Institutional perspectives on labour regulation between South Africa and Germany

Implementation of short-time work at an international car-manufacturer in the financial crisis

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July 2012

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As indicated by the huge public attention in the media and underlined by recent scientific discussion, between 2008 and 2010 the world financial crisis has undoubtedly been the central impact, shaping the social reality of business models and labour regulation all across the globe.\(^1\) From a retrospective which focuses on the implications induced which can be identified for labour regulations as caused by the impact of the economic turbulences, at least two things are to be learned from the events of the crisis: Firstly, we can encounter a growing interdependence of different economical spaces (i.e. nation-states), due to the increasing integration into cross-border figurations of capital. Relating to a debate held within industrial-relations-theory, it can in this context be referred to a development of international convergence (see for instance Katz/Darbishire 2000). Secondly, and this is the focal point of the paper proposed, what can also be identified are persisting differences within particular national contexts, shaping measures of labour regulation pursued and implemented within them. Since the automotive industry does not stand out as an exception in this matter, different ways of ‘steering through the turbulences’ caused by the economic crisis have been established by the various car-manufacturers. According to the central findings of Comparative Political Economy, such as Varieties of Capitalism (Hall/Soskice 2001), the Social Systems of Production-literature (Boyer 2004) or the debate about National Business Systems (Whitley 1999)\(^2\), the hypothesis can be derived that depending on specific national contexts, different strategies to deal with economic challenges were brought about by the crisis.

While due to the generally high demand for German products within markets which were traditionally served by the German economy, the country tended to show an increasingly good performance also through its stronger engagement in emerging markets, the German gross-domestic-product dropped by 6.5% in 2008. Starting from 2009, the economy started to recover and showed a re-growth of 3.8% by the second quarter of 2010. Also, looking back from today’s perspective, total employment did not significantly shrink during the crisis-period and until today has decreased to the lowest level since 1990 (see Herzog-Stein et al. 2010:1). Having in mind the notion of the German economic model standing out through its rather stable (or from a critically liberal point of view: rigid) conditions, these recent developments seem to question the validity of classical descriptions of the German economy, pointing to these features: “Apparently the German labor market system has undergone a strange mutation from a bulwark of eurosclerosis into a champion of flexibility” (Möller 2010: 326). With regards to the impact of the financial crisis in South Africa, Martina Metzger (2011) draws an overall positive conclusion: „Apart from a short period of stress in the second half of 2008 resulting in steep stock market corrections and a strong volatility of prices, in particular exchange rates, financial sectors in […] South Africa proved to be robust.“ Here, the comparatively low level of integration of the national economy into the network of international financial markets provided generally stable conditions for economic development under the conditions of the crisis. However, a closer look reveals significant decreases in demand for central industry-branches, such as mining, steel or

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\(^1\) In this context, see International Labour Organization (ILO) (2011) as well as the special issue of the Socio-Economic Review 2/2010.

\(^2\) For an overview see the illustrative article of Deeg and Jackson (2007).
automotive for the period of the crisis. Within the automotive sector the period of 2008 and 2009 even went along with a decrease in turnover by a total of 25% (Müller 2011: 129). Due to the impact of the crisis, the South African Gross Domestic Product decreased by 1.8% in 2009 (IMF 2010). After a shrinkage in employment within the first three quarters of 2009, a 0.7% growth-rate showed signs of restabilization, until in the first quarter of 2010, another decrease by 1.3% hit the economy (Statistics South Africa, 2010).

