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# **FRIEDRICH-ALEXANDER-UNIVERSITÄT ERLANGEN-NÜRNBERG**

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## **Unions and Employers' Associations in Germany: A Survey of their Membership, Density and Bargaining Coverage**

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# Unions and Employers' Associations in Germany: A Survey of their Membership, Density and Bargaining Coverage

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**Abstract:** Trade unions and employers' associations play an important role in Germany not only in wage setting, but also in social policy and labour market regulation. While the majority of companies are organised in employers' associations, less than one fifth of employees are still members of a trade union. Union density has declined substantially over the last decades whereas on the employers' side density has fallen to a lesser extent as most employers' associations have introduced the option of bargaining-free membership. At the same time, the collective bargaining coverage of companies and employees has been reduced drastically. Nowadays, less than half of employees in Germany are formally covered by collective agreements. Nevertheless, collective agreements are still directly or indirectly relevant for three out of four employees, and they are an important anchor for wage setting in the entire economy. The erosion of (multi-employer) bargaining coverage has manifold reasons and has been associated with an increased heterogeneity in wage setting over the last decades. The ongoing falls in both bargaining coverage and union density have prompted a controversial discussion of how to stabilise the German system of industrial relations.

**Zusammenfassung:** Gewerkschaften und Arbeitgeberverbände spielen in Deutschland nicht nur bei der Lohnfindung eine wichtige Rolle, sondern auch in der Sozialpolitik und Arbeitsmarktregulierung. Während die Mehrheit der Firmen in Arbeitgeberverbänden organisiert sind, sind nur noch weniger als ein Fünftel der Beschäftigten Mitglied in einer Gewerkschaft. Der Organisationsgrad der Gewerkschaften ist in den letzten Jahrzehnten deutlich zurückgegangen, wohingegen derjenige auf Arbeitgeberseite weniger stark fiel, da die meisten Verbände die Option einer Mitgliedschaft ohne Tarifbindung eingeführt haben. Zugleich hat sich die Tarifbindung der Betriebe und Beschäftigten drastisch verringert. Heutzutage werden weniger als die Hälfte der Beschäftigten formell von Tarifverträgen abgedeckt. Dennoch sind Kollektivverträge direkt oder indirekt für drei von vier Beschäftigten relevant, und sie stellen einen wichtigen Anker der Lohnsetzung in der gesamten Wirtschaft dar. Die Erosion des (Flächen-)Tarifvertrags hat vielfältige Ursachen und geht mit einer zunehmenden Lohn dispersion einher. Die anhaltenden Rückgänge der Tarifbindung und des gewerkschaftlichen Organisationsgrads haben eine kontroverse Diskussion ausgelöst, wie sich das deutsche System der Arbeitsbeziehungen stabilisieren lässt.

**Keywords:** trade union, employers' association, collective bargaining, bargaining coverage, Germany

**JEL classification:** J51, J52, J53, J58

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## 1. Introduction

Collective bargaining as a means of collectively regulating labour relations and trade unions and employers' associations as their institutional bodies have been legally recognised in Germany since the end of World War I. Unlike in the Weimar Republic, that existed until 1933, in the Federal Republic of Germany the state refrains from intervening in this conflict-prone area (by means of wage guidelines or compulsory arbitration). It restricts itself to defining the legal framework (e.g. the Collective Agreement Act), within which the parties to the collective agreement are largely free to negotiate as long as they do not violate other laws. The principle of collective bargaining autonomy means that independent trade unions on the one hand and employers' associations or individual companies on the other regulate the organisation of wages and salaries and other working conditions independently by means of binding agreements. The legal background to collective bargaining autonomy is the freedom of association enshrined in Article 9 (3) of the German Basic Law, which gives everyone the right "to form associations for the protection and promotion of labour and economic conditions", but also to refrain from doing so. Such associations in the area of working life are trade unions and employers' associations as well as their umbrella organisations, which are also referred to as collective bargaining parties or social partners.<sup>1</sup>

In Germany, the importance of the social partners extends far beyond collective bargaining autonomy and the wage-setting process (cf. Schnabel 2005). The (neo-) corporatist approach to labour market issues applied in Germany and the notion of social partnership make trade unions and employers actively shape important parts of labour market and employment policy.<sup>2</sup> They work together in many self-governing bodies such as social insurance and they are jointly responsible for the dual vocational training system. Together with the government, they are in charge of the tripartite management of the Federal Employment Agency. Trade unions and employers propose honorary judges for the labour courts and are also often consulted before changes to labour law, where they engage in intensive lobbying. Conversely, labour law and labour jurisprudence assign the social partners an important role in the implementation of legislation and the regulation of labour market issues, ranging from

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<sup>1</sup> For more detailed explanations of collective bargaining autonomy and collective bargaining law, see Silvia (2013) and Höpfner et al. (2021).

<sup>2</sup> For a survey on theories and practices of neo-corporatism, see, e.g., Streeck and Kenworthy (2005).

employee co-determination to the precedence of collective bargaining agreements and the declaration of general applicability of collective agreements. However, given the massive problems of membership erosion among trade unions and employers' associations alike (described below), it is unclear whether the social partners are still adequately fulfilling the important role of representative of interests that the German system of corporatism in the labour market assigns to them.

In his influential theory of collective action, Olson (1965) shows that the combination of individuals with individual interests into associations for the purpose of asserting their collective interests is by no means self-evident. This is because the representation of collective interests implies that all successes of the association benefit not only its members, but also all interested non-members, in the form of public goods. Due to the non-excludability and non-rivalry in the consumption of these public goods, a typical free rider problem arises: as they can benefit from the successes of the collective representation of interests without having to share in their costs, economically rational individuals will refrain from joining the association.<sup>3</sup> Olson (1965) explains the fact that associations are nevertheless formed under these conditions with his by-product theory: large (latent) groups in particular will not limit themselves to the provision of public goods such as lobbying or the conclusion of collective agreements, but will attempt to overcome the free rider problem either through coercion or by providing additional private goods. Examples of this are legal advice, information or support funds such as strike pay that are exclusively available to members and thus represent "selective incentives" to join the association.

When interpreting membership in a union or employers' association as the result of an individual cost-benefit analysis, the problem arises that in Germany, in exchange for membership fees, there are few directly attributable benefits that would not also be enjoyed by non-organised employees or employers. Unions and employers' associations do offer their members special services such as legal advice and financial support in case of industrial action, and recently some unions have pushed through bonus regulations (such as more vacation days) for their members only. However, the collective agreement, as the central benefit of the association in Germany, has the character of a public good – non-organised employees and employers may not be

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<sup>3</sup> For a more detailed discussion of the Olson approach and its application to German unions and employers' associations, see Keller (1988) and Ebbinghaus and Göbel (2014).

excluded from its use. Therefore, the most prominent explanation of the existence of unions and (to a certain degree) of employers' associations is that employees and employers comply with a social custom of membership. Social custom models (e.g. Booth 1985, Goerke and Pannenberg 2004) assume that employees derive utility from the reputation of belonging to a union. They imply that a union can exist despite the free rider problem if it achieves a minimum critical density, and this argumentation can probably be transferred to employers' associations.

Against this backdrop, the following survey describes and discusses the membership strength and cohesion of German trade unions and employers' associations as well as the influence they exert on wage setting.<sup>4</sup> Section 2 depicts the structure, membership and density of the unions and the determinants of their membership, while section 3 characterises the employer side in the same way. Section 4 analyses the extent and development of collective bargaining coverage and its determinants, and section 5 concludes with an outlook.

