

Worker Perceptions of Representation and Rights in Germany and the USA

forthcoming in:

European Journal of Industrial Relations

John Godard
University of Manitoba
godard@ad.umanitoba.ca

Carola Frege
London School of Economics
c.m.frege@lse.ac.uk

Abstract

Germany and the USA have long had very different systems of legal representation and rights at work. Yet developments in each country may have lessened the extent of these differences and whether they matter, especially from the point of view of workers. This paper draws on a telephone survey of 2000 employees in Germany and the USA to explore worker perceptions of these systems and how they differ across the two countries. We find that perceptions of German workers are more favourable than those of their US counterparts, but not to the extent that might be assumed. Our findings could in considerable measure be explained by cross-national differences in both worker ideologies and the way the different systems function. But they point to the importance of perceptions in understanding and assessing cross-national differences, and have implications for the future of workplace representation and rights in both nations.

1. Introduction:

Germany and the USA have very different formal institutions and laws pertaining to representation and rights at work, with potentially very different implications for workers and, ultimately, economic and social outcomes in each country. In Germany, industry bargaining lessens the propensity of employers to compete with each other on the basis of pay, while works councils provide strong participation and consultation rights in the workplace. Moreover, both function within the context of a coordinated market economy, where they typically play a partnership role and enjoy substantial acceptance by employers (Hall and Soskice 2001), further enhancing their potential effectiveness as representative institutions. Workers also continue to enjoy substantial individual legal rights and protections in the labour market. In the United States, there is little industry level bargaining, and the only representation at the workplace level is through labour unions, which represent only a small minority of workers and lack meaningful participation and consultation rights. Moreover, partly because unions function within the context of a liberal market economy, they play a largely adversarial role and are resisted by employers (ibid), often limiting their effectiveness. Workers also enjoy only limited individual rights and protections at law, especially with regards to dismissal.

Yet when one looks beyond formal institutions and laws, the differences in worker representation and rights may be less dramatic than this simple comparison suggests. In Germany, concerns have been raised over a decline in the coverage and possibly the effectiveness of representative institutions and over a possible shift towards a more neoliberal economic model (Streeck 2009; Addison et al. 2007b; Doellgast and Greer 2007). There also appears to have been an increase in insecure and precarious work. In contrast, several U.S. scholars have argued that legal developments over the past half-century have meant both stronger rights for workers and more judicious employer practices, and that these have in turn

been complemented by a growth in alternative, non-union forms of representation (Estlund 2010; Piore and Safford 2006). Thus, even if the design of the industrial relations systems in these two countries continues to be very different, the extent to which they provide workers with effective representation and rights may not be. This may be especially so if differences in the predominant institutional traditions and norms of these countries are taken into account, because what may (generally) be considered to be effective or desirable in the US may differ from what may (generally) be considered to be effective or desirable in Germany (Frege and Godard 2010).

This paper draws on a 2009 random household telephone survey of 1,000 employed Germans and 1,000 employed Americans in order to explore the extent to which this may (or may not) be the case. Although worker perceptions of their institutions and how they function can suffer from problems of imperfect and even systematically distorted information, they are useful in at least two respects. First, it is workers who these institutions are (putatively) meant to serve. Not only should worker perceptions of them matter a priori, they can also have important implications for the functioning, legitimacy, and even long-term future of these institutions. Second, if carefully analysed, these perceptions can complement more objective analysis. In particular, they can provide information and insights into how institutions appear to actually be functioning "on the ground," neither of which may otherwise be readily attainable. In this regard, our data set enables us not just to establish and compare worker perceptions, but also to shed light on the developments that are believed to have been occurring in the USA and Germany.

In meeting these objectives, we hope not only to contribute to knowledge of how German and US institutions appear to be functioning from the point of view of workers, but also to help to establish the potential value of worker surveys for comparative analysis in general. Not only has the importance of worker perceptions too often been over-looked in the comparative literature, but even where they have not been, authors have typically had to rely on incompatible

data sets, thereby limiting the basis for meaningful comparison (e.g., Freeman, Boxall, and Haynes 2007). These data sets have also typically been restricted to liberal market economies (e.g., *ibid*; Lipset and Meltz 2004). In contrast, our data set is compatible across our two samples and allows us to explore differences in worker perceptions between the archetypical liberal market economy and its archetypical coordinated market economy counterpart (e.g., Hall and Soskice 2001). Although the comparison of institutions in two very different economies requires more cautious analysis than otherwise¹, it enables us to explore the extent to which, and how, the very substantial differences in the institutional traditions of these two economies continue to really matter in view of the developments of the past three decades. This question in many respects lies at the core of much comparative analysis in recent years, especially as it pertains to the so-called "convergence thesis" (Katz and Darbishire 2000; Godard 2004a; Bamber, Lansbury, and Wailes 2011).

2. Data Collection and Sample

We commissioned a household CATI (computer assisted telephone interviewing) survey of 1000 American and 1000 German workers in November 2009. Participants were contacted through random digit dialling and included only if they were over 17 years of age, worked more than 15 hours per week, and had been with their employer for more than six months.² Thus, the surveys only included workers in "regular" employment. The surveys were simultaneously

¹It is commonplace to ask individuals to assess their jobs on selected criteria (e.g., job autonomy) and to compare their responses, even though these individuals are in very different jobs and from different backgrounds and even countries (e.g., Green 2006). This is essentially what we are doing here, although we acknowledge that workers are more likely to have imperfect information at the institutional level. We therefore take care throughout to stress that our measures are perceptual and may not accurately reflect the actual functioning of institutions.

² The survey is based on a full random sample, stratified by region (the USA) and federal states (Germany) and by gender, and using random digit dialing. The questionnaire was designed in English and then translated and adapted to the German context. Participation rates are difficult to establish, because most refusals are made before eligibility for a study can be determined. However, our best estimates are 59 percent for the German sample and 37 percent for the American sample.

conducted by professional polling firms in each country (in the USA, Eastern Research Services; in Germany, Forsa GmbH).

Although exclusion of segments of the workforce makes it difficult to establish representativeness within each country, the data would appear to be reasonably representative of the populations sampled. In the US sample, women comprised 50% of the respondents. Seventeen percent reported coverage by a union agreement, which is slightly higher than the US Bureau of Labor Statistics estimate for 2009 (14%), but is largely explained by our exclusion of low hours and short term employees, both of which are less likely to be unionized in the USA. In the German sample, 48% were female. Twenty-four percent were union members and 67% reported that they were covered by a collective agreement, both of which are comparable to estimates we computed from Statistisches Bundesamt data (23% density, 68% coverage; 2010).