The paper aims at an explanation of the interplay between institutional differences and organizational practices in a multinational car-maker operating between Germany and South Africa. As an example serves the implementation of short-time work, which was meant to cope with the economic hardships, caused by the crisis for the international car-makers. As has been pointed out by Jürgens and Blöcker (2009), short-time work turned out to be a well-directed instrument to react to the unstable economic situation of the crisis in Germany. At the same time, the introduction of flexible measures of working-time generally met with a refusal of the South African workers. To the question why the transfer of this measure turned out to be problematic, the paper aims to give a twofold explanation, referring to the interplay of organizational and institutional factors:

Firstly, it will be argued that specific institutional settings provide the (nationally segmented) framework for conditions under which processes of labour regulation are negotiated between various parties involved. Here, the literature of comparative political economy (e.g. Hall/Soskice 2001; Streeck 2009) provides different proposals on which institutions look at to model the specific logic of these national settings. Here, the argument of Pries (2010) will be taken up to develop a suitable approach to systematically look at the specific impact of these framework conditions in Germany and South Africa: By shedding light of the structuring impact of national patterns of family, market, occupational culture, work organization as well as the public regime, a sufficient comparative design will be established.

While – according to the argument pursued here – these five institutions together constitute the framework, they do not totally determine concrete actions, which constitute social reality within the field of labour regulation. Thus, secondly, a closer look on the organizational level leads us to understand the specific interaction modes between six status groups involved in these negotiation processes. These are unions, management and shop-floor workers representation on the German, as well as on the South African side. While the particular constellations within these complementary institutional settings reflect the specific historical paths of the two countries (i.e. Apartheid vs. Social Partnership), shaping the basic conditions, a second level of analysis is based on the findings of a field-work, conducted in South Africa and Germany from 2010 to 2011, in the course of which representatives of six groups involved in the negotiations about the implementation of short-time work were interviewed (i.e. management, shop-floor workers´ representation as well as union- secretaries). Drawing on the interplay between the organizational practices and the institutional setting, light will be shed on the question of why the German case turned out to be much less conflictive than the South African one. From a theoretical and methodological point of view, the second, more perspectively oriented goal of the
presentation lies in the utilization of an integrative perspective on institutional settings and actors’ dispositions in comparative research.

Dealing with the cross-border implementation of measures of flexible working-time within an international carmaker between Germany and South Africa, this paper will be structured as follows: After explaining the theoretical background by proposing an institutionalist design to compare the framework conditions in both countries, we will introduce the specific shapes, these institutionalist conditions take within both countries. After this, the findings of a fieldwork conducted within the six status groups, involved in processes of labour regulation within the MNC will be presented. Finally, besides a summary of the core arguments of this paper, an outlook for challenges for companies, coordinating their activities across different national settings will be given.

**Theoretical Background – Five Institutions Structuring Labour Regulation**

As pointed out above, the idea of systematically identifying the logic of nationally segmented spaces of practices in the field of the economy has been widely taken up in international comparative economy and industrial relations. Here, the approach of Pries (2010) provides the opportunity to develop a differentiated type of understanding these particular circumstances by focusing on a set of five structuring institutions. These will be shortly introduced in the following passage.

Firstly, primary network relations of actors involved in processes of labour regulation constitute a significant impact for their conduct and outcome. Usually, the reference group of the family sets up the frame, within which society members are not only nurtured, but also socialized into specific roles, they are expected to take on (and further develop) in the course of their lives. A mutually perceived obligation to support the members of this primary network moreover constitutes a reciprocity in supporting each other in the case of (e.g.: health induced) risks or, as in this case, unemployment.

While from the perspective of neoclassical economics, the market constitutes the core of the economy, the institutionalist point of view developed here, implies an understanding of it as just one complementary part of a broader societal setting. While market transactions surely constitute a significant part of the actions conducted in the field of labour regulation, here the argument will be supported „that markets do not exist separately from their social contexts“ (Morgan/Quack 2000: 4). Thirdly, occupational shapes of labour come into play. Through combining specific tasks within particular bundles of work-related obligations for thousands of years, division of labour has been institutionalized within specific occupational categories, shaping the reality of contemporary societies. This way, over time, relatively stable patterns of competency-ascriptions and differences in status could develop, which

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3 Mostly drawing on the work of Karl Polanyi (1957), scholars from the discipline of ‘New Economic Sociology’ further develop this point under the label of ‘Embeddedness’ (Beckert 2003).
turn out as significant, when analyzing labour regulation. Specific national occupational cultures also reflect in particular educational systems, differing from country to country.