## **2. Trade unions**

In Germany, trade unions have a long history that goes back until the mid-19th century (for details, see Schönhoven 2014, Greef 2014). In the Weimar Republic, the trade union movement was professionally and ideologically fragmented, and it was abolished in 1933 by the Nazi government. After World War II, unions were allowed again, but their scope and structure differed substantially between the two German states. In the German Democratic Republic (i.e. East Germany), the Free German Trade Union Federation (FDGB) was established as a state-controlled mass organisation. In the Federal Republic of Germany (i.e. West Germany), the renunciation of politically orientated trade unions during reconstruction resulted in a completely different trade union structure, which was also transferred to the new federal states after German unification in 1990. This transformation process was characterised by the dissolution of the FDGB and the expansion of the West German trade unions. Today, there are

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<sup>4</sup> The wage and employment effects of lobbying activities by both sides in the political process, which have found expression in recent years e.g. in the reform of the Works Constitution Act 2001 and the introduction of a statutory minimum wage in 2015, are not dealt with here. For recent and comprehensive surveys of the German system of industrial relations, see Oberfichtner and Schnabel (2019), Keller and Kirsch (2021) and Jäger et al. (2022). International analyses of trade unions, employers' associations and bargaining coverage are provided by OECD (2019), Lehr et al. (2024), Schnabel (2020) and Zwysen and Drahokoupil (2024).

arguably almost 100 employee organisations of various kinds in Germany.<sup>5</sup> However, the majority of trade union members are concentrated in a few large umbrella organisations such as the German Trade Union Federation (DGB), the German Federation of Civil Servants and Public Sector Workers (DBB Beamtenbund und Tarifunion) and the Christian Trade Union Federation of Germany (CGB).

(Table 1 about here)

Although the DBB has been able to almost steadily increase its membership since unification, whereas membership in DGB unions eroded, the DGB is still by far the largest and most influential trade union umbrella organisation in Germany. It is an association of eight individual trade unions with a total of nearly 5.7 million members in 2023, representing about three out of four trade union members. As an umbrella organisation, it only has the task of representing workers' interests vis-à-vis the state and the public, but it does not conclude collective agreements itself, which is the task of the individual unions. Until the end of the 1980s, the DGB was made up of up to 17 individual trade unions, but financial problems and the need to strengthen the organisation led to several union mergers. The most extensive of these mergers, which comprised four DGB trade unions and the Deutsche Angestellten-Gewerkschaft (DAG), that had previously been outside the DGB, led to the formation of the Vereinigte Dienstleistungsgewerkschaft (ver.di) in 2001.<sup>6</sup> In addition, several small professional associations, for instance those organising airline pilots, train drivers and hospital doctors, have developed into autonomous and highly organised professional unions that compete with DGB unions in collective bargaining (Keller and Kirsch 2021).

(Figure 1 about here)

Regular information on trade union membership over longer periods is available for the three major organisations mentioned above, the DGB (including the formerly independent DAG), the DBB and the CGB. Figure 1 shows that in West Germany total membership numbers increased in the 1960s and 1970s, but after peaking at 9.6

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<sup>5</sup> Greef (2014) counts 81 trade unions and 8 employee associations in 2010. Note that only a few of these organisations are active and significant in terms of collective bargaining. In addition to the major umbrella organisations mentioned below, these include, for example, the German Federation of Journalists (DJV), the Marburger Bund (mb) as an association of salaried and civil servant hospital doctors, and the airline pilots' union Cockpit.

<sup>6</sup> Waddington and Hoffmann (2000) provide an informative discussion and graphic overview of these mergers; see also Müller and Wilke (2014). For a detailed analysis of the ver.di merger, see Keller (2005).

million in 1981, they stagnated. In the course of their expansion into the new federal states in East Germany, the trade unions could increase their membership to 13.7 million in 1991, but were unable to retain a large proportion of the FDGB members they had taken over. Since then, they have recorded significant declines in total membership year after year (both in East and West Germany), with the notable exception of the DBB Beamtenbund und Tarifunion (for details, see Müller-Jentsch and Ittermann 2000 and Greef 2014). Since 2001, the number of members in unified Germany has been lower than in West Germany before unification and it totalled only 7.3 million in 2023. The largest individual union is the Metalworkers Union (IGM) with more than 2.1 million members in 2023, followed by the service sector union ver.di with 1.9 million members (Table 1). These two unions are said to be the largest individual unions in Europe (Ebbinghaus and Göbel 2014).<sup>7</sup>

One problem with the official membership figures shown in Table 1 and Figure 1 is that they seem to include a substantial (but not precisely known) number of non-working members such as pensioners or students, which makes it difficult to calculate meaningful levels of union density. This problem can be circumvented by using survey data on union membership among employees taken from the ALLBUS, the representative general population survey of the social sciences. Table 2 presents union density rates calculated with this data. In contrast to the traditional calculation of (gross) union density rates, which are based on union data and therefore include both working and retired union members in the numerator (see, e.g., Müller-Jentsch and Ittermann 2000, Greef 2014), these data relate solely to employed workers. They therefore allow the calculation of more realistic (net) density rates, which are defined as the percentage of union members among employees in West and East Germany.<sup>8</sup>

(Table 2 about here)

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<sup>7</sup> Membership fees in these two unions (and in most other unions in Germany) amount to 1 percent of individuals' average monthly wages, with reduced rates for special groups like students, unemployed and retired workers.

<sup>8</sup> The calculation and analysis of these data up to 2000 can be found in Schnabel and Wagner (2005). More recent data from the ALLBUS stem from the calculations provided by Fulda (2022). Alternative survey data that contain information on union membership can be found in the German Socio-Economic Panel (SOEP), but these data cover a shorter observation period and are only collected every four years. Nevertheless, they point in the same direction as the ALLBUS data used here: Based on SOEP data, the descriptive results reported by Bonaccolto-Töpfer and Schnabel (2023) imply a union density of 16.3 percent in 2019. Finally, data from the European Social Survey analysed by Hassel and Schroeder (2021) put union density in Germany at 20.7 percent in 2016.



Table 2 shows that union density has fallen considerably over the last 40 years (even if the decline has somewhat slowed down in recent years). In 1980, one in three employees in West Germany was a member of a trade union, but by 2000 only one in four employees in West Germany and one in five in East Germany were members. In unified Germany, it is nowadays just one in six employees who belongs to a union (17.4 percent in 2021). Union density is higher for men than women, and blue-collar workers and civil servants are more likely to be members of a trade union. In international comparison, trade union density in Germany is in the lower middle range – see the comparative analyses based on employee surveys by the OECD (2019), Vandaele (2019) and Hassel and Schroeder (2021).

The determinants of union membership and density in Germany and developments in unionisation over time have been analysed in various econometric studies. Aggregate time series analyses show that macroeconomic variables such as wage and price developments, employment trends, unemployment and the employment structure can explain union growth and decline in West Germany (see, e.g., Armingeon 1989, Carruth and Schnabel 1990). A study which covers the long period from 1954 to 2009 (and thus also unified Germany) indicates that union density correlates with variables like nominal net wage change, employment change, the composition of employment, trade and the population's membership in left parties (Silvia 2013), but the specification of some variables and the robustness of the estimated correlations needs to be investigated in more detail.

Cross-sectional and panel analyses with individual data have identified a number of personal, occupational, socio-political and workplace characteristics that are associated with union membership in Germany.<sup>9</sup> Empirical studies typically find a significant positive correlation between the size of the company in which the employee works and the probability of union membership, and they indicate that the membership probability is significantly higher for blue-collar workers, civil servants and public sector employees as well as for full-time employees, men and employees with a "left-wing" political attitude. The probability of an employee joining a union also increases with sector-specific net union density, indicating that social custom effects play a role. Interestingly, within less than ten years the originally high level of union density in East

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<sup>9</sup> See, for example, the studies by Windolf and Haas (1989), Goerke and Pannenberg (2004), Schnabel and Wagner (2003, 2005), Biebeler and Lesch (2007) and Fitzenberger et al. (2011). Unfortunately, there is a lack of more recent econometric studies covering developments in the last 20 years.

Germany has dropped below that of West Germany, and the factors associated with individuals' probability of union membership have converged over time between both parts of the country.

