity. In five cases, the future of the new model of employee participation is less certain because of a lack of involvement and support for the renewals among personnel and management or insufficient positive results.

5 Conclusions and discussion

The case-studies show change of functioning of institutions on workers participation within companies. Making a reference to theories of institutional change (Section 2), we see no abrupt change. Nevertheless, incremental changes can lead to in-depth changes over time. In the cases we see *layering*, *drift* and *conversion* in the institution of representative participation through works councils. Forms of direct participation were added to existing structures of works councils (*layering*). Works councils themselves and also some employers, became aware that the structure and practices of representative employee participation in the companies needed to be adapted for better involvements and commitments of employees in

representative and direct participation. In doing so, they aimed to prevent further *drift* in which the traditional model of works councils would erode. The cases also show institutional *conversion* where works councils have become more coordinators of direct participation and project groups that are flexible in relation to time, composition and content. Also, the low involvements of works councils in strategic company policies and regulations on terms and conditions of employment confirm the longer existing trend that employee participation in the Netherlands are more transformed as instrument of HRM. We found no examples of *exhaustion* and just partly *displacement* because of the trade-offs between lowering the number of works councillors and introducing more direct participants.

The number of cases are too low to make overall conclusions regarding the future of works councils and models of employee participation in the Netherlands. Important to conclude here is that works councils – as the main actor in the traditional model of employee participation – are *themselves* the main initiating actors of change and modernization, in order to solve bottlenecks in their own functioning and to breathe new life into employee participation in the companies. Works councils are not ‘dead’ at all. With support from directors and management, works councils are searching for new communication models and activities with their rank and files by establishing and strengthening (new) forms of direct participation on the shop floor and project-based participation with non-elected, temporary participants with specific expertise or representation from (new) workers’ groups. With these innovations, new hybrid structures are being created in the Dutch model of employee participation that link forms of representative participation with forms of direct participation. Works councils are becoming coordinators of direct participation and project groups that are flexible in relation to time, composition and content. Important to conclude also here is that works councils in the new hybrid systems mostly continue to be the main actors and basis of the employee participation model in the companies (although the three cases in the health sector show low powers of the works councils in determining new processes of direct participation). The introduction of more hybrid systems seems not to be ‘typically Dutch’. Remarkably, also in Germany, new forms mixing and mediating between traditional representatives and new employee participation have been created (Haipeter, 2016; Haipeter, Bosch, Schmitz-Kießler & Spallek, 2019). There are common characteristics shared by the new thematic and project-based approaches to employee participation linking direct participation of workers who were underrepresented in the past with works councils’ activities.

The new structures and practices in employee participation in the Netherlands are not in violation of the Works Councils Act (Wet op de Ondernemingsraden). The Act even promotes forms of direct participation. But here are tensions. Firstly, innovations appear to go hand in hand with a reduction in the number of works council seats. As a result of this, the size of works councils in Dutch companies have become smaller than is recommended by the legal guidelines. Secondly, some new forms of direct participation (i.e. self-management, consultations with the workforce, new hybrid project groups) are not regulated by the Works Councils Act. The Act refers to ‘committees’ (commissies) of the works councils but not the flexible and temporary project groups with non-elected participants as we found in the case studies. Neither does the Act regulate any legally binding effects of internal surveys, sounding boards or other consultations in the workforce for internal decision-making.

As hypothesized in the second section of this article, it can be indeed concluded that consultations between works councils and directors (and sometimes also HR departments as a third actor) regarding reforming employee participation are conducted in quite an informal

and cooperative way (hypotheses 1 and 2). Innovations in employee participation meet with little resistance from trade unions because of the separation of the institutional roles of works councils and trade unions, and because innovations hardly ever deal with issues related to employment terms and conditions or distributive bargaining. However, we examined two smaller conflicts in the cases of the construction and banking industry where the replacement of works council members by new non-elected participants in project groups was quite substantial and was met by resistance from works council members organized by trade unions. In general, works councils in the Netherlands do not experience their position and work in terms of (uneven) power relations between labour and capital and do not involve the trade unions in discussions around employee participation (with some exceptions that are not studied here). Furthermore, the dual channel system in the Netherlands means that the co-operative spirit in experimenting with new practices in employee participation in the field of joint, productive interests are not hindered by negotiations around distributive issues between employers and trade unions. Nevertheless, the absence of trade unions also means that the works councils in the Netherlands lack the support and powers of the trade unions.