The survey was designed as a part of a grant to study work, institutions, and society in the USA and Germany, and so it included a broad array of items. This paper presents preliminary, largely descriptive findings from the representation questions only. However, where relevant, we also draw on various additional measures in our survey to explore possible explanations for some of our findings.

3. Results

The results address: 1) the prevalence of alternative forms of representation in both countries, 2) the perceived effectiveness of alternative forms in both countries, 3) representation gaps in the two countries, 4) perceived levels of management opposition, 5) respondent evaluations of the relationships between their representatives and employer, and 6) respondent confidence in their rights at work.

3.1 Forms of Representation

- table 1 about here -

Union density and coverage have been in almost continuous decline in the USA since the 1960s and has also declined in Germany since the early 1990s³. As noted earlier, only a small portion of the US labour force is covered by a collective agreement. However, there has been a growing literature focusing on alternative forms of representation (see Kaufman and Taras 2000). One such form is management established non-union representation systems, which may serve as effective substitutes for unions (Kaufman 2000). A second is association-based representation, and especially "identity" group associations, which typically focus on the establishment of stronger rights and protections for their members at law, but can also serve as supports and advocates for their members at the workplace level (Piore and Safford 2006).

In Germany, union decline appears to have been less severe. As noted earlier, two thirds of all employees continue to be covered by a collective bargaining agreement (Besse, 2009). In addition, close to half those in private sector jobs are covered by a works council (Elguth and Kohaut 2010), which may be considered the German counterpart (but not equivalent) to management established non-union systems in the USA (the latter were at one time even referred to as works councils). There is considerable overlap between works council and union coverage, but roughly three quarters of all workers in the German private sector are covered by at least one of these two forms of representation (Gerlach and Meyer 2007). Likely as a result, management established, non-union systems of representation and identity group representation have received virtually no attention in Germany and there is no reason to believe that they play a role.⁴ However, occupationally based associations may be widespread, and it is possible that they do have some representational role.

Our survey asked US respondents whether they were: a) covered by a union agreement,

³ In 2010 union density in Germany was 18.6% and in the US 11.4% (OECD statistics).

⁴ One should not confuse these associations with 'andere Vertretungsorgane' which are similar to joint consultation committees and independent of works councils. These bodies receive an increasing interest in the German literature (Beese 2009; Pries et al. 2006).

b) subject to a management established non-union systems, and c) a member of an association. German respondents were asked parallel questions, although rather than asking about management established systems we asked about works council coverage.⁵ Both US and German respondents indicating that they were in an association were also asked about the main characteristic uniting members of that association. Although our survey was not intended to second-guess existing statistics, the starting point for our analysis is to establish the prevalence of these various forms of representation in our two samples. This is made especially necessary by the lack of adequate statistics for some of these forms. Accordingly, the results are in Table 1.

Our results reveal that although only 17% of US respondents report union representation, roughly half may have some form of representation. Twenty-eight percent (a third of the non-union sample) report that there is a "non-union, management established system, where worker representatives meet with management." Fifteen percent report that they are "a member of another type of association to assist you with work-related matters," although 74 percent of these respondents report that the association is occupationally (not identity-group) based. Of those with neither union coverage nor a management established system, 11%, representing 6% of the total sample, report membership in an association.

In the German sample, two thirds report that they are covered by a collective agreement. Two thirds also report works council representation.⁶ Only one in ten (11%) report that they are represented by an association, with the bases for these associations breaking down in the same

⁵ In the US survey, only those without union coverage were asked if they had a management established system, as the latter are typically substitutes for the former. In both surveys, the association question was asked of both union and non-union workers in view of the tendency for identity groups and associations to form in both sectors. If the respondent reported membership in an association, he/she was further asked to indicate "the main characteristic that unites members of this organization", followed by a prompt stating "this could be occupation, race, or some similar characteristic," to be read if the respondent appeared to not understand the question

⁶ This is higher than the German Institute for Employment Research (IAB) estimate of 45% and could reflect our sampling strategy, which excludes short-hours and short-term workers. Moreover, the IAB data does not include public employers as we did and therefore 'Personalraete' are included in our results but not in the IAB. When public sector workers were excluded from our sample, 60 percent reported coverage.

way as for the US sample. Overall, 84% of German respondents report at least one form of representation. This is more than one and a half times that for the US sample. Moreover, eight in ten have *legal* representation, which is almost five times that for the US sample.

These results are largely as might be expected based on available statistics and research findings and so do not warrant extensive discussion here. The main possible exceptions are for associations, which are based largely on occupations and not as widespread as some U.S. authors have conjectured, and for management established systems in the USA, which do appear to be widespread and so may be filling much of the gap left by union decline. This latter finding means that the differences between USA and Germany may not be as great as suggested when one looks only at legal representation. Yet any such conclusion would be premature, because much depends on the actual effectiveness of these forms of representation.

3.2 Evaluations of Alternative Forms of Representation

- table 2 about here -

A conventional assumption is that extra-legal forms of representation are inferior to legal forms, if only because they do not enjoy the support of, and enforcement by, the state. Yet it would be mistaken to assume that employer established systems are complete shams, and there have been a number of studies documenting their potential benefits for workers (Kaufman 2000, 2005; Estlund 2010). Moreover, legal forms of representation may not always (or necessarily) prove to be highly effective at representing member interests and concerns. Finally, workers in different countries can have substantially different expectations and "tastes" for representation. It is thus possible that differences in the levels of representation in the US and Germany may not be reflected in worker perceptions of the effectiveness with which they are represented.

To address this possibility, respondents who indicated that they had each form of representation system were also asked about the extent to which representatives in that system

"can be counted on to stand up for members, even if this means a disagreement with management" and the extent to which they "actively consult with workers about their ideas and concerns." These questions were intended to get to the heart of how well the ideas and concerns of workers are, from their point of view, being represented to management and hence how effective this representation is judged to be.

As revealed in table 2, the US respondents tend to evaluate the quality of both union *and* management established systems relatively favourably on these two dimensions, especially in comparison to the evaluations of their German counterparts. Of those with union coverage, 54 percent state that they can count on their union representatives to stand up for them "to a great extent", and 41 percent that union representatives actively consult with them. The comparable statistics for those with a management established system are 51 and 54 percent, respectively. For the German respondents, the comparable statistics are 45 and 31 percent with regard to unions, and 27 and 37 percent with regard to works councils.

US respondents with associations tend to evaluate these associations somewhat less favourably than is the case for union and management established representation (the comparable statistics are 38 and 44 percent). Moreover, while their German counterparts rate their associations about the same when it comes to standing up for workers (42 percent), they rate them much more favourably when it comes to consultation (71 percent). This is so not only in comparison to their American counterparts, but also in comparison to the ratings given other forms of representation in both samples. This likely reflects a stronger associational structure for professionals, as one would expect in a coordinated market economy (Hall and Soskice 2001).