These econometrically supported findings seem to offer some obvious explanations for the decline in union membership shown above. As the proportion of blue-collar workers, civil servants and full-time employees has fallen over the last decades and continues to fall, the steady decline in union density is hardly surprising. Although trade unions remain strong in manufacturing industry and the public sector, they have not managed to gain a foothold in the growing service and information sectors, for example, or among white-collar, female and atypical workers. By and large, the current membership structure still reflects the employment structure of times long gone (Ebbinghaus and Göbel 2014). However, this simple story has only limited explanatory power as two studies with different data sets demonstrate that changes in the composition of the workforce have only played a minor role for the deunionisation trends in West and East Germany (see Schnabel and Wagner 2007, Fitzenberger et al. 2011).

Another structural factor that tends to reduce union density in Germany is the aging of the unions. Union members are on average older than non-unionised employees (Schnabel and Wagner 2008, Biebeler and Lesch 2015). Using cohort analysis, it was shown that both intra-cohort change and cohort replacement effects have played a roughly equal role in the substantial fall in union density since 1980 (Schnabel and Wagner 2008; see also Ebbinghaus and Göbel 2014). If older cohorts with relatively high union densities continue to be replaced by young cohorts with low union densities, average union density can be expected to fall further. Membership decline will continue if the German unions do not succeed in organising more young people, more women, and more white-collar and atypical workers (Ebbinghaus and Göbel 2014, Biebeler and Lesch 2015).<sup>10</sup>

Although we do not know exactly where the critical minimum density for the survival of a trade union lies that is postulated by "social custom" trade union theories (for an overview, see Schnabel 2003), it seems to be high time for unions to reverse this

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<sup>10</sup> Note that union membership and density do not only fall among employees. In Germany, like in most other EU countries, union density is substantially lower among retired compared to employed workers, so that demographic change further impairs union strength (Pyka and Schnabel 2024).

negative trend if they do not want to fall into financial difficulties and a downward spiral of lower benefits for and lower contributions from members. As noted by Ebbinghaus and Göbel (2014), the German unions are confronted with the dilemma of having to open up to new social groups and interests at the same time as they have to continue their increasingly difficult collective bargaining work for the core membership groups. The problem is compounded by the fact that German employers increasingly seem less willing to regard unions as crucial cooperation and bargaining partners (Hassel and Schroeder 2021).

In order to cope with membership erosion and deficits in organisational efficiency, the German trade unions have adopted various stabilisation strategies (for details, see Hassel and Schroeder 2021). These include, inter alia, union mergers, cost reductions, more focus on their core business, stronger cooperation with government (e.g. in establishing a statutory minimum wage) and new ways of systematically recruiting and activating union members. Although some of the new strategies used by the unions seem to show some success in stopping the membership decline (see Schmalz and Thiel 2017 for the case of IG Metall), it is too early to predict whether strong unions will continue to play an important role in the German system of industrial relations.

### **3. Employers' associations**

Employers' associations have emerged in Germany in the second half of the 19th century as a counterweight to the trade unions. Like the unions, they were abolished in 1933 by the Nazis. Unlike the unions, they were allowed again after World War II in West Germany but not in communist East Germany (for detailed descriptions of their history and organisation, see Silvia 2013 and Schroeder 2017). Their organisational structure, which was transferred to the new federal states after German unification in 1990, is relatively complex because it comprises several levels and follows both professional and regional boundaries. There are currently 47 federal top-level employers' associations for specific industries (such as the Federal Employers' Association of the Chemical Industry) and 14 interdisciplinary regional associations (e.g. the North Rhine-Westphalian Federation of Employers' Associations) that belong to the Confederation of German Employers' Associations (BDA). The BDA is the national umbrella organisation for private employers in industry, agriculture, crafts, trade, commerce, finance, transport and other services, organizing about 700

individual employers' associations. Note that membership in these employers' associations is voluntary, and most associations depend on membership fees as a major source of income (Behrens 2022). The BDA claims that about one million companies with more than 30 million employees are affiliated to it either directly or indirectly via their member associations. The BDA does not include public employers, who have founded various associations of their own (analysed by Keller 2017).

As an umbrella organisation, the BDA represents the cross-industry interests of private employers vis-à-vis the state and the public, but – like the DGB on the union side – it does not conclude collective agreements itself, which is the task of the industry-level associations. Member associations of the BDA vary substantially in size and scope; the largest and probably most influential one is Gesamtmetall, representing the employers in the metal and mechanical engineering industry. Employers' associations do not only negotiate collective bargaining agreements, they also provide the expertise to apply these and give legal advice to their members (Behrens 2022).<sup>11</sup> Most employers' associations in Germany support the idea of social partnership, i.e. cooperative relations with trade unions, in wage setting and labour market regulation, and they predominantly regard social partnership as an advantage in international competition, but there are also quite a few associations that take a more distanced stance (Helfen 2013).

Unfortunately, it is difficult to assess the membership strength of employers' associations and their density, as “most employers associations are far less forthcoming with data than are unions” (Silvia 2013: 181), so that detailed and reliable data are not available for many sectors. This is one of the reasons why the BDA itself no longer publishes exact information on its density (i.e. the share of companies that are members of an employers' association and/or the member companies' share in employment). Public employers, mining and manufacturing industry as well as banks and insurance companies are considered to be particularly strongly organised (Schnabel 2005), and unlike the unions German employers' associations have been successful in organizing the service sectors (Silvia 2013). A crude estimate suggests

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<sup>11</sup> Note that in Germany employers' associations are still “pure” organisation that only focus on labour market issues, employment relations and social policy whereas general business interests are represented by other business or trade associations (Keller and Kirsch 2021, Jirjahn 2023). In contrast to Germany, most countries in Western Europe now have mixed organisations of employers' and business associations that subsume the product and labour market interests of business vis-à-vis the state and trade unions (Brandl and Lehr 2019).

that about 70 percent of employees in Germany work in companies that are members of an employers' association, and this density is relatively high in comparison with many other EU member states (Brandl and Lehr 2019).<sup>12</sup>

Relatively precise data are available on Germany's largest private employers' association Gesamtmetall.<sup>13</sup> As Figure 2 shows, until the end of the 1980s around three quarters of employees in the metal and mechanical engineering industry in West Germany were employed in a company that was a member of the Gesamtmetall employers' association. In the 1990s, employer density in this industry fell steadily in West Germany, reaching a low of 57 percent in 2004. After a redefinition of membership figures that started to include members with a "bargaining-free" status (discussed below) from 2005 onwards, density increased and reached 68 percent at the beginning of the 2020s. In East Germany, the newly founded employers' associations in the metal and mechanical engineering industry lost many members in the transformation process after unification (similar to the unions). Many companies were not willing to be bound by the collective agreements inspired by wage setting in West Germany, which they regarded as too costly and inflexible (Silvia 2013). As a consequence, employer density in East German metalworking and mechanical engineering steadily fell to 17 percent in 2005 but then recovered, reaching about 20 percent at the beginning of the 2020s.<sup>14</sup>

(Figure 2 about here)

In response to companies' dissatisfaction with the outcomes and the inflexibility of the bargaining system, the decline in membership, and the ensuing loss of organisational power, in the 1990s Gesamtmetall and other employers' associations decided to introduce a so-called "bargaining-free" membership status. This gives companies the option to join the organisation and access its services while avoiding the obligations that arise to regular members from industry-wide collective bargaining agreements with trade unions (for details, see Silvia 2013: ch. 5, Haipeter 2017, Behrens and Helfen

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<sup>12</sup> Despite this lack of precise data, it is clear that in Germany employers' associations have been more successful in recruiting and keeping members than trade unions have. However, employers' associations find it more difficult than unions to organise the process of unifying interests and setting collective goals and to secure the loyalty of their members.

<sup>13</sup> For data on the relatively steady density of the German chemical industry association BAVC, another heavyweight among employers, see Silvia (2013: 196).

<sup>14</sup> Note that Gesamtmetall stopped publishing separate membership figures for West and East Germany in 2021. In 2023, employer density for both parts of Germany combined is about 62 percent (own calculation based on data by Gesamtmetall).

2019). In the case of Gesamtmetall, the use of the bargaining-free membership status has become increasingly popular among (small and medium-sized) member companies, and it largely explains the increase in density shown in Figure 2 (which includes companies with this status from 2005 onwards). Nowadays more than 50 percent of Gesamtmetall's member companies opt for the bargaining-free status (Behrens 2022).

