

Conflict, Complementarities, and Collective Action? Towards a Comparative Analysis of Workplace Dispute Resolution

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1. Introduction

It is a cornerstone of industrial relations (IR) theory that the potential for conflict is inherent to the employment relationship. Across countries, workplace conflict and its resolution takes different forms. Yet aside from attempts to understand cross-national variation in strikes, there is little research examining systemic differences in the manifestation and management of workplace conflict (a notable exception is Roche et al. 2014). Better knowledge of workplace conflict and its resolution is urgently needed to assess the practical implications of common trends in IR, such as the decentralization of collective bargaining and the decline in union membership in many developed economies. Accordingly, this paper begins to elaborate an analytical framework for comparing workplace dispute resolution systems across countries.

We draw on the idea of 'institutional complementarities' in comparative capitalism to explore whether and how the major elements of national IR frameworks interact to produce distinctive solutions for the management of workplace conflict. Despite considerable recent theorizing and debate in relation to institutional complementarities (e.g. Hall and Sockice, 2001, Hancke, 2009), the concept has not gained traction in research on workplace conflict resolution. For example, there is no discussion of complementarities in a recent edited volume (Roche et al. 2014) on workplace conflict resolution. Following Deeg's (2005) call for a more fine-grained analysis of institutional complementarities, we begin to explore whether and how a complementarities perspective can shed light on the nature of different national systems of workplace conflict resolution. In particular, we investigate the explanatory potential of different types of complementarities in the context of workplace conflict resolution. We assume that there is no universal mechanism for resolving workplace conflict, but that particular institutional constellations give rise to common patterns

and regularities in how countries seek to manage conflict at work. In doing so, we adopt a sociological lens that is not primarily concerned with the economic performance of firms, but rather with understanding how different institutional arrangements might seek to prevent the escalation of conflict.

Our exploration centers on an empirical comparison of the key institutional arrangements for workplace conflict resolution in Germany and Australia, two countries typically seen as belonging to contrasting institutional families in the 'Varieties of Capitalism' literature. We begin by situating our research in the wider debate on institutional complementarities. We then present a brief overview of the key features of workplace conflict resolution in Australia and Germany. Finally, we discuss the implications of our findings for theorizing and research on workplace conflict resolution.

2. Institutional Complementarities in Comparative Capitalism

Within the field of comparative political economy the notion of complementary institutions was first introduced to conceptualize the linkages between distinct subsystems such as education, corporate governance but also industrial relations. As proponents of the varieties of capitalism perspective have argued, "two institutions can be said to be complementary if the presence (or efficiency) of one increases the returns from (or efficiency of) the other" (Hall/Soskice 2001: 17). In this firm-centered perspective complementary institutions produce distinct models (or varieties) of capitalism at the macro-level. Institutional complementarity emerges, as other scholars have argued, in two different forms.

Supplementarity, as a first form, emerges when one institution makes up for the deficiencies of the other (Crouch 2005). Synergy as the second form touches on “the mutually reinforcing effects of compatible incentive structures in different subsystems of the economy” (Deeg 2005: 3). By contrast, a-complementarities refer to institutions which are in tension and thus undermine positive complementarities (Deeg, 2005, p.4). In differentiating complementarities from coherence (institutions share common principles) and compatibility (institutions do not harm each other), the complementarities perspective is central to understanding how different components work together within an institutional system.

There has been substantial criticism voiced regarding this perspective. Some scholars have criticized this perspective as being functionalist as it neglects the role of key actors and politics in shaping institutional phenomena (for a summary of this criticism see Hanckè et al 2009). A second line of criticism has argued that the traditional complementarities view has failed to identify the sources of complementarities at the micro-level. Because such a micro-perspective is missing, the approach also has difficulties to assess differences between sectors within a national political economy.

As this debate indicates, there might be good reason to further investigate the relationship between complementarities of institutions at different levels in more detail. While much of the debate of the last 15 years was focused on the effects of institutions on the economic performance of firms and entire countries, measured by variables such as economic growth and employment (Hall/Gingerich 2009), it is our aim to investigate how institutional complementarities contribute to the regulation of conflict at the workplace. By way of applying a more sociological perspective we assume that complementarities have a second (maybe even more important) life

beyond supporting a superior economic performance of firms. In particular, we assume that institutional complementarities (synergies or supplements) contribute to keeping workplace-related conflict within bounds.

Our analysis starts from the observation that the employment relationship is inherently conflictual, following Coser (1956) who defines social conflict in its broadest incarnation as a struggle between opponents over values and claims to scarce status, power and resources. This is not to say that conflict is something inherently bad, which would harm employees and firms. As Coser reminds us, conflict might have an important integrative function for society. In addition, Dahrendorf points to the role of conflict in fostering social innovation: “I would suggest, in any case, that all that is creativity, innovation, and development in the life of the individual, his group, and his society is due, to no small extent, to the operation of conflicts between group and group, individual and individual, emotion and emotion within one individual” (Dahrendorf 1959: 208).