Overall, however, the table 2 results suggest that American workers with representation are on-the-whole happier with this representation than are their German counterparts. This may in considerable measure simply reflect differences in the nature of representative systems and in

worker knowledge and expectations as to their functioning. In Germany, works councils have been designed as representative delegation systems which function independently from workers' activism and are embedded in a cooperative system with management, playing by clearly defined rules that encourage cooperative solutions. Trade unions are on the other hand in most cases outside of the workplace and not very visible in their day-to-day activities to the workforce. Thus, both unions and works councils tend to be bureaucratic and removed from workers on a day-to-day basis. Moreover, because they are more institutionalized within the economy as a whole and able to act proactively, levels of conflict may be lower than otherwise, thus rendering their achievements less visible.⁷ It may in this respect be that German workers are just more likely to take their union and works councils representatives for granted, much as citizens often take their civil rights for granted when these rights are not in question. Finally, the German responses may also a more critical culture, one that encourages the expression of discontent, and an institutional environment that is conducive to doing so without fear of reprisal.⁸

In contrast, US unions have in recent decades found themselves in increasingly insecure and conflictual circumstances due to a combination of innate employer opposition, weak labour laws, and increased economic liberalization. As such, they are more often in a position where they have to both stick up for and consult with their members (and be seen to do so). Representatives in management established systems face similar pressures, albeit for different reasons. These systems are always at risk of being criticized as shams, designed to prevent

⁷ The analogy might be to having a strong police service and low crime rates. Citizens as a result are less likely to be affected by crime and less likely to have anything to do with the police. So when asked about their interactions with the police service they will have a generally neutral response.

⁸ For example, 59% of Germans in our sample agree that their coworkers complain to each other about management decisions, compared to 39% for the US sample. This confirms the stereotype that Germans are usually less afraid to voice their discontent, which likely reflects longstanding country differences in philosophical discourse (German's cultural pessimism versus American pragmatism) (House 2006; Seidman 1983; Winkler 2005). Note, the country happiness ranking of Gallup's World Poll 2010 with the USA on place 14 versus Germany on place 33 (next to Belize and El Salvador), suggesting that Germans may also, as a result, be more critically minded.

workers from seeking union representation. Moreover, where this is not the case, they may whet the tastes of workers for the "real thing" (Taras and Copping 1998). So it is important that, as for their union counterparts, representatives at least appear to be standing up for workers and consulting with them. Indeed, because these systems tend ultimately to be set up to serve management objectives, much of what they do may be to manipulate the information available to workers and the way in which it is perceived, strengthening the likelihood of positive evaluations. Finally, American workers are much more likely to accept employer authority than are their German counterparts and are highly receptive to management established systems (Freeman and Rogers 1999)⁹, consistent with institutional norms and traditions in support of strong property rights and minimal state (and legal) involvement in the economy (Ely 2008; Godard 2009).

It follows that our findings in table 2 may largely reflect differences in both the functioning of representation systems and the expectations and values of workers in each country. In addition, German workers have much higher levels of representation to begin with than their US counterparts. If one multiplies the coverage results in table 1 by the evaluations in table 2, it becomes clear that a higher percentage of the total German than the total US sample reports that they have representation *and* that it is of high quality (i.e., answered "a great deal"). Using this method reveals that 9% of the total US sample report high quality union representation with regard "standing up" for workers, while 7% report this with respect to consultation.¹⁰ The comparable statistics for Germany are 30% and 20%. Similarly, 14% of the

⁹ The 2001 World Values Survey data set (Inglehart et al 2004) reveals that one in three Germans would follow a command from their employer without asking for an explanation, compared to two-thirds of Americans. In our own data set, 18% of Germans agreed that "employees should always follow management instructions without questioning them," compared to 47% of Americans. Freeman and Rogers found that 85% of American workers favored a representation system "*jointly* run by employees and management" (1999:142, our emphasis).

¹⁰ If 54% of the 17% with union coverage say works stand up for them, this amounts to $.54 \times 17\%$, or 9% of the total sample; if 41% say the union consults with them, this amounts to 7% of the total sample.

total US sample report high quality employer established representation with regard to "standing up" for workers, while 15% report this with respect to consultation. The comparable statistics for German works councils are 18% and 25%. (The low levels of association membership mean that there is little meaningful difference with regard to this form of representation.)

So, overall, a simple comparison of the results in table 2 may be misleading. Nonetheless, these results suggest that, for those *with* representation, American workers generally perceive this representation more favourably than do their German counterparts and that the latter may even be somewhat disillusioned with their institutions. Moreover, it is possible that those without representation simply do not want it. If so, adjusting for differences in representation levels may not be valid. We address this below.

3.3 Frustrated Demand for Representation

- table 3 about here -

If American workers are uninterested in obtaining representation other than the representation they already have (or do not have), then the case might be made that the relatively low level of representation in that country is not a problem and, indeed, that higher levels would even be contrary to their wishes. In contrast, if a significant percentage of German workers express frustrated demand for representation, then there may be reason to think that the de facto rights of workers are, at least for a portion of the workforce, not as strong as they appear to be at law.

Table 3 reports the results for questions asking about frustrated demand for the two main forms of representation in each country.¹¹ It reveals that only one in five non-union workers (22%) in the US sample would vote for a union if a ballot was held at the time of the survey,

¹¹ We did not ask demand for an association, because many would not be clear as to what we were asking about -- especially if they did not have a specific identity we could ask about.

although another one in ten (9%) report that they are unsure. (Subsequent analysis revealed this result to differ very little for non-union workers with and without an employer established system.) In turn, two in five workers without a union or a management established system report that they would prefer a management established system to union representation or no representation at all (to some or to a great extent). Thus, although these figures are not strictly comparable, frustrated demand would appear to be higher for employer established representation than for union representation. In total, three in five workers without either a union or an employer established system report that they would like to have one or both, representing 30% of the total sample.¹²

The results for Germany in turn suggest at first blush that there are higher levels of unfulfilled demand for both works councils and collective agreement coverage in that country than there is for unions in the USA. A third of respondents without a collective agreement would like to be covered by one, while three in ten without a works council would like to have one. However, the high levels of coverage of both of these forms of representation means that, of the total sample, only one in ten workers expresses frustrated demand for either. Subsequent analysis revealed that, among the 20% of workers in the sample with neither form of representation, close to half would like one or both forms. Thus, only one in ten German workers would like one or both forms of representation but have neither. This is far lower than for the US sample and suggests that frustrated demand is far greater in the USA.