Across industries, it is estimated that between one third and one half of employers' associations offer companies to receive membership benefits, such as information and legal advice, without being bound to collective bargaining agreements (see Behrens and Helfen 2019, Keller and Kirsch 2021). According to a survey of 114 employers' associations conducted in 2012/13, the probability that an association has introduced the bargaining-free membership option is lower in associations with many members whereas it is higher if collective agreements are said to regulate too many different issues and do not provide sufficient leeway for individual companies (Behrens and Helfen 2019). A survey of private companies with at least 150 employees conducted in 2007 shows that smaller and younger companies, those with a foreign owner, companies without a works council and companies with a lower share of unionised workers are more likely to choose the bargaining-free membership option in employer's associations (Jirjahn 2022a).

The findings obtained from membership data of the largest private employers' association Gesamtmetall can be supplemented and tend to be confirmed by some information from company surveys (although it is difficult to compare figures based on substantially different samples). For example, an analysis of representative data for the manufacturing industry in Lower Saxony (West Germany) showed that in 1994 about 50 percent of companies with at least five employees, in which a total of two thirds of employees worked, were members of an employers' association (Schnabel and Wagner 1996). In comparison, surveys of East German industrial companies reported that in 2003 only 10 percent of companies (employing just under 30 percent of the workforce) were members of an employers' association with collective bargaining rights (Brenke 2004). Ten years earlier, by contrast, three quarters of all East German industrial employees were still working in organised companies. In a survey of 76 regional and federal employers' associations from both parts of the country conducted in 2005/06, their managing directors estimated that on average they

organised 57.5 percent of potential member companies (Behrens and Helfen 2009). More recent and large-scale comparative data from the European Company Survey suggest that in Germany about one quarter of all establishments surveyed were members of an employers' association in 2019, and this percentage is relatively high in international comparison (Lehr et al. 2024). In contrast, a more selective and older survey of private companies with at least 150 employees indicates that almost two thirds of these were members of an employers' association in 2007, and most of these relatively large companies were also covered by collective bargaining agreements (Jirjahn 2023).

Due to a lack of suitable data, the factors associated with membership of German employers' organisations have so far been analysed econometrically in very few studies (see Schnabel and Wagner 1996, Jirjahn 2023). According to these studies, the probability that a company is a member of an employers' association increases with its size, its age and the proportion of unionised employees. Membership is also positively associated with a companies' risk of industrial action, which can be mitigated by the employers' association industrial action fund (Schnabel and Wagner 1996), and with the presence of a works council (Jirjahn 2023).<sup>15</sup> The fact that younger companies are significantly less likely to organise may be interpreted as a sign of recruitment problems for employers' associations. It is consistent with the observed decline in membership over time, which is the result of both companies leaving and newly founded companies not joining employers' associations where they are bound by collective bargaining agreements.

According to several surveys and case studies, companies bound by multi-employer agreements are often dissatisfied with the level of collectively agreed wages (in particular for unskilled workers) and with working time regulations, while companies not bound by collective agreements also cite these two aspects as their main reason for avoiding collective bargaining coverage (see, e.g., Lehmann 2002, Lesch et al. 2018). Companies usually resign after a period of dissatisfaction with the employers' association lasting several years, whereby one of the main reasons appears to be the low level of satisfaction with the collective bargaining policy dominated by large

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<sup>15</sup> See also the analysis of the self-reported density of 76 employers' associations by Behrens and Helfen (2009) which shows, inter alia, that density is lower in heterogenous associations that operate across various industries, in associations predominantly relying on small member companies, in large associations and in East Germany, *ceteris paribus*. In contrast, density is found to be higher if large companies are said to have a strong influence in the organisation.

companies (see, e.g., Langer 1994, Schroeder and Ruppert 1996, Lehmann 2002). While large companies primarily emphasise the influence and countervailing power function of employers' associations and very rarely leave them, small companies tend to cite their information and advisory services as reasons for membership. It is predominantly small and some medium-sized companies that stay away from employers' organisations or make use of the bargaining-free membership option. They generally feel that their interests are less well represented in employers' organisations and they are also less actively involved than large companies (Schroeder and Silvia 2003, Behrens 2022).

A main problem of employers' association is that they find it increasingly difficult to balance the heterogeneous interests of different types of companies (Schnabel 2005, Keller and Kirsch 2021, Behrens 2022). Conflicts of interest between large companies and small and medium-sized enterprises are evident in many sectors. In the automotive industry, for example, smaller companies have long felt inadequately represented in the association's collective bargaining policy and they typically complain that the influential large companies agree to the conclusion of relatively high collective wage agreements, but try to pass on the resulting cost burdens to the supplier companies, which are burdened with the same labour costs.<sup>16</sup> These tensions tend to weaken employers' associations' ability to exercise discipline and authority over their member companies in the collective bargaining process. Moreover, "competing interests within associations, in some cases expressed with reference to the small-large firm divide, can be considered as one of the driving forces for the weakening of multi-employer bargaining" (Behrens 2022: 160).

Against this background, it is a disputed question how the introduction of bargaining-free membership in employers' associations should be interpreted and how it affects total membership and the entire bargaining system (Haipeter 2017, Behrens and Helfen 2019, Behrens 2022). Some observers interpret bargaining-free membership as a strategy to address employers' associations' membership decline by preventing members dissatisfied with the results of collective bargaining from leaving the organisation and also attracting companies that were not previously members. Another interpretation regards the introduction of the new membership status as a strategy to

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<sup>16</sup> For a detailed analysis of how employers in Germany manage to represent within a single organisation the conflicting interests of companies that often are competitors on product and labour markets, see Behrens (2018).



increase employers' bargaining power as employers may use the threat of large numbers of companies opting out of collective bargaining coverage to obtain concessions from unions at the bargaining table. In a third interpretation, bargaining-free membership is seen as a device for ending multi-employer collective bargaining altogether. Once a critical mass of member companies has switched to bargaining-free status, "the employers' association would change its character from a collective bargaining organisation into a mere service agency or lobby organisation" (Behrens and Helfen 2019: 54). The third interpretation is probably too radical and not empirically supported, and a survey of 114 employers' associations by Behrens and Helfen (2019) also shows little support for the idea that employers' associations introduce the bargaining-free membership status to improve their bargaining power. Although there is some weak evidence from this survey that membership stabilisation seems to be a strategic motive for the introduction of bargaining-free membership, the extent to which it can actually fulfil this function and also stabilise the entire industrial relations system requires further investigation. Currently, most observers tend to agree that the introduction of the bargaining-free membership status "has contributed to an increased fragmentation and heterogeneity of industrial relations in Germany over the last decades." (Jirjahn 2022a: 555).

#### **4. Bargaining coverage**

Although the densities of trade unions and employers' associations are informative indicators, the extent of collective bargaining coverage is even more indicative of the binding and formative power of employers' associations and trade unions in Germany. Bargaining coverage provides information on the proportion of companies and employees for whom wages and other working conditions are regulated by collective agreements. It thus reflects the practical relevance of collective bargaining agreements, which are accorded particular importance in German labour law and have priority over works agreements and individual employment contracts.<sup>17</sup>

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<sup>17</sup> For institutional details, see Schnabel (2005), Hirsch et al. (2022), and Jirjahn (2023). The extent of collective bargaining coverage is also important for the declaration of general applicability of multi-employer collective agreements. According to § 5 (1) of the Collective Agreement Act, under specific circumstances, it is possible to extend a multi-employer collective agreement to all companies in an industry if the members of an employers' association bound by the collective agreement employ at least 50 percent of the employees in the relevant industry.