The case studies confirm the hypothesis (nr. 3) that renewals in employee participation are focused on more direct forms of participation. Particularly in the three cases in the health and welfare sector, but also in the municipalities, direct participation on the shop floor is encouraged by management who want to stimulate employee commitment and improve productivity and team work. The intention is not to diminish the formal powers of representative employee participation; although unintentionally, the works councils in two of these cases have lost some of their central leadership. Further, more cases of innovation involve new hybrid forms of employee participation in which works council members co-operate with (non-elected) participants in thematic and temporary project groups. We observe that in the majority of these cases the number of seats on the workers' councils have been reduced, and compensated for by adding new flexible participants or other investments in more direct forms of participation. Although in two case studies in the health and welfare sector we found that works councils have become less important and powerful while investing in more direct participation (i.e. self-management), in most cases we found that the functioning of works councils was stimulated by the new hybrid forms of participation, which indicates a synergetic relationship between the two types of employee participation: representative and direct participation. The hypothesis (nr. 4) that employers want to trade-off 'overly strong' works councils (which are too influenced by trade unionists) with direct participation in order to rebalance power relations is not directly confirmed in the interviews among works councillors and employers. Indirectly however, related power relations played a role in the case of *ABN AMRO* and *Heijmans* where especially unionized works councillors were against the employers' proposals in innovating employee participation. More generally, the interviewed employers in the cases argue that increasing efficiency in employee participation is one of the reasons for eradicating some of the seats on the works councils. The hypothesis (nr. 5) of combining both forms of employee participation – due to better functioning and productive effects – is more supported by the case studies.

One of the most important findings from the case studies is that new hybrid structures can lead to positive, synergetic effects for representative participation as well as for direct participation. More people are involved in employee participation activities and more expertise and opinions are brought bottom-up into the works councils and their consultations with the directors. Therefore, substantive dialogue on the shop floor, within project groups and works

councils, as well as dialogue with managers and directors are all strengthened. Because of the new, reciprocal communication and co-operation between representatives and their rank and file, the visibility of works councils has been increased. An important condition, however, is to keep the reduction of works council seats and replacement of representatives by participants proportional. The Works Councils Act provides for jurisdictions, procedures and facilities for workers' representatives, while the new kinds of participants are not legally recognized. Furthermore, works council members have more democratic legitimacy than participants and works councils need to reach a certain size to practically be able to coordinate direct or hybrid participation, along with influencing strategic business policies. However, it is important to stress here that these effects of the two types of employee participation occur more often in cases of common interests in productive dialogue between management and workers than in the field of conflictual interests and distributive bargaining. One might expect that synergy is also possible for strategic policies, according to the assumption that when there is more direct participation on the shop floor by added participants, the representatives on the works councils could focus more on strategic issues (Goodijk, 2019). But the case studies do not confirm this. The case study research found just three modest initiatives to renew and strengthen the works councils' involvement in strategic policies. Most of the works councils are busier with tasks related to directing and supporting direct participation on the shop floor and the hybrid project groups in internal organisational issues. In the health and welfare sector we even see a diminishing impact of works councils on the companies' strategic decision-making related to their innovation processes.

Another important finding is that innovations in employee participation have hardly responded to labour market flexibilization in the Netherlands. Flexible or 'atypical' workers are scarcely involved in the cases of innovating employee participation. It would be reasonable to assume that companies and temporary workers are less invested in employee participation during temporary relationships, but it is a serious problem when younger workers are not involved because of their marked overrepresentation in having flexible and temporary employment contracts. Younger employees want to have a voice as well, and management needs the input of new generations of workers in relation to employment relations policies and organizational development.

In the Netherlands we have seen previous experiments to strengthen direct participation and to intensify the communication between works councils and employees on the shop floor, for example in manufacturing companies in the 1960 s and 1970 s. These experiments have led to limited corrections in the functioning of works councils in the Netherlands, what can be also the case with the innovations nowadays. But there seems to be a difference between those, and the current innovation processes as a result of the context of the shifted power relations favouring employers in the Dutch industrial relations system currently. Directors in the recent case studies support (and sometimes initiate) the innovations in employee participation to promote greater flexibility and efficiency. Trade unions are practically absent here, and works councils appear not to have political, trade union or power-relations orientations towards (innovating) employee participation in the companies. The core of the present modernization lies in organizing workers' voices to stimulate more effective and efficient operational management and support for less formal and more temporary structures of employee participation.

6 References

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