Again, however, it is useful to consider these findings in conjunction with the earlier results. If we accept worker responses at face value, then those who say that they do not want a

¹² These findings are generally consistent with those of a 1994 survey of American workers (Freeman and Rogers 1999:140-148) and of a 2001 Hart survey (Freeman 2007:9). However, they differ with respect to the frustrated demand for unions. Most polls have estimated this to amount to roughly a third of non-union US workers (a 2004 Hart poll even placed it at one half: Freeman 2007), which is higher than our findings. However, this difference likely reflects the scapegoating of unions during the economic crisis of 2008 and the overall decline in approval for unions that has taken place since then (Jones 2011).

particular form of representation should be excluded from our computations. In other words, the question is not just the percent of the total sample who report quality representation, but rather the percent that do so and state that they either have or would like to have this representation. In the US sample, a third of all workers (17%+18%) fit this latter category for union representation. Of these workers, 26% and 20% report quality representation on the two criteria (standing up and consultation, respectively).¹³ In the German sample, four in five (67%+11%) qualify, yielding comparable figures of 38% and 26%, so Germany still does better. With regard to US non-union representation vs. German works councils, six in ten (28%+30%) and eight in ten (68%+10%) qualify, respectively, yielding estimates of 24% and 26% for the USA and 24% and 26% for Germany. Thus, of those who have or want these forms of representation, the percentage reporting that they have it and that it is of high quality is about the same. These sorts of computations can of course be something of a "mug's game," but if one accepts them, the differences between Germany and the USA would seem to be small.

3.4 Explaining the Gaps: are Employers the Problem?

--table 4 about here -

In the USA, low levels of union coverage and the representation gap between those who would like to have a union and those that actually have one are in the final instance typically attributed to the opposition of employers and their ability to take advantage of weak labour laws to undermine an organizing drive should one occur (Weiler 1990; Godard 2004b). A 2005 Hart poll found that only one in five American workers believed that employers used specific anti-union

¹³ The 17% statistic is the percentage with union coverage, while the 18% statistic is the percentage of workers without coverage (83% of the sample) multiplied by the percent of nonunion workers who report that they would vote for a union (22%). This total of the two, in decimal form (.35) then becomes the multiplier for the percent of total sample figures computed from tables 1 and 2, which were 9% with regard to standing up and 7% with regard to consultation (see previous footnote). In other words, if 9 people in a sample of 100 report quality, but only 35 have or want representation, then 26% fall in the latter category and have quality representation. If 7 people, the percentage is 20.

tactics in the event of an organizing drive, but that half agreed that employers generally oppose unions and try to convince employees to vote no (Freeman 2007: 9). There is also substantial objective evidence of employer anti-unionism (Human Rights Watch 2000). In contrast, it is generally assumed that German employers do not express explicit opposition to either works council or union representation, not only because of national traditions of cooperation and a general pro-union public sentiment¹⁴, but also because of strong laws and because these institutions can and do serve the positive functions for employers identified earlier.

Yet, once again, these depictions may be oversimplified. On the one hand, there may be many US employers who would be relatively tolerant of a union organizing drive but never face one due to positive HRM practices and so do not "show up" in studies documenting employer opposition. On the other hand, strains on the German system in recent years may have meant that employer opposition has become a factor¹⁵, as signified by an increase in workplaces that are not covered by a collective agreement and/or do not have works council representation. This may be especially true of collective bargaining coverage, which is generally determined by the employer. But it may also be true for works councils, particularly if they have been having to play a more adversarial role in reflection of these strains.

Table 4 reports respondent perceptions of the extent to which the absence of a particular form of representation could be attributed to their employer. These perceptions suggest that, in the USA, employer opposition may indeed be less important than commonly assumed. Only one in five non-union US respondents attribute the absence of union representation to employer opposition. It is possible that this simply reflects the low percentage who would vote for a union.

¹⁴ For example, in 2004, 70% of Germans found 'unions to be indispensable and one ought to be a member' and 22% found 'unions important' (but were not supporters) (DGB Trendbarometer 2004). In contrast, only 48% of Americans were supportive of unions in 2009 (Gallup 2009).

¹⁵ A recent TV reportage by Guenther Wallraff (ZDFzoom "Das Recht des Staerkeren", 17/ 6/2011) investigated the increasing anti-union and at time illegal practices of lawyers specialising in anti-union labour law in Germany.

Specifically, workers who do not perceive the need for a union are less likely to have negative perceptions of their employer and more likely to consider their non-union status to be of their own choice and the choices of their coworkers.¹⁶ However, we observed a correlation of only .26 between propensity to vote for a union and perceived employer opposition, so this explanation is only a partial one. We also observed a correlation of only .23 between a measure of traditional/good HR practices and perceived employer opposition, suggesting that the "good HRM" explanation may also be only a partial one. A further possibility is that, with union density so low, the thought of organizing a union just never enters the minds of most workers, and so employer opposition is not considered. But whatever the case, this opposition is generally not seen by non-union workers to be a major reason for why they do not have a union. So employer opposition may not be as great a factor as the literature on labour law and union organizing would lead us to expect.

In the German sample, one in four workers without collective bargaining coverage attribute this to employer opposition. This is higher than in the USA, although, again, it should be understood in the context of much higher levels of coverage in Germany. As such, it accounts for only one in twelve of all German respondents, as compared to one in five of all American respondents. Yet the finding that three in four German respondents without coverage do *not* attribute this to their employer is surprisingly high, because employers generally decide whether there will be collective bargaining coverage. It is possible that many of these respondents were in workplaces where there was no industry agreement, in which case it could simply be that there was impetus for coverage. It is also possible that some respondents had been able to opt out of coverage, even though this would be of questionable legality. Yet a further possibility is that

¹⁶ For example, in a Canadian study of 750 workers, workers with a propensity to vote for a union were also found to be more likely to expect retribution in the event of an organizing drive (Godard 2011).

those without coverage amount to only one in four German respondents overall, and so a high portion could be managerial or professional workers, who may be in workplaces that have collective agreement coverage but fall outside of that agreement. Our survey included questions directly asking about first two of these possibilities; it also included variables allowing us to explore the third possibility. With respect to the former, 40% responded that a lack of an industry agreement was the primary reason they were not covered, while 8% responded that they had simply opted out. Preliminary analysis (regression and zero order correlations) suggested little support for the third possibility.