In Germany, unions and employers or employers' associations negotiate regional or nationwide collective agreements that are legally binding and may be set up either as multi-employer agreements at industry level or as single-employer agreements at company level. Companies may decide to be covered by these agreements, but they can also abstain from collective bargaining with unions and negotiate wages individually with their workers. If companies are bound by (single- or multi-employer) collective agreements, they cannot undercut, only improve upon the minimum terms and conditions laid down in these agreements, through voluntary premiums such as higher wages or more vacation days. Collective bargaining agreements regulate wages, working hours and other working conditions for all blue-collar workers and for most white-collar workers up to a certain hierarchy level, typically lower management. For higher hierarchy levels, contracts are negotiated individually between the employer and the employee.

The wages and working conditions agreed in a collective agreement apply only to the companies bound by the agreement (either directly or via membership in an employers' association) and to those of their workers who are members of the union that signed the agreement. Non-union workers in a company are not entitled to be paid the union wage laid down in the collective agreement.<sup>18</sup> But employers are free to extend the terms of the collective agreement to workers who are not union members. The main reason for such an equal treatment is that the employer does not give its employees any (additional) reason to join the union in order to obtain the union wage and other collectively agreed benefits. For many years, most employers have adopted such a strategy that intends to keep unionisation low, although there are signs that this is changing for some groups of workers (see Hirsch et al. 2022 and the discussion below). Nevertheless, for practical purposes, it is often assumed that the collective agreements cover all employees (with the exception of middle and upper management) in companies bound by collective agreements, so that the bargaining coverages of a company and its workforce coincide.

In the absence of official statistics, information on the extent and development of collective bargaining coverage in Germany can be obtained by referring to the

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<sup>18</sup> This principle of "double affiliation", i.e. that collective agreements directly cover only employees who are members of the union signing the agreement and work in a company that is a member of the signatory employers' association, also applies in several other countries such as Sweden, Japan, and Korea (see OECD 2019: 49).

representative data collected annually by the Institute for Employment Research of the Federal Employment Agency (IAB) as part of its establishment panel.<sup>19</sup> The most recent analyses of the IAB Establishment Panel reported by Hohendanner and Kohaut (2024) are shown in Table 3. They indicate that in 2023 about 22 percent of companies were bound by multi-employer collective agreements at the sectoral level. Single-employer collective agreements at the plant level applied to just 2 percent of companies. The rest, i.e. three out of four companies in Germany, were not bound by collective agreements. However, many of these companies not formally bound by collective agreements stated that their individual employment contracts were largely based on existing sectoral collective agreements in that they used these agreements as a point of reference. This is the case in about 39 percent of companies not formally bound by collective agreements.<sup>20</sup> Table 3 shows that companies' bargaining coverage is below average in East Germany and in the private sector, whereas it is particularly high in public administration. Furthermore, bargaining coverage increases with company size. Whereas small companies are seldom bound by collective agreements, 53 percent of companies with more than 200 employees apply multi-employer collective agreements, and 16 percent of these large companies negotiate single-employer collective agreements.

(Table 3 about here)

A larger scope of application results if collective bargaining coverage is related to employees rather than companies, as shown in the lower part of Table 3. In 2023, around 42 percent of employees in Germany worked in a company covered by a multi-employer collective agreement at sectoral level. Single-employer collective agreements applied to eight percent of employees. No collective agreement was in place for 51 percent of employees. However, for half of these employees, collective agreements were indirectly relevant, as their companies used sectoral agreements as

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<sup>19</sup> Alternative sources of data on the bargaining coverage of employees and/or companies in Germany are the Socio-Economic Panel (see, e.g., Schneider and Vogel 2018, Bonaccolto-Töpfer and Schnabel 2023) and the Structure of Earnings Survey (analysed by Hirsch et al. 2022), but these data are only collected every four years. For a comparison of the three surveys and their partly different results, see Schulten (2019).

<sup>20</sup> Note that using collective agreements as a point of reference, which can be interpreted as a way of reducing transaction costs compared to bargaining individually, primarily relates to basic pay and annual leave, but less so to working hours and to additional financial benefits such as Christmas or holiday pay (Schnabel 2005, Ellguth and Kohaut 2021). Econometric analyses show that companies which claim orientation at sectoral multi-employer agreements pay significantly higher wages than uncovered companies but lower wages than comparable companies that are formally covered (Addison et al. 2016, Bossler 2019).

a point of reference (for instance to attract job applicants). If one combines the direct commitment through multi- or single-employer collective agreements (50 percent) and the orientation towards collective agreements (0.51x51 percent), collective bargaining plays a (direct or indirect) role for about 76 percent of employees in this broad definition. Like companies' bargaining coverage, the bargaining coverage of employees is below average in East Germany and in the private sector, whereas it reaches almost 100 percent in public administration.<sup>21</sup> In international comparison, the share of workers directly covered by collective agreements in Germany is in a mid-table position (see Schulten 2019, Zwysen and Drahokoupil 2024).

The determinants of companies' collective bargaining coverage have been examined in a series of econometric analyses.<sup>22</sup> These analyses show that the probability of (multi-employer) collective bargaining coverage increases with the size of the company, which is also clearly reflected in Table 3.<sup>23</sup> Furthermore, companies with legal forms in which the owners play a greater role are less likely to have collective agreements, while subsidiaries, companies with a large share of skilled employees, public-sector companies and companies in West Germany are more likely to be covered by collective agreements than otherwise comparable firms.<sup>24</sup> Most analyses also find that the probability of collective bargaining coverage increases with the age of a company – younger companies thus show a significantly lower tendency to be bound by collective agreements. This finding implies that the collective bargaining coverage of companies decreases over time, and this insight is confirmed by a longitudinal analysis.

(Figure 3 about here)

The data from the IAB Establishment Panel, which go back to 1996, show that there has been a clear downward trend in the commitment to both multi- and single-employer

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<sup>21</sup> In the private sector, multi-employer collective bargaining coverage is particularly high in the credit and insurance industry, in mining, manufacturing and in the construction sector. In contrast, multi-employer collective agreements are rather rare in the communications, retail and transport sectors and in other services (Hohendanner and Kohaut (2024).

<sup>22</sup> See, e.g., Lehmann (2002), Kohaut and Schnabel (2003), Schnabel et al. (2006), Addison et al. (2013), Ellguth and Kohaut (2019), Kölling and Schnabel (2022), Jirjahn (2022b, 2023).

<sup>23</sup> Similarly, when looking at the bargaining coverage of employees, Fitzenberger and Sommerfeld (2016) and Schneider and Vogel (2018) find that coverage is higher in larger firms and among older employees.

<sup>24</sup> In addition, one study of large companies with at least 150 employees shows that the existence of a works council and the share of union members in the workforce are positively related to both single- and multi-employer collective bargaining whereas the role of foreign ownership seems complex (Jirjahn 2022b, 2023).

collective agreements over time (Hohendanner and Kohaut 2024; see also Addison et al. 2017). The decline in bargaining coverage is most pronounced when looking at multi-employer agreements, as shown in Figure 3. In terms of employees, coverage by multi-employer agreements in West Germany fell by 26 percentage points (i.e. more than one-third) between 1996 and 2023. In East Germany, starting from a lower level, the decline amounted to 25 percentage points (or almost one-half) in this period.

Although there has been a growth in orientation at multi-employer agreements at the same time when formal collective bargaining coverage has declined, this was not sufficient to compensate for this decline as the joint frequency of both forms has fallen (Addison et al. 2016, Oberfichtner and Schnabel 2019). Similarly, although there has been an increase in the number of companies in Germany that conclude their own firm-specific agreements, the switch from multi- to single-employer bargaining is modest and cannot explain the substantial fall in multi-employer bargaining coverage. This fall is mostly due to transitions from sectoral agreements to no agreements among existing companies but it also reflects the fact that newly-founded firms have below-average rates of bargaining coverage (Addison et al. 2017).