As a fourth important impact factor, country specific modes of work organizations can be encountered as a relevant framework condition. When sociologically conceptualizing companies as organizations, we need to consider the logics, according to which processes of work are divided (and negotiated). While on the one hand, the relatively flexible application of various time patterns, as discussed in this paper, are subject to this institution, the particular mode, according to which their implementation is being negotiated between the status groups involved can also be summed up under this institutional category.

Finally, the public regime comprises collective orientations and rules, concerning the societal shape of labour relations. While in many countries the major part of these rules is being negotiated within the classical triangle of state, capital and labour, the constellation leading to a specific shape of a public regime can also be influenced by actors from civil society.

**Institutional Framework Conditions in Germany and South Africa**

After having laid out the theoretical fundamentals of the international comparison to be set up between the concrete situations in Germany and South Africa, we now turn to take a closer look at the case of our automotive-company, attempting to react to the crisis by introducing a flexible model of working time. Before going down to the meso-level of the inner-organizational negotiations (Pries 2008), we draw on some empirical findings to support the theoretical model developed above with some data from the two countries to illustrate the framework conditions which constitute the relevant circumstances for the implementation process.

While the measure of flexible working time arrangements used to deal with particular economic developments can increasingly be found throughout the past three decades of German labour history (Bispinck 2010), for the South African context measures like time-banking are relatively new phenomena. The following graph gives us an idea of the process of transferring the concrete practice from one national setting to another.
Institutional Setting Germany

When talking about the German economy or labour relations, terms like ‘Social Partnership’, or ‘Rheinland Capitalism’ point to a specific condition of the national model of capitalism, standing out through a high degree of cooperation between the employer- and employee-side. This general notion also reflects in the portrayal of the five institutions, introduced above:

a) Family

Families in Germany on average tend to be of a rather small size. At a fertility rate of 1.3, an average life-expectancy of approximately 80 years and only 14% of the population under 15 years old, a general tendency of ‘coming of age’ can be identified for the German social structure (Streeck 2011). Far-reaching redistribution-measures, conducted within the broader framework of the German welfare-state moreover disburden the family of the necessity to provide resources for members in need. For the question of introducing flexible working-time measures, these framework conditions come in as generally advantageous, in addition to this extenuated obligations, a female employment-rate of 60% leads to the suggestion that workers of the male-dominated automotive-sector can often count on a second household income.
b) Market

Concerning the configuration of the market-institution, the analytical focus shall be set exclusively on labour-market issues. With a total population of ca. 82 million and about 40 mio. people officially employed, the unemployment rate of 7% in 2010 leads to a total unemployment of 2,945,491 in 2010.\(^4\) As pointed out above, the events of the crisis could relatively quickly be met through measures of re-stabilization, including the introduction of flexible working-time models.

c) Occupation

In international comparison, the German economy stands out through the high usage of 'skilled labor', which is largely enabled through the specific German education system. This important role of skilled labour strengthened the negotiation position as workers, indispensable to the German model of 'diversified quality production' and contributes a strong self-consciousness of the German labour force. Another important aspect, which especially counts for the OEM's of the German automotive industry, is the professional orientation of German worker representatives, able and willing to engage in joint decision-making processes.

d) Work Organisation

While generally standing out through a high degree of worker-participation in initiatives such as quality circles or integrative group-work (Pekruhl 2001), as pointed out above, the dual system of co-determination is one of the central features of the German economy. Thereby, far-reaching rights to influence company policy are granted to workers on company boards (Streeck/Kluge 1999), as well as in works councils as organs of shop floor-based interest representation. Besides many others, one important point of this system of co-determination is that in many cases it increases the legitimacy of company-measures through integrating the worker representatives in the decision-making process and thus leads to outcomes (Hauser-Ditz et al. 2008), which can rather be accepted by all of the parties involved (i.e. usually management, union and works council).

e) Public Regime

As indicated above, formal labour in Germany in most cases can be regarded as rather strongly regulated by public law. Here, the legally institutionalized rights of co-determination along with significant laws which concern health and safety and employment-protection provide a stable framework that the parties involved in processes of labour regulation can relate to. Another important feature is the so-

\(^4\) http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Content/Statistiken/Arbeitsmarkt/Erwerbstaeotige/Aktuell.templateId=renderPrint.psmml (Abruf 24.12.10)
called Tarifvertragsgesetz. Introduced in 1949, to regulate collective bargaining processes, it can count as a significant part of German labour- and business-history, not only stabilizing the fragile post-war economy, but also providing a solid framework for organizing the German economy until today (Müller-Jentsch 2011).