With regard to works councils, only three percent of German workers without works council coverage attribute this to employer opposition. This is consistent with the widespread perception that German employers generally embrace works councils. Yet it may also be that many German workers simply do not view works councils as effective and so choose not to exercise their right to one. This would be somewhat at odds with our finding that three in ten workers without a works council would like to have one. It may be that this reflects general values that support works councils in principle, yet a corresponding belief that it is not worthwhile to spend the time or resources necessary to act on these values. Such a conclusion would be consistent with the rather tepid evaluations works councils receive from those who already have them.

It is also possible, however, that works councils are less likely to be perceived as necessary or even viable in some workplaces, even though workers may prefer them as an ideal. This may be especially likely where there is already extensive informal and direct consultation, either because the workplace is small, or because the employer has adopted high performance practices, which can entail such consultation. It may also be the case where workers are in professional jobs and hence already tend to have a considerable amount of autonomy and

control. These possibilities were borne out in part by subsequent analysis of our data set. Although workplace size did not bear a statistically significant association with the desire for a works council, both high performance employer practices and managerial/professional work bore significant negative associations.¹⁷

3.5 Relations with Employers

- table 5 about here -

One of the great criticisms of the US system of labour law and collective bargaining is that it is unduly acrimonious. As discussed earlier, this may in part reflect both employer ideologies and the lack of a positive economic function for unions in liberal market economies. But some also argue that it is actually worsened by a system of labour law that seems to be premised on the assumption of such relations (Adams 2001). Moreover, the requirement that a majority of workers must support having a union, coupled with lengthy organizing "campaigns" during which employers are able to engage in a variety of anti-union tactics, virtually ensures that this assumption is borne out in a great many cases. To make matters worse, certification only grants the procedural right to bargain on behalf of their members. It grants unions few substantive consultation or co-decision rights. As a result, unions are largely in a reactive position once recognized.

In Germany, things are supposed to be different. As noted above, collective bargaining has been considered to have a largely positive function for employers, effectively taking wages -- and most distributive issues -- out of competition and serving a coordinating function across employers. Thus even distributive conflict has been limited in Germany, as evidenced by a much lower level of strike activity than in liberal market economies (Hale 2008:33). In turn, works

¹⁷ It may be that new HRM practices are displacing works councils -- an important possibility but one that we cannot explore in this paper.

councils are perceived to have a largely integrative function. Given the occupational structure and traditions of the German workforce, coupled with the stronger quality orientation of employers, they add value to the employer (Streeck 1992). Although research confirming this has been mixed in its results (Addison et al 2004; 2007a), there is little evidence of employer resistance to works councils, and our table 4 results appear to be consistent with this. Yet as noted above, there have been a number of strains on the German system in recent years, as employers have increasingly sought flexibility at the level of the workplace, and distributive issues have been increasingly shifted into the domain of works councils.

Table 5 reports the perceptions of workers as to the relations between these institutions and their employers. The format of the questions differed somewhat across the two samples, so any comparisons should be made with caution. Yet the results suggest that the level of acrimony in the US system may be lower than the stereotypical view would lead one to expect. Only 15% of respondents perceived the relation negatively, while four in ten answered that it is positive "to a great extent." Another four in ten perceive it as positive to some extent. In view of the structure of the US system, and the role of unions within it, we might expect a "mature" relation to be one that fits this latter, middle category. Yet in addition to the limited number of poor relationships, the finding that four in ten report harmonious relations is something of a surprise. It would seem that the standard portrayal of union-management relations in the US applies to a much smaller percentage of workplaces than is commonly assumed.¹⁸

Although exact comparisons are difficult due to differing response formats, the table 5 results reveal that only a third of German respondents with union coverage rate the union -

¹⁸ It is possible that weak union power, coupled with job insecurity, have combined to weaken the adversarial role of unions in many workplaces. It is also possible that union-management relations have, partly as a result, been undergoing a transformation to a more cooperative approach. Subsequent analysis revealed some, but limited support for these conjectures. It revealed a correlation of 0.25 between employee perceptions of the union-management relation and a variable in our data set addressing job insecurity, and a correlation of 0.29 between this variable and an index of high performance practices, also in our data set.

management relationship as good, which is lower than in the US. This may reflect the distance between workers and the level at which bargaining takes place, with the result that many workers are unfamiliar with the quality of the relationship and thus perceive it to be neither good nor bad. Indeed, of German respondents covered by an agreement, six in ten answered "neither" (46%) or "not sure" (13%).¹⁹ However, when the "not sure" responses are removed from the sample, the percentage of German respondents rating the relationship as good is still only 37%. In turn, seven out of ten German respondents with a works council rated the relationship between management and their works council representatives as "good," and none rated it as "bad." One in six answered that it was neither good nor bad, which could reflect recent strains referred to above. But even if so, it would not appear that these strains are particularly widespread or serious enough to give rise to bad relations. This is consistent with our finding (in table 4) that there is virtually no perceived employer opposition to works councils among respondents not covered by one, and with the belief that works councils are effective at helping to find cooperative solutions where conflict might otherwise occur and as such have generally positive relations with employers. However, in view of the rather tepid evaluations of works councils reported earlier, it may also be that many works councils have come, or are perceived to have become, largely co-opted to serve managerial interests -- something that has long been considered a possible risk of the German system (see Gumbrell-McCormick and Hyman 2010).

3.6 Confidence in Rights at Work

-- table 6 about here -

As argued earlier, although representation at work is an important element of democracy in and of itself, worker perceptions of this representation also matter. Perhaps even more important,

¹⁹ Union officials are also often heavily involved in works councils, but as works councillors, and the question about works council representatives was asked prior to the one about union representatives, so it is not likely that respondents were confusing the two. Indeed, in view of the results for works councils, one would expect this to enhance the likelihood of positive assessments.

however, is the extent to which workers are confident in their rights at work. This confidence may derive from the belief that they can depend on representatives to stand-up for them in the event that they are unfairly treated or their rights are violated. But it can also derive from the broader legal system and ultimately institutional environment of the employment relation. In some respects, this may be the most important "test" of differences in national employment systems.

In the USA, the "at will" doctrine, coupled with minimal restrictions on the exercise of employer authority, has meant that workers have traditionally had few a priori rights at work. Union representation has served as the primary means to the attainment of fairness rights, yet unions now cover only a small portion of the workforce. However, there have long been laws protecting employees against *selected* unfair practices, especially with regard to the payment of wages (the Federal Labor Standards Act), but also with regard to discrimination on the grounds of race or gender. There has also been some legislation mandating family leave and advance notice of layoffs, some limits imposed on the doctrine of employment-at-will, and a variety of rights and protections passed at the state and local levels (e.g., living wage laws). According to some scholars (Piore and Safford, 1997, Estlund 2010), employers have in response generated standard personnel policies and practices and developed a new strategy centred on private arbitration procedures that ensure some form of due process. It is therefore possible that workers not only have stronger a priori rights, but greater confidence in these rights than traditional depictions of the US employment regime would suggest.