It has proved quite difficult to find out empirically which factors are behind this erosion of bargaining coverage. Econometric analyses indicate that larger companies, those with a large share of skilled workers and those in West Germany are less likely whereas individually-owned companies are more likely to withdraw from multi-employer collective agreements. In addition, the migration away from sectoral agreements is slowed down if a works council is present and if the company pays higher wages than stipulated in the collective agreement or operates a profit-sharing scheme (see Lehmann 2002, Kohaut and Schnabel 2003, Addison et al. 2013). Concerning the role which structural changes in the economy play in the erosion of collective bargaining, the evidence is mixed. One study finds that neither changes in the composition of the workforce nor changes in employees' propensity to work in a company with collective agreements provide an explanation for the substantial drop in employees' collective bargaining coverage between 2001 and 2006 (Fitzenberger and Sommerfeld 2016). In contrast, two other studies based on different data and a much longer observation period show that structural changes like the composition of firms and workers and the dwindling works council coverage can explain a substantial share of the decline in companies' bargaining coverage, in particular for larger firms, although

the bulk of changes can only be related to unspecified changes in companies' behaviour and unobserved heterogeneity (see Ellguth and Kohaut 2019, Bossler 2019).<sup>25</sup>

The erosion of workers' bargaining coverage may even be more pronounced when taking into account that employers bound by a collective agreement do have to apply the terms of the agreement only to union members among their workforce but are free not to extend these terms to non-union workers. In the past, it was a long-standing employer policy in Germany to treat union members and non-members in the same company equally to prevent workers from joining unions. However, three recent studies indicate that many companies which are bound by collective agreements do not pay all their employees according to the wage laid down in the collective agreement (Fitzenberger et al. 2013, Biewen and Seckler 2019, Hirsch et al. 2022). In 2018, a substantial share of about nine percent of workers in companies covered by collective agreements did not enjoy individual coverage (and thus the union wage) anymore. Individual non-coverage concentrates among employees in the bottom and the top quarter of the wage distribution and among managers, for which pay is usually negotiated individually (Hirsch et al. 2022). These findings from the Structure of Earnings survey suggest that the effective individual bargaining coverage of employees is lower than usually assumed (based on data from the IAB Establishment Panel).

Another reason why the erosion of collective bargaining coverage may be stronger than suggested by Figure 3 is what Keller and Kirsch (2021: 196) term "the tacit escape from collective agreements". This means that some companies are still members of an employers' association but no longer comply with the provisions of multi-employer collective agreements (although they are legally required to do so). Typically, these companies deviate from the provisions on working hours, but sometimes also on fringe benefits and annual pay. Unions and employers' associations often tolerate this non-compliance quietly to secure jobs and prevent offshoring. As such a behaviour is not legal, its extent is difficult to quantify, but there is some evidence that the phenomenon is more widespread in East than West Germany (Bispinck and Schulten 2003, Kirsch and Keller 2021).

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<sup>25</sup> Interestingly, voluntary orientation at multi-employer collective bargaining is found to be a stepping stone into firms' formal adoption of collective agreements rather than a pathway out of collective bargaining, so that it cannot explain the fall in bargaining coverage (Bossler 2019).

To dispense with the need for such illegal behaviour, since the mid-1980s the social partners in most industries have cautiously conducted some reforms of the collective bargaining system that offer legal ways for deviating from the terms of collective agreements (for details, see Bispinck and Schulten 2003, Addison et al. 2017, Keller and Kirsch 2021). In particular, unions and employers' associations have increasingly included "opening clauses" in their multi-employer agreements that enable management and the workforce in individual companies to jointly deviate from certain provisions in order to adapt them to firm-specific situations and secure jobs. These opening clauses, which empower the local actors to negotiate on matters that are normally dealt with by sectoral agreements, are mostly used for firm-specific working time agreements, but less so (and usually only in cases of emergency) for lowering wages. Although more and more companies have made use of opening clauses, it is an open question to which extent these clauses have kept companies in the bargaining system and thus dampened its erosion. What is clear, however, is that the shift in bargaining responsibilities to the company level, which also resulted in so-called employment pacts negotiated in larger companies, has substantially reduced the regulatory power of the unions and employers' associations (Addison et al. 2017, Keller and Kirsch 2021).

Concerning the reasons behind the decline in (multi-employer) bargaining coverage, Addison et al. (2017: 223) state that "[i]dentification of the causes of the erosion of traditional bargaining has proven elusive, although there is no shortage of informal explanations." Potential explanations include structural changes (as discussed above), globalisation (which makes uniform wages across an industry less relevant for companies in international competition), technological change, and new, more flexible forms of work organisation (which require companies to differentiate wages more at firm level).<sup>26</sup> By and large, the reasons for this reduction in (multi-employer) collective bargaining coverage and the decentralisation of collective bargaining coincide with the above-mentioned reasons for abstinence from employers' associations, in particular the dissatisfaction of many companies with collective bargaining policy and industry-wide collective agreements. Put simply, the preference of companies for a multi-employer system of sectoral wage determination decreases when its limited

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<sup>26</sup> For detailed discussions of possible factors influencing the decentralisation of collective bargaining, see Freeman and Gibbons (1995), Lindbeck and Snower (2001), Kohaut and Schnabel (2003), and Schnabel et al. (2006).

possibilities to take into account company specifics and enable flexible adjustments to wages and working conditions become more important due to technological change and increased global competition. To the extent that the differences between (sub-)sectors or companies increase, the transaction-cost advantage of centralised agreements becomes less important in favour of the informational and flexibility advantages of decentralised regulation (Schnabel et al. 2006). Companies that have to make flexible, decentralised decisions in the face of new situations and challenges in the age of globalisation may perceive the relatively rigid regulations and the limited scope for decision-making on compensation systems and other personnel policies at the company level as a straitjacket. Against this backdrop, it is not surprising that they have increasingly renounced membership of employers' associations and/or coverage by collective bargaining agreements.<sup>27</sup>

## **5. Conclusions and outlook**

This survey has shown that both trade unions and employers' associations in Germany have major problems attracting new members and retaining existing ones (see also Hassel and Schröder 2021, Silvia 2013). Union density has declined substantially over the last decades whereas on the employers' side density has fallen to a lesser extent as most employers' associations have introduced the option of bargaining-free membership. At the same time, collective bargaining coverage of companies and employees has been reduced drastically. Nowadays, just one in six employees belongs to a union and less than half of employees in Germany are formally covered by collective agreements. These developments raise some doubts whether the social partners can still be regarded as comprehensive representatives of all employer and employee interests and whether their extensive involvement in the regulation of labour law, wage and employment issues and social policy in Germany is still justified.

However, the influence of unions and employers on wages and working conditions goes far beyond their density levels. Despite the ongoing decline, collective bargaining agreements still play a direct or indirect role for three out of four employees, if one

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<sup>27</sup> It is largely an open question how the introduction of a statutory minimum wage in 2015 has affected bargaining coverage. Although Bellmann et al. (2021) find a slight decrease in collective bargaining participation among establishments affected by the new minimum wage, this effect falls short of conventional levels of statistical significance. The slightly negative overall effect reflects that some establishments leave collective bargaining whereas a smaller number of establishments newly adopt collective agreements in the course of the introduction of the minimum wage.



combines the formal commitment through multi- or single-employer collective agreements and the voluntary orientation at collective agreements. These collective agreements are an important anchor for wage setting in the entire economy, even if about one third of private companies bound by collective agreements – in particular those that are highly profitable – pay higher effective wages than stipulated in the agreements (see Jung and Schnabel 2011, Ellguth and Kohaut 2014). Employees' wages in companies bound by collective agreements are statistically significantly higher than in comparable companies without collective bargaining, although the extent of this collective bargaining premium varies between 1 and 4 percent across econometric studies (see, e.g., Addison et al. 2014, Bonaccolto-Töpfer and Schnabel 2023, Hirsch and Mueller 2020, Kölling 2022).<sup>28</sup>

The fact that the wages and salaries actually paid by most companies in Germany are directly or indirectly determined by collective bargaining agreements may be pleasing for trade unions and employers' associations. Obviously, this gives them substantial leverage over both collectively agreed wages and effective wage setting. However, from a normative perspective, it also entails a great responsibility for the social partners in terms of employment policy and implies that they must not set collectively agreed wages too high, as these represent an effective minimum wage restriction for most companies (over and above the statutory minimum wage). This problem is particularly evident in the lower wage groups set up for simple qualifications and activities where many employers complain about wages for unskilled workers that are deemed too high for full employment (Lesch et al. 2018). The widespread dissatisfaction with the forms and results of collective bargaining is a major reason why formal bargaining coverage and companies' adherence to collective bargaining have been on the decline for many years.