Institutional Setting South Africa

If Germany, along with e.g. the Netherlands or the Skandinavian states could be categorized as rather cooperative in terms of labor relations, there are other countries, where – due to differences in historical development-paths – framework conditions have in the course of modernization given a different shape to national trajectories. Although in the past twenty years significant political steps have been taken, making the country one of the most stable democracies of the continent, the “ghost of colonial rule” (Bulunghu 2010: 194) still affects social structures and political negotiations within (and beyond!) the field of labour relations. Besides issues like an aids-infection-rate of 18%, the problems of analphabetism and crime, a gini-coefficient of 0.68 illustrates contemporary social problems in the state on the Southern tip of the continent.

The recent process of democratization has been described by Webster and von Hold (2005:4) in their groundbreaking work on the ‘triple transition’ of South Africa:

„The transition from authoritarianism to democracy has created a host of new democratic and social rights for workers, trade unions, and citizens, and generated at the same time an intense contestation over the realization of these rights. The transition from a domestically oriented economy to a more globally integrated one has been accompanied by processes of corporate and workplace restructuring. The social transition from apartheid to a post-colonial order has impelled profound processes of redistribution of power and access to resources, occupations and skills together with intense struggles over these."

By – again – focusing on the structuring effect of the five institutions introduced above, we will complete our framework for a macro-level comparison between the two countries.5

a) Family

Early driven by the colonization, the understanding of family in South Africa, which is particularly spread amongst the black population, can be regarded as a mixture between traditional and western influences. A strong norm of reciprocity here leads to a widespread understanding, according to which people have to use their income, to support their closer relatives, not only in the sense of the nuclear family but with regards to a wider network. Thus, as Webster et al. (2009: 48) point out, that 64.4%

5 Due to a lack of space, the troubled history of Apartheid and South African labour can only be sketched out very briefly in this context. For a more comprehensive version, see Bendix (2010).
of the workers of our automotive company have to take care of five or more people within their extended family-network, leading to a total dependency-ratio of 5.6.

b) Market

While in a macro-regional comparison, the South African Economy stands out through its capability, contrasting it with Germany mainly leads to the realization of the high unemployment-rate: While officially lying at 23.5%, it is estimated that 40% of the potentially economic active population is out of work. The precarious condition is also reflected in the following statement by Kucera et al. (2011: 196), according to whom “large numbers of people have limited means to cope with temporary losses of work and income.”

c) Occupation

In South Africa, the education policy pursued under Apartheid has led to a significant segregation of the labour market, disadvantaging vast parts of the black and coloured population:

“The rightless and tightly controlled black workers, occupying the less skilled jobs, constituted a cheap labour force. The white workers, monopolizing the skilled and supervisory jobs, constituted an expensive labour force” von Holdt (2003: 28).

Social inheritance of life-chances here leads to a inter-generational persistence of such inequalities. Thus, the major part of black workers today is employed in the agricultural and/or the informal sector of the economy, while only a small portion works in secured employment relations, as the mining- or oil-industry (Kaufmann 2006: 518). Concerning the self-understanding of South African employee-representatives, a strong leftist orientation shapes rather antagonistic patterns of labour regulation.