In Germany, there has never been an at-will doctrine, and workers have traditionally enjoyed strong protections through their works councils and unions, based on a longstanding conviction in the benefits of industrial democracy (xxx2007). Although these institutions may have declined in strength, workers also have strong a priori rights under the law. This has been

especially true with regard to job security, but it has also applied to the provision of due process and of various protections against unfair or discriminatory treatment. Even where workers do not have representation or choose not to rely on their representatives, they can turn to a labour court in the event that their rights are violated. Moreover, although there has been some weakening in recent years of job security laws, these are still much stronger than in the United States. In view of the German institutional context, we would therefore expect workers to have a high degree of confidence in their rights.

We asked six questions pertaining to confidence in rights. As revealed in table 6, US workers express relatively high levels of confidence in their rights, with a third to a half agreeing strongly with statements about each of the six rights in this table, and another quarter agreeing somewhat. As might be expected in view of the US legal system, they are most confident about co-workers being able to do something if they are denied pay or bonus money, and least confident about job security and unjust dismissal. Nonetheless, even in the case of the latter, a majority expresses confidence. Although there has been some evidence that US workers are often unaware of just how poor their rights are (Freeman and Rogers 1999), these results provide some support for the argument that the employment relation may not be seen as authoritarian and arbitrary as the traditional stereotype suggests, at least for a significant portion of the US workforce.

As expected, however, German workers appear to be substantially more confident on all but one (denial of pay or bonus money) of the issues in table 5. This is especially true with regard to the percentages strongly agreeing that they could count on various rights. Yet a significant portion also expressed either some or outright doubt. Most striking is the one in three respondents who were either neutral or in disagreement with statements about being able to do something should a co-worker be unjustly dismissed or if one should be denied pay or bonus

money. One possibility (in addition to higher expectations and more critical orientations) suggested above is that many of these workers are not covered by a union or a works council and so may not be fully aware of their rights (the opposite of the USA) or confident in their ability to enforce them. To explore whether this might be true, we examined the correlations between each of the rights perception items and each form of representation (available on request). The correlations were strongest for works councils, ranging from 0.20 to 0.25. However, the correlations with collective agreement coverage were also statistically significant ($p \leq .05$), ranging from 0.12 to 0.16.

4. Conclusions

This paper has explored how workplace representative systems and rights are viewed by workers in Germany and the United States. The findings give us insights into how well each system fares from the point of view of its main constituents and hence into possible issues and problems faced by each. Because these systems differ from each other in a number of respects, and because worker values and expectations also differ, we cannot draw any definitive conclusions as to how well each system is currently functioning in any objective sense, and we certainly cannot strictly compare them in this respect. However, the way in which workers view their institutions may have important implications for these institutions and their legitimacy, and cross-country comparisons can provide referents for assessing worker perceptions in a particular nation. This is especially so if these comparisons include discussion of how both the institutional conditions and expectations of workers differ and hence may explain differences in perceptions, which we have been careful to do.

Our results reveal that, although union coverage is low in the United States, (17% in our sample), half of all workers not only have some form of representation, they also tend to evaluate this representation as or more favourably than do their German counterparts. Our results also

reveal that the level of frustrated demand is relatively low (especially for unions), that employers are not seen by non-union workers as an obstacle to union representation except by a small minority, and that the relations between unions and their employers are not as acrimonious as typically portrayed. Furthermore, workers have substantial confidence in a number of their rights at work.

German workers still appear to fare better overall. There is some frustrated demand for both collective bargaining coverage and works councils, but the levels of coverage for both are considerably higher than for their US counterparts. Moreover, although there is some perceived opposition to collective bargaining, employers are still perceived to be highly receptive to works councils. In general, German workers are also more confident about their rights at work. Germans are often ambivalent, however, about the performance of their institutions and, indeed, do not (on average) evaluate them as favourably as Americans evaluate theirs. Indeed, there is little difference across the two samples for each type of representation we examined if one excludes those who do not have that type and also do not want it.

Ultimately, however, our results may simply show that the USA and Germany are two different regimes, each with its own particular institutional traditions and the particular norms and expectations to which these traditions have given rise. If one adheres to German norms and expectations, then there is no doubt that the German system is to be preferred, if only because workers are much more likely to have legal representation and their perceived rights are stronger. These are, from a German perspective, an essential measure of democracy, and expectations for them tend to be high. Yet because they are so institutionally embedded, their performance is not readily visible. But if one adheres to American norms and expectations, there is much more room for doubt, because legal representation and rights at work are much less important as a measure of democracy, and expectations for them tend to be low. In this respect, our results may in

considerable measure reflect the apparent tendency for Americans to be more deferential to authority and to management than their German counterparts, at least when it comes to workplace relations. This would explain not only why the American system is in a sense less "democratic" than its German counterpart, but also why this makes less difference than might otherwise be expected.

Our findings therefore underscore the need for greater analysis of the importance of institutional and cultural norms to understanding cross-national differences in industrial relations systems and the need to respect these norms when assessing these systems. Yet they still be may be disconcerting for anybody believing in the importance of legal rights and representation at work to the democratic fabric of nations. In the case of the USA, they suggest that unions and collective bargaining have been largely replaced by employer created if not dominated systems, and that these systems may be giving rise to a form of managerial hegemony that offends basic precepts of democracy yet appears to be going largely unchallenged, in large part *because of* institutional and cultural norms (Godard 2009). In the case of Germany, they suggest that the stronger system of legal representation and rights may be in some jeopardy, if only because workers seem to be either uninformed about or disillusioned with its performance. The former suggests a need for political and academic activism and, in particular, a need to expose the dangers posed by company unionism as part of a potentially broader decline in the quality of American democracy.²⁰ The latter suggests that the detached representative system characteristic of Germany may not be sufficient to cope with the challenges of the 21st century and that, if these institutions are to maintain their legitimacy, there is need to move towards a more transparent,

²⁰ We are especially concerned that our results will be used by proponents of "soft law" to argue that there is little need to do anything about the state of labour and employment law in the USA.

directly accountable model which requests more grassroots involvement (see “Stuttgart 21” debate²¹). In short, our results suggest that now is not the time for complacency in either nation.

References

Adams, Roy. 2001. "Choice or Voice. Rethinking American Labor Policy." *Employee Rights and Employment Policy Journal*. 5(2):521-548.

Addison, John T., Thorsten Schank, Claus Schnabel, and Joachim Wagner. 2007a. Do Works Councils Inhibit Investment? *Industrial and Labor Relations Review*. vol. 60(2): 187-203.