The decrease of formal collective bargaining coverage, the options of bargaining-free membership in employers' associations and orientation at multi-employer agreements, and various possibilities for deviating from the terms of collective agreements (e.g. via opening clauses) have contributed to an increased heterogeneity and even fragmentation of industrial relations in Germany over the last decades. Although the

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<sup>28</sup> In addition, time series analyses show that the social partners and their collectively set contract wages have a significant influence on the level and development of effective wages in Germany and do not merely track the (market-determined) development of effective wages (for a detailed discussion of this issue, see Schnabel 1997: ch. 6).

formal structures of collective bargaining have largely remained intact, the falling coverage and the increasing decentralisation of bargaining have had serious consequences for collective bargaining as an institution – a crucial institution that had previously raised wages at the bottom and constrained wage inequality (Kirsch and Keller 2021, Jäger et al. 2022). Declining coverage means that unions' and employers' associations' power to set wages and working conditions across the economy is also declining and that pay dispersion is increasing (Card et al. 2013, Biewen and Seckler 2019, Hirsch and Mueller 2020).<sup>29</sup> While unions have not been able to prevent this rise in pay dispersion, the introduction of a (union-supported) statutory minimum in 2015 significantly lowered wage inequality in Germany (Bossler and Schank 2023).

It is unclear whether it is mainly competing interests and the small-large company divide within employers' associations that have weakened multi-employer bargaining or whether the decline of employers' associations' collective bargaining function is the outcome of a strategy of deliberate neglect, reflecting employers' fading willingness and capacity to maintain representative structures (as argued by Behrens 2022). What seems clear, however, is that new options like bargaining-free membership and opening clauses have substantially changed both employers' associations and the institution of collective bargaining. This has posed substantial problems since multi- and single-employer collective bargaining agreements are crucial pillars of the German model of industrial relations (Keller and Kirsch 2021, Jäger et al. 2022), together with worker representation on company boards and worker co-determination via works councils (which is also in decline, see Kohaut and Schnabel 2024).

Against this background, more and more observers point out that major components of the German industrial relations system have been weakening over the last decades (e.g., Addison et al. 2017, Oberfichtner and Schnabel 2019, Jäger et al. 2022), thus confirming the “erosion” of the system diagnosed early by Hassel (1999). According to Keller and Kirsch (2021: 199), “the existing institutions have been weakened to such an extent that we can no longer speak of a unified national system of employment relations.” On the other hand, some observers like Haipeter (2013) are more optimistic and see some signs of renewal, pointing to new union strategies for a revitalisation of

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<sup>29</sup> Some observers (like Dustmann et al. 2014) regard this decline in bargaining coverage and the decentralisation of bargaining via opening clauses coupled with wage restraint and the fall in real wages at the bottom as crucial ingredients for the dramatic improvements in German employment and competitiveness since the 1990s, but the role of labour market and other reforms should also not be neglected (for a critical discussion, see Addison et al. 2017).

collective bargaining and to recent collective agreements that are more flexible and also cover new topics like worker qualification and demography. Haipeter (2013) argues that unions and employers' associations are still powerful enough to make significant contributions to the way crucial institutions develop, while Silvia (2013: 230) contends that there are no obvious substitutes for the current industrial relations regime and that "the commitment to holding the shop together is still very much alive among the social partners and state officials."<sup>30</sup>

Given the ongoing fall in bargaining coverage, unions and employers' associations, politicians and also researchers have intensified the discussion of how to stabilise collective bargaining and thus also the entire system of industrial relations in Germany (for details, see Addison et al. 2017, Schulten 2019, Lesch 2024). Some recommendations emphasize strengthening unions' organisational power at company level to force employers to adopt collective agreements, but such an approach may not be sufficient. Other proposals demand more political support for collective bargaining, e.g. by more frequently using extensions of collective agreements to non-covered companies and by introducing clauses in public procurement that require companies to pay the same wages as in collective agreements. Given the principle of collective bargaining autonomy, such a stronger direct influence by the state (also visible in the introduction of a statutory minimum wage in 2015) is heavily disputed; it reduces competition, raises labour costs and may even increase free-riding by employees and employers (if these now regard unions and employers' associations as superfluous). Finally, another approach aims at making collective bargaining more flexible and thus more attractive to the companies, so that their pressure and incentive to leave will decrease. Although this strategy has partly been followed by introducing various opening clauses in most major agreements, it has not been able so far to substantially dampen the reduction in bargaining coverage.

Nevertheless, the social partners may not have exhausted all possibilities to strengthen the multi-employer collective bargaining system from within, and from an economic point of view, this is a precondition for state intervention (see also Lesch et al. 2018). What is more, from a normative perspective, state intervention must not be regarded

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<sup>30</sup> Interestingly, although the existing IR institutions have been weakened, they still seem able to deliver the goods for workers in Germany, even in times of uncertainty. Looking at the Covid-19 pandemic, Behrens and Pekarek (2023) show that collective bargaining provided job and income security and that employees represented by collective bargaining and/or works councils fared better on a range of protective outcomes than those who lacked this coverage.

as a panacea. Usually, employers and unions in Germany know this and they have been protective of their status as the economy's defining social partners (Jäger et al. 2022), which is difficult to square with increasing reliance on the state. Although both employers and trade unions are wary of the erosion and fragmentation of the system, they have hesitated to undertake more radical reforms, partly because they disagree which strategies are most promising. What is needed is a common vision of employers and unions for the future of collective bargaining in Germany and the willingness to jointly move into this direction.<sup>31</sup> If this does not materialise soon, the German model of social partnership and corporatist problem-solving will disintegrate further, en passant making trade unions and employers' associations in their current form redundant.

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<sup>31</sup> That such a vision is currently missing can be seen from the contradictory views of German unions and employers discussed by Schulten (2019) and Lesch (2024). Moreover, as pointed out by Brandl (2023), no general consensus in academics seems to exist which would allow to derive clear policy recommendations for successfully reforming collective bargaining systems.

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**Table 1: Major unions and umbrella organisations in Germany, 2023**

Name of organisation	Sectors	Membership
<b>Deutscher Gewerkschaftsbund (DGB)</b>	All	<b>5,665,671</b>
IG Metall (IGM)	Metal, steel, wood etc.	2,136,326
Vereinigte Dienstleistungsgewerkschaft (ver.di)	Services	1,897,500
IG Bergbau, Chemie, Energie (IGBCE)	Mining, chemicals, energy	572,537
Gewerkschaft Erziehung und Wissenschaft (GEW)	Education, science	275,117
Gewerkschaft der Polizei (GdP)	Police	208,111
IG Bauen-Agrar-Umwelt (IG BAU)	Construction, agriculture, environment	203,904
Gewerkschaft Nahrung-Genuss-Gaststätten (NGG)	Food, hotels, restaurants	187,679
Eisenbahn- und Verkehrsgewerkschaft (EVG)	Railroad	184,497
<b>DBB Beamtenbund und Tarifunion</b>	Civil servants, public sector	<b>1,362,786</b>
<b>Christlicher Gewerkschaftsbund (CGB)</b>	All	<b>280,100</b>
<b>Total</b>	All	<b>7,308,557</b>

Source: the unions

Note: CGB data stem from 2014, their reliability is questionable

**Table 2: Percentage of union members among employees in Germany (net union density)**

Year	1980	2000		2021
Sample	West Germany	West Germany	East Germany	Germany
All	32.7	25.4	18.5	17.4
Men	39.6	31.0	20.8	20.8
Women	20.3	17.7	16.1	13.9
Blue collar	36.3	31.6	22.2	21.9
White collar	26.3	18.5	15.1	13.7
Civil servants	45.2	37.1	31.3	38.7