d) Work Organisation

While not functioning as comprehensively as in Germany, measures of workers participation have been increasingly introduced to South African shop-floor realities. On the one hand, theoretically far-reaching participation rights were granted to all workers in the post-Apartheid-restructuring of the Labour Legislation and attempts to further integrate workers into the labour process through measures as the ones pointed out above were made. Here, Buhlunlu (1999: 111) recognizes an „introduction of a different style of management which promised greater participation by workers in decision-making.” On the other hand, through the conflictual history and the fight against the racist regime, a cooperative working relationship between capital and labour side is made difficult through the persisting relict of what von Holdt (2003) identifies as the “Apartheid Workplace Regime” – a mechanism of recursively constructing black and white identities within the labour
As Webster et al. (2009: 19) state, the “effects of this regime – low trust, low levels of skill, a reluctance to identify with the goals of the enterprise and, above all, the persistence of the racial division of labour that characterised apartheid – continue into the present” (Webster et al. 2009: 19).

e) Public Regime

Since the end of Apartheid, a coalition of the African National Congress, the Congress of South African Trade Unions as well as the South African Communist party constitutes the government. Under the rule of this coalition, various laws have been passed to democratize the country’s workplace regime. Almost 20 years after the formal abolishment of racist dominance through Apartheid and 15 years after significant reforms in the national Labour Law, the contemporary inequalities sketched out above, point to persisting effects of the past, still shaping labour relations today (Donnelly/Dunn 2006).

As could be pointed out by focusing the five influencing factors from a comparative perspective, institutional differences between the two countries support the assumption that measures of labour regulation will not generally be easy to transfer from one context to the other. As in Germany, also in South Africa, measures of labour regulation are mainly being negotiated within the triangle of the state, the capital- and the labour-side. However, while the German setting stands out through rather cooperative patterns of labour regulation, the conflictual past of the South Africa transition, with the unions playing a significant role in the resistance against the Apartheid regime, such cooperative conditions cannot be found as comprehensively there. Before these factors will come into play when attempting to explain differences in the introduction of flexible working-time-measures, a short introduction about these measures will be given in the following passage.

Implementation of Flexible Working-Time-Measures in the South African Automotive Industry – Some Qualitative Findings

Generally, a short short-time-arrangement of wagework can be understood as the temporal re-organization of work, differing from the pattern, agreed upon in the working contract. Usually it is applied to enable the company to flexibly react to changes in market conditions like supply of parts or customers’ demand for products. Here, different arrangements are imaginable as well as practically applied: While in the most basic form, a loss of working time leads to a decrease of pay, a more sophisticated model implies an intertemporal relocation of work, which is substituted by more/less work at a later point in time. This often takes place by using a virtual working-time account. Another variant can also lead to the accumulation in a long-term account, which is used to enable workers stopping to work before the regular retirement-age. Generally, it can be said that there is a possible value of short-time work for capital as well as labour, lying in the overcoming of turbulent periods. At
the same time, the application of this measure for the workers also entails the risk of losing stable conditions of employment, and thus quality of life.

The following findings, which aim to illustrate the varying ways of actors adapting the differing preconditions in the two countries, were gathered in the course of a fieldwork, conducted in Germany and South Africa. Between November 2010 and January 2011, sixteen interviews were conducted with representatives of management, union and shop floor-representation. These will be quoted, whenever it seems necessary or useful to illustrate the arguments, which are put forward here.

As has been pointed out above, the stability of the German economy during the period of the financial crisis largely derived from the flexible reaction, enabled by the cooperative climate between representatives of the workers’ and management-side. The joint relation between the parties involved, which are also supported by the dual system of interest-representation formed a constellation, within which agreement about the measures to be taken could be reached relatively quickly. While there definitely were significant cut-downs on the jobs of contract-workers, core-employees remained rather untouched by irregular permanent lay-offs (for the case of the automotive-industry, see for example Pries/Seeliger 2012, 2012a). A general societal wealth, strong welfare institutions as well as positive experiences with flexible working-time-measures throughout the past-decades contributed to this relatively cooperative reaction. Against the background of the institutional setting in South Africa, it becomes apparent that a significant cause of the less harmonic negotiations can be found in the institutional differences between the two countries. While the higher dependency ratio combined with the generally lower level of personal wealth and the absence of welfare-institutions constitute a social background that makes it much more difficult to deal with wage-shortages, these institutional differences can also be found in the attitudes of South African workers-representatives. The tendency of a generally lower acceptance towards a cooperative relationship is illustrated in the following quote of a representative of the National Union of Metalworkers of South Africa, who states:

„Remember that the union, set itself a political union to an extent that you can only fight. There need to be feasible government to ensure that it feeds us workers. And therefore we take up political issues. To change the situation for our members. But those are NUMSA believes in socialism."