Addison, John T., Claus Schnabel, and Joachim Wagner. 2007b. The Parlous State of German Unions. *Journal of Labor Research*. vol. 28(1): 3-18.

Addison, John T., Claus Schnabel, and Joachim Wagner. 2004. The Course of Research into the Economic Consequences of German Works Councils. *British Journal of Industrial Relations*. Vol. 42(2): 255-81.

Bamber, Greg, Russell Lansbury, and Nick Wailes. 2011. "International and Comparative Employment Relations. An Introduction." In Greg Bamber, Russell Lansbury, and Nick Wailes (Eds.) *International and Comparative Employment Relations*, 5th Edn. pp. 1-35. Crows Nest, NSW: Alen & Unwin.

Besse, B. (2009) IAB findings 2007 report to EIRO, paper DE08110191.

Broadbeck, F.C, M. Frese, and M. Javidan. 2002. "Leadership Made in Germany: Low on Compassion, High on Performance." *Academy of Management Executive*. vol. 16(1): 16-30.
-NOT CITED IN TEXT - DELETE?

Doellgast, Virginia and Ian Greer. 2007. Vertical Disintegration and the Disorganization of German Industrial Relations. *British Journal of Industrial Relations*. vol. 45(1): 55-76.

Ellguth, P. and S. Kohaut. 2010. 'Tarifbindung und betriebliche Interessenvertretung: Aktuelle Ergebnisse aus dem IAB-Betriebspanel 2009', *WSI Mitteilungen* (4):204-209.

Ely, James W. 2008. *The Guardian of Every Other Right* (3rd edn.) Oxford: OUP.

Estlund, C. (2010) *Regoverning the Workplace*, Yale University Press.

Freeman, Richard. 2007. Do Workers Still Want Unions? More than Ever. EPI Briefing paper #182. Economic Policy Institute: Washington.

²¹ ‘Stuttgart 21’ is a much contested transportation project in Stuttgart which led to a massive protest movement cutting across all demographics, social classes, and political affiliations. It led to the fall of the conservative government of Baden-Wuerttemberg and election of the first Green Ministerpraesident in Germany and is a symbol of a newly developing participatory movement of activated citizens in Germany (see also the recent regional election success of the newly created ‘Pirate Party’ in Berlin).

Freeman, Richard, Peter Boxall, and Peter Hayes. 2007. *What Workers Say: Employee Voice in the Anglo-American Workplace*. Ithaca: ILR Press.

Freeman, Richard, and Morris Kleiner. 1999. Do Unions Make Enterprises Insolvent? *Industrial and Labor Relations Review*, Vol. 52, No. 4, pp. 510-27. **NOT CITED IN TEXT - DELETE?**

Freeman, Richard, and Joel Rogers. 1999. *What Workers Want*. Ithaca: Cornell University Press.

Frege, Carola and John Godard 2010. "Institutional Norms and Cross-national Variation in Representation Rights at Work," In Adrian Wilkinson et al (eds) *The Oxford Handbook of Participation in Organizations*. Oxford: OUP, pp. 526-552.

Frege, Carola. 2002. "Theoretical and Empirical Research on German Works Councils: A Critical Assessment", *British Journal of Industrial Relations*, 40(2):221-248 **NOT CITED IN TEXT - DELETE?**

Frege, Carola. 2007. *Employment Research and State Traditions: A Comparative History of Britain, Germany and the United States*, Oxford: Oxford University Press. **NOT CITED IN TEXT - DELETE?**

Gely, Rafael. 1998. "Electromation: What Could Have Been Done But Wasn't". *Labor Law Journal*, (June): 1053-1064. **NOT CITED IN TEXT - DELETE?**

Gerlach, K. and Meyer, W. (2007) "Wage effects of works councils and collective agreements in Germany", *conference paper*, symposium, IRLE, Berkeley.

Godard, John. 2004a. "The New Institutionalism, Capitalist Diversity, and Industrial Relations," in Bruce Kaufman (ed.), *Theoretical Perspectives on Work and the Employment Relationship*, Urbana-Champaign: IL: Industrial Relations Research Association, pp. 229-64,

Godard, John. 2004b. *Trade Union Recognition: Statutory Unfair Labour Practice Regimes in the USA and Canada*, London UK: the Department of Trade and Industry Employment Relations Research Series, #25.

Godard, John. 2009. "The Exceptional Decline of the American Labor Movement," *Industrial and Labor Relations Review*, vol. 63 (1): 81-107.

Godard, John. 2011. "The Correlates of Union Voting Propensity: A Union Organizing Approach," *Industrial Relations*. vol. 50 (3): 472-497.

Green, Francis. 2006. *Demanding Work*. Princeton: Princeton University Press.

Gumbrell-McCormick, Rebecca, and Richard Hyman, 2010. Works Councils: the European Model of Industrial Democracy, In Adrian Wilkinson et al (eds) *The Oxford Handbook of Participation in Organizations*. Oxford: OUP, 286-314.

Haipeter, Th. (2010) "Erosion, Exhaustion or Renewal? New Forms of Collective Bargaining in Germany", working paper???, NOT CITED IN TEXT - DELETE?

Hale, D. 2008, "International Comparisons of Labour Disputes in 2006." *Economic & Labour Market Review*. 4, 2: 32-41.

Hall, Peter, and David Soskice. 2001. "An Introduction to Varieties of Capitalism." In Peter Hall and David Soskice, eds., *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*, Oxford: Oxford University Press, pp. 1–68.

House, J. (2006) Communicative styles in English and German, *European Journal of English Studies*, 10(3):249-267.

Human Rights Watch. 2000. *Unfair Advantage*. New York: Human Rights Watch

Inglehart, Ronald, Miguel Basanez, Jaime Diez-Medrano, Loek Halman and Ruud Luijkx, 2004. *Human Beliefs and Values: A Cross-Cultural Sourcebook Based on the 1999-2002 Values Surveys*. Mexico: Siglo XXI.

Jones, Jeffrey. 2011. U.S. Approval of Labor Unions Remains Near Record Low, Thursday, Feb. 24, 2011, www.gallup.com/poll/142007/americans-approval-labor-unions-remains-near-record-low.aspx

Katz, Harry, and Owen Darbishire. 2000. *Converging Divergences. Worldwide Changes in Employment Systems*. Ithaca, NY: Cornell University Press

Kaufman, Bruce. 2000. "The Case for the Company Union." *Labor History*, Vol. 41, No. 3, pp. 321-350.

Kaufman, Bruce. 2005. "What Do Unions Do? Evaluation and Commentary." *Journal of Labor Research*. Vol. 26, No. 4, pp. 555-596.