Source: ALLBUS data, as calculated by Schnabel and Wagner (2005) and Fulda (2022)

**Table 3: Bargaining coverage in Germany, 2023**

- Percentage of establishments or employees covered by collective agreements -

	Multi-employer collective agreement (sectoral level)	Single-employer collective agreement (plant level)	No collective agreement (in brackets: plants using sectoral agreements as a point of reference)
<b>All establishments</b>	22	2	76 (39)
West Germany	23	2	75 (41)
East Germany	15	3	83 (33)
Private sector	20	2	79 (39)
Public administration	78	9	13 (58)
By plant size:			
1-4-employees	13	1	85 (30)
5-9 employees	20	1	79 (40)
10-20 employees	31	2	67 (49)
21-50 employees	31	3	65 (55)
51-100 employees	37	7	56 (56)
101-200 employees	40	8	52 (53)
201+ employees	53	16	31 (61)
<b>All employees</b>	42	8	51 (51)
West Germany	44	7	49 (53)
East Germany	31	14	56 (45)
Private sector	35	7	58 (51)
Public administration	83	15	2 (76)

Source: IAB Establishment Panel 2023

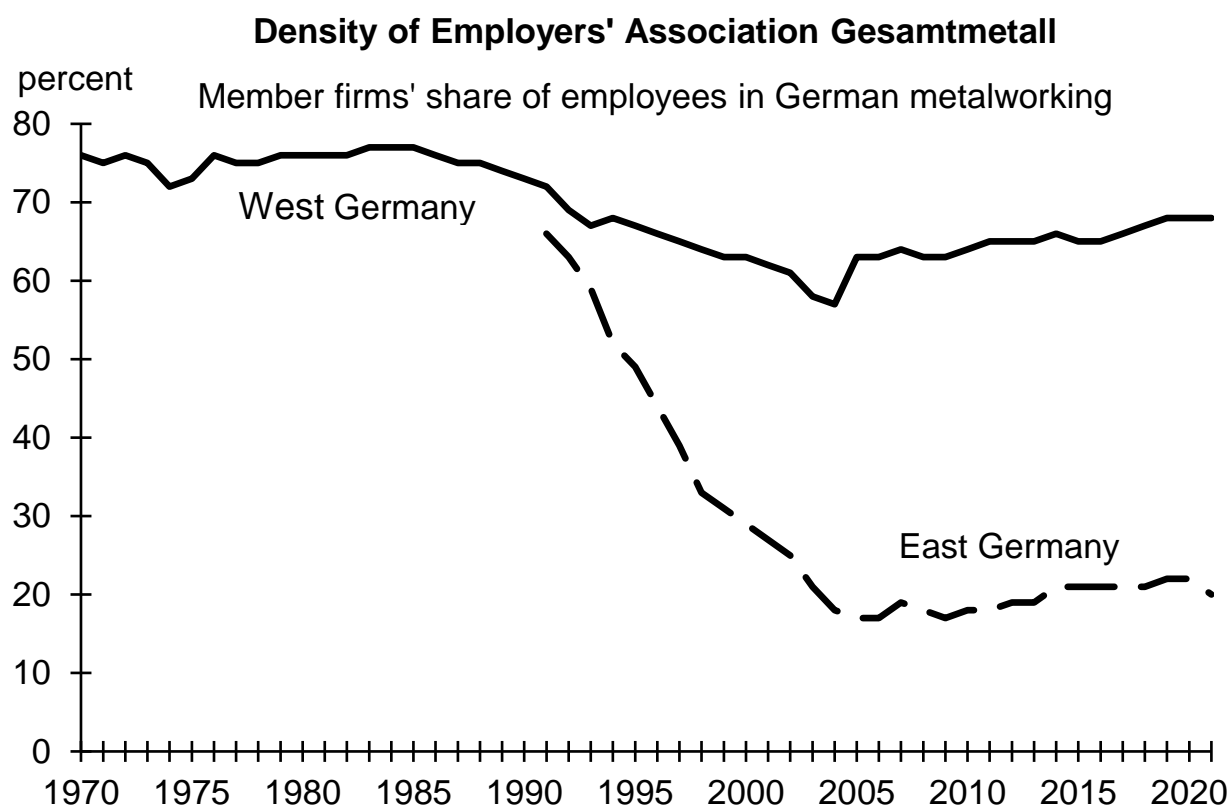
**Figure 1: Trade union membership in Germany**



Source: the unions, own calculations

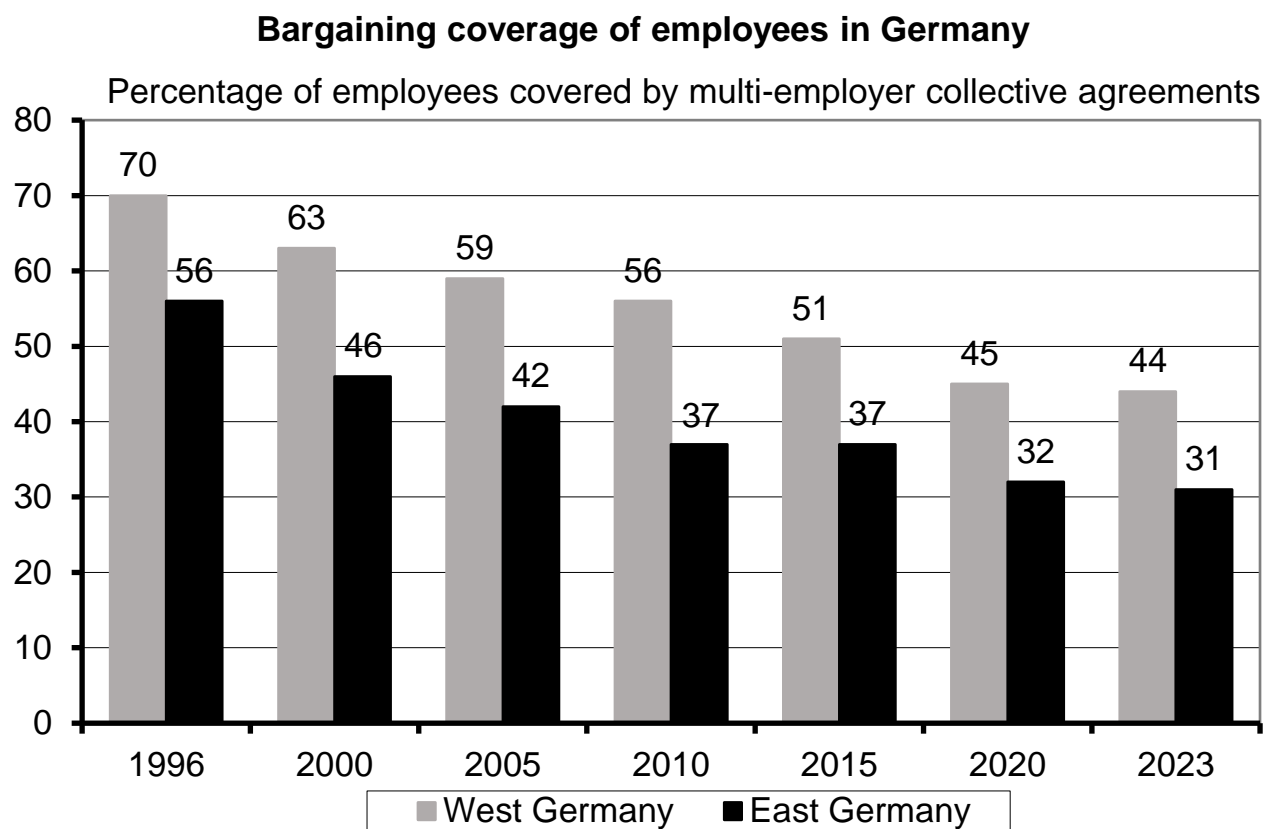


**Figure 2: Density of employers' association Gesamtmetall**



Source: Gesamtmetall, own calculations

**Figure 3: Employees' coverage by multi-employer agreements in Germany**



Source: IAB Establishment Panel 2023

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