What can be observed here is a self-understanding of the trade-union being reactionary in nature, protecting workers’ interests through upholding a defensive position towards management-driven initiatives. While the lack of trust between the negotiating parties has – further above – been derived widely from the country’s historical background, a similar observation is made by one of the German works-council-representatives:

„The proposal [of implementing short-time work, M.S.] has not been accepted, because the union leaders thought they had to act tough towards management. What

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6 At least this can be said in a primaral sense, since the continuous presence of contract-workers may function as an instrument of disciplining core-employees.
they did not see is that we did not want anything else then them: Keep our team together in times of the crisis. But nobody believed this.’’

At the same time, the perception of the German representative lacks the conflictual dynamics, which can be regarded in the quote of the South African speaker. In the eyes of the German spectator, a general overlapping of interests between management and shop floor-representation can be encountered. By ‘keeping their team together’, he intends to meet the demands of his reference-group (i.e. the workers of his company). It is this rather syndicalist attitude that calls for the suspicion of South African representatives:

„But maybe for the current members of the works council, they are so looking only inside their own companies. Unlike NUMSA comrades. They don’t look only in their own companies, but they look at the broader society, whether the society benefits. For them, the focus is set not only on the companies.”

What comes into play here, is once again the influence of the specific institutional settings in both countries: While the role of the unions in the resistance against the apartheid-regime has historically convinced South African workers of the utility of a strong, centralist organization, representing workers interest, German works councils often tend to act relatively independent from the unions which they associate with. This discrepancy between different approaches to representative work and thus the different strategies and policies pursued by the representatives in the two countries constitute a cultural gap between practices of interest representation.

**Outlook**

As Karl Marx and Friedrich Engels state in their world-known ‘Manifest der Kommunistischen Partei’ from 1848, a major external effect of the capitalist revolution is the integration of all regions into world market on a global level. Eventually – according to them – , this will lead to the development of the same cultural patterns or elements, which they see emerging in the form of a common ‘Weltliteratur’ – a world-literature. It does not take a lot of creativity to read this famous passage of the two revolutionary thinkers as an ancestor of the so-called ‘convergence-thesis’ prominent within the discussion of globalization theory:

“A common argument is that market, technological and managerial forces compel MNCs to adopt common strategies and practices, fostering economic, organizational and employment homogenization across borders. At the same time as globalization forces promote the standardization of certain elements of management systems, including personnel issues, local culture, institutional arrangements and labour practices manifest the resilience of capitalist variety” (Quintanilla/Ferner 2003: 363).

Against the background of the financial crisis, we are now in the position to check, whether this argument applies to the situation of a multinational car-manufacturer, operating within Germany and South Africa. If we take this convergence-argument seriously, there should be no differences which make the transfer of working-time measures impossible. As could be shown, drawing on the institutional comparison as
well as on the data gathered in the course of the fieldwork, such differences do exist after all. Not only can we encounter vast differences within the institutional setting with a historically grown set of stable labour relations within the broader framework of the German welfare-state. On the other hand, the South African framework stands out through not only through particular characteristics of the social structure pointing to generally precarious living conditions and higher obligations of single workers within their networks. Moreover, patterns of labour regulation take a much more confrontative and conflictual shape, emphasizing the power of a centralized union organization, rather than the cooperative dynamics, provided by joint shop-floor relations.

What can be learned from this case of the implementation of short-time work during the period of the crisis is that at the beginning of the 21st century, the governance of cross-border engagements within multinational corporations requires a great deal of sensitivity from management and interest representation, taking into account the specific social-structural as well as cultural circumstances within the national (or regional) multiple spaces of references, between which their activities are coordinated.

**Bibliography**


