

Co-determination at workplace level in Germany

Co-determination at workplace level affects everyone to some extent – foreign and German employees alike – because works councils exist for the benefit of everyone employed by the establishment. But what actually is a works council? What are its tasks, and what benefits does it provide? The DGB provides a simple explanation that is easy to understand – in 11 different languages.

1. What is a works council?

A works council represents the interests of the employees in the establishment, and can negotiate with the employer on their behalf. For this purpose, the works council has rights that are set out in a separate law, the Works Constitution Act (Betriebsverfassungsgesetz), and must be observed by the employer. These rights are known as rights of co-determination, and so when talking about the work of works councils we also refer to co-determination at workplace level. Employees in Germany can elect a works council every four years in a secret ballot. Works councils advocate on behalf of all employees, irrespective of their origin or residence status, and they also provide support for temporary subcontracted workers.

2. What are the tasks of a works council?

In general terms, a works council ensures that the employer complies with all the provisions for the benefit

of the employees, in other words laws, collective agreements, works agreements etc.

On some subjects, the employer only has to inform or consult the works council. One important element is that the works council must be consulted before every dismissal. In other areas, the works council has more extensive rights and can actively participate in decisions – so here too we refer to rights of co-determination:

- Working hours, shift work schedules and overtime
- Job grades, performance-related bonuses and piece rates
- Training and development
- Occupational health and safety
- Data protection
- Work procedures and workplace design

The works council must also ensure that there is no discrimination against employees, for example on the basis of their origin, nationality, gender, sexual identity, religion, political affiliation or trade union activity. Its tasks also include facilitating the integration of foreign employees, and demanding that the employer combat racism within the establishment.

3. What rights does a works council have?

Only works councils can exercise the rights of co-determination arising from the law; not the individual employees. Without a works council there is no real co-determination. When a works council has been elected, the employer is not permitted to disband it.

4. What benefits does a works council provide?

Establishments with works councils

- pay higher wages and salaries on average, as they are more likely to have a collective agreement in place
- provide more secure jobs
- are more transparent and fairer
- arrange company pension schemes
- ensure a better work-life balance
- offer more continuing training
- are more productive
- make greater investments in ecological activities

If you have any questions or problems at your place of work, you can contact the works council at any time.

5. How many employees must there be for a works council to be required?

A works council can be elected in all establishments with five or more employees. The size of a works council depends on the number of employees:

- 5–20 employees: 1 works council member
- 21–50 employees: 3 works council members
- 51–100 employees: 5 works council members
- 101–200 employees: 7 works council members
- etc.

The more employees there are, the larger the works council is too.

6. Who can elect the works council?

All employees aged 16 and over are permitted to take part in the election. Their nationality is irrelevant. The following are also permitted to vote:

- Apprentices
- Part-time employees
- Employees on fixed-term contracts
- Subcontracted workers who have been at the establishment for longer than 3 months

7. Who can become a member of the works council?

Candidates for the works council must be at least 18 years old and must have been working at the establishment for at least six months.

Incidentally, anyone who is either a member of the works council or standing for election also enjoys particular protection against dismissal. You can find out the details from your DGB trade union: <https://en.dgb.de/>

8. When can a works council be elected?

In establishments which do not yet have a works council, a first election can be held at any time.

Elections for existing works councils are held nationally every four years – the next time will be from March to May 2026.

9. Do all establishments have a works council?

Unfortunately there are many establishments without a works council. Small businesses such as a dental practice, a tobacconist's shop or a plumbing business often have fewer than five employees. In somewhat larger establishments, there is often no works council because the employees do not see any need for one, or do not have the confidence to set one up. In larger establishments, especially in industry, there is almost always a works council. The initiative for holding a works council election must come from the staff.

The employer must behave neutrally and must not interfere. If the employer tries to obstruct the establishment of a works council, they will be liable for prosecution!

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

The works council is elected by all the employees and represents all the employees in the establishment.

A trade union, on the other hand, is not tied to one establishment, but is responsible for one or more industries. There the trade union represents the interests of the employees as a whole, and for example negotiates collective agreements which among other things regulate the salary, weekly working hours and holiday entitlements, and apply to the employees in the respective industry. Anyone can become a member of a trade union. The eight largest trade unions in Germany are members of the German Trade Union Confederation:

- Eisenbahn- und Verkehrsgewerkschaft – EVG (Railway and Transport Union)
- Gewerkschaft der Polizei – GdP (Police Union)
- Gewerkschaft Erziehung und Wissenschaft – GEW (German Education Union)
- IG Bauen-Agrar-Umwelt – IG BAU (Industrial Union for Construction, Agriculture, Environment)
- IG Bergbau-Chemie-Energie – IGBCE (Industrial Union for Mining, Chemicals, Energy)
- IG Metall – IGM (Industrial Union for Metalworkers)
- Nahrung-Genuss-Gaststätten – NGG (Union for Food, Beverages and Catering)
- Vereinte Dienstleistungsgewerkschaft – ver.di (United Services Union)

Works councils and trade unions pursue very similar objectives. When works councils are established, they are frequently supported by trade unions. Trade unions also offer seminars on the work of a works council, for example, and provide works councils with information and advice.