Kaufman, Bruce. 2010. "Employee Participation Through Non-union Forms of Employee Representation." In Adrian Wilkinson et al., eds., *The Oxford Handbook of Participation in Organizations*, pp. 258-285.. Oxford: Oxford University Press. NOT CITED IN TEXT - DELETE?

Kaufman, Bruce E., and Daphne Gottlieb Taras (eds.), 2000. *Nonunion Employee Representation*. Armonk NY: ME Sharpe.

Lipset, Seymour M., and Noah Meltz. 2000. Estimates of Nonunion Employee Representation in the United States and Canada. In *Nonunion Employee Representation*. Edited by Bruce E Kaufman and Daphne Gottlieb Taras. Armonk NY: ME Sharpe. pp. 223-230. NOT CITED IN TEXT - DELETE?

Lipset, Seymour M., and Noah Meltz (with Raphael Gomez and Ivan Katchanovski). 2004. *The Paradox of American Unionism*. Ithaca: Cornell University Press.

Niederhoff, (2006) *IW-Trends*, Vierteljahresschrift zur empirischen Wirtschaftsforschung aus dem Institut der deutschen Wirtschaft, Koeln, 33(4). **NOT CITED IN TEXT - DELETE?**

Piore, Michael and Sean Safford. 2006. "Changing Regimes of Workplace Governance." *Industrial Relations*, 45(3):299-325.

Pries, Ludger Pries, Hertwig, Markus and Axel Hauser-Ditz (2006) "Betriebsräte und andere Vertretungsorgane im Vergleich - Strukturen, Arbeitsweisen und Beteiligungsmöglichkeiten", *WSI-Mitteilungen* 09/2006

Seidman, S. (1983) "Modernity, Meaning and Cultural Pessimism in Max Weber", *Sociological Analysis*, 44(4):267-278.

Streeck, Wolfgang. 1992. "Productive Constraints: On the Institutional Conditions of Diversified Quality Production. In Wolfgang Streeck (ed.) *Social Institutions and Economic Performance*. London: Sage, 1-40.

Streeck, Wolfgang. 2009. *Re-Forming Capitalism*. Oxford: Oxford University Press.

Taras, Daphne and Jason Coping. 1998. "The Transition From Formal Nonunion Representation to Unionization: A Contemporary Case." *Industrial and Labor Relations Review* 52(1): 22-44.

Weiler, Paul. 1990. *Governing the Workplace: the Future of Labor and Employment Law*. Cambridge MA: Harvard University Press.

Winkler, V. (2005) "Some Realism about Rationalism: Economic Analysis of Law in Germany", *German Law Journal*, 6(6):1033-1044.

XXX 2007

Table 1
Prevalence of Alternative Forms of Representation
USA & Germany

	USA	Germ.
% members of a union	16	24
% covered by a collective agreement	17	67
% covered by "a non-union, management established system, where worker reps meet with management (US only)	28	--
% covered by a works council (Germany only)	--	68
% member of another type of association to assist with work-related matters.	15	11
main characteristic that unites members of association:		
% occupation	74	68
% race, ethnicity, gender, sexual orientation	7	7
% religion	1	6
% other	17	20
% represented only by an association	6	4
% with at least one form of representation	51	84

Table 2
Evaluations of Alternative Forms of Representation: USA and Germany

	To a great extent (%)		To some extent (%)		Very little if at all (%)	
	US	Germany	US	Germany	US	Germany
Evaluations of unions (if a union member):						
Union representatives can be counted on to stand up for workers, even if this means a disagreement with management.	54	45	30	33	16	22
Union representatives actively consult with workers about their ideas or concerns	41	31	36	56	23	13
Evaluations of management established, non-union rep. systems / works councils (if represented by one):						
Non-union / works council reps can be counted on to stand up for workers, even if this means a disagreement with management.	51	27	33	45	17	28
Non-union / works council reps actively consult with workers about their ideas or concerns	54	37	35	43	11	20
Evaluations of independent employee associations (if a member of one):						
This association can be counted on to stand up for workers, even if this means a disagreement with management.	38	42	30	36	32	22
This association organization actively consults with workers about their ideas or concerns	44	71	43	24	13	5

Note: Respondents were asked to indicate the extent which representatives could be counted on to stand up for members / consult with workers, on a three point scale where 1= to a great extent, 2=some extent, 3=very little if at all. All scores are in percentages.

Table 3
Representation Gaps: USA and Germany

	% Yes	% No	% Not sure
Germany: % who would like to be covered by a collective agreement (if not at present)	33	62	6
% who would like a works council (if they do not have one already)	30	59	2
USA: % who would vote for a union (if not currently represented by one).	22	70	9
USA: Extent to which would prefer a non-union rep. system rather than a union or no rep. at all (if no rep. at present).	great extent 14	some extent 28	not at all 58

Note: All scores are in percentages.

Table 4
Explaining the Gaps: Employer Opposition?

	to a great or some extent/ Yes	Very little if at all/ No	not sure
USA: no union rep due to employer opposition	21	68	11
Germany: no coll. agreement due to employer opposition	26	48	26
no works council due to employer opposition	3	83	15

Note: US respondents were asked the extent to which their lack of union representation was due to employer opposition. German respondents were simply asked if employer opposition was the main reason. All scores are in percentages.

Table 5
Relations With Employers

	good/great extent	neither/some extent	bad / not at all	not sure
USA: union reps.	43	41	15	--
Germany: union reps.	32	46	9	13
WC reps.	74	17	0	9

Note: US respondents were asked to indicate *the extent to which* union reps had a positive relationship with management, and were provided with three response options; German workers were asked *whether* union and works council reps had a good or a bad relationship with management and provided with the four response options: good, bad, neither, and not sure. All scores are in percentages.

Table 6
Confidence in Rights at Work

	agree strongly		agree somewhat		neutral or disagree	
	US	Germ	US	Germ	US	Germ
due process ("able to get formal hearing with representation if unfairly treated")	46	61	23	13	32	26
job security ("protections make layoff of permanent employees unlikely")	30	54	22	23	48	22
"It is likely something could be done to make things rights if a...*						
co-worker was unjustly dismissed	31	42	27	12	42	36
female co-worker was discriminated against	46	63	20	20	34	18
co-worker was bullied by a manager	49	58	27	25	25	17
co-worker was denied pay or bonus money to which entitled"	52	47	25	21	23	32

* If the respondent asked for clarification, he was told " This could involve going to a government body, a union rep, a manager, or some other channel" If for any item, the respondent stated that it would not happen where she works, she was asked "Well, what if it did?" We asked about co-workers because some of these questions may not apply to the actual respondents. All scores are in percentages.