We do insist, however, that at the workplace-level key actors have to provide for some level of regulation of conflict to avoid paralysis and escalation. The key notion of conflict to be regulated is not new. As Geiger has argued by introducing the term “institutionalization of class conflict”: “The tension between capital and labour is recognized as a principle of the structure of the labour market and has become a legal institution of society [...] The methods, weapons, and techniques of the class struggle are recognized – and are thereby brought under control. The struggle evolves according to certain rules of the game. Thereby the class struggle has lost its worst sting, it is concerted into a legitimate tension between power factors which balance each other. Capital and labour struggle with each other, conclude compromises, negotiate solutions, and thereby determine wage levels, hours of work,

and other conditions of work” (Geiger 1949: 184 quoted in Dahrendorf 1959: 65). To take a more recent account of the processes for of keeping workplace conflict within bounds: by introducing the term conflict partnership (*Konfliktpartnerschaft*) into the debate, Müller-Jentsch has argued that industrial relations institutions have contributed to remove the “dramatic potential” from the collective bargaining relationships, however without eliminating conflict altogether (Müller-Jentsch 1999: 8f).

While we agree with the view that institutions contribute to regulate (Geiger) conflict or to remove dramatic potential from it (Müller-Jentsch), an open question is how exactly institutions achieve these regulatory ends. The analysis to follow will focus on two major research questions. First we will ask to which degree the institutions of conflict regulation provide for synergies or supplement each other, thus being complementary. Second, we will investigate whether there are pattern of regulatory institutions and principles which are found in different industrial relations systems.

To investigate our research questions and to compare systems of conflict regulation we have chosen the cases of Australia and Germany. From the perspective of comparative capitalisms the Australian case represents a clear example of a liberal market economy, while Germany has frequently served as the quasi ideal-typical example for a coordinated market economy. By selecting two countries with “most different” models of capitalism we seek to investigate whether institutions for conflict regulation vary along the same lines or follow a different pattern instead.

3. The Australian system of workplace conflict resolution

In making sense of Australia's system of workplace conflict resolution it is useful to draw on the widely-used distinction between 'interests' and 'rights' disputes. While interests disputes concern the creation of new rights, rights disputes arise over the interpretation and application of existing legal entitlements (Provis, 1993). Firstly, an overview of collective bargaining for resolving interest disputes is provided, before attention turns to key legal entitlements in Australian workplaces.

Collective bargaining

For much of the 20th century, a statutory system of conciliation and arbitration was central to the regulation of industrial relations in Australia. Industrial tribunals settled disputes between unions and employers by making 'awards' that set out the terms and conditions of employment for different industries and occupations. During this period, collective bargaining was a secondary component of the formal system of wage determination. However, extensive and frequent legislative changes since the 1980s have seen enterprise-level collective bargaining ('enterprise bargaining') develop as the primary mechanism for setting wages and conditions of employment (Gahan and Pekarek, 2012). As at May 2014, collective agreements set the pay of 41.1 % of employees, making it the most common method of pay setting across all employees (ABS, 2014). As different governments have pursued their respective industrial relations agendas, the rules for enterprise bargaining have become increasingly elaborate. The current enterprise bargaining framework, set by the Fair Work Act 2009 (FWA), is characterized by a number of key elements.

Firstly, the legislation places an emphasis on collective bargaining at the enterprise-level. While there are limited provisions for multi-employer bargaining, unions are not permitted to take industrial action (e.g. strike) in pursuit of multi-employer agreements. Typically, enterprise agreements will be applicable only to a single employer and some or all of their employees (FWC, 2014).

Secondly, unions lack the exclusive right to represent employees in enterprise bargaining. Rather, employees can appoint a person of their choice (including themselves) as their bargaining representative for a proposed enterprise agreement. However, where an employee is a union member, the union is taken to be the employee's default bargaining representative unless she specifies otherwise.

Thirdly, the legislation provides a significant role for the industrial tribunal, the Fair Work Commission (FWC), to facilitate bargaining and resolve disputes. The FWC is principally comprised of a president, two Vice Presidents, and numerous Deputy Presidents and Commissioners who are appointed until the age of 65 in a full-time capacity. Members of the Commission are appointed by the Governor-General of Australia on the recommendation of the Australian Government of the day. While orders made by the FWC are legally binding, the enforcement of these orders occurs through the federal court system.

The tribunal can compel reluctant employers to bargain where a majority of employees wish to negotiate an enterprise agreement (majority support determinations), and resolve disputes between parties over the appropriate coverage of a proposed enterprise agreement (scope orders). Moreover, the legislation requires bargaining in good faith, and enables the tribunal to redress tactics that

breach these good faith bargaining obligations. Finally, the tribunal can assist the parties with resolving bargaining disputes if so requested.

Fourth, the FWA provides the parties with the right to take 'industrial action' (e.g. strike, lock out) in the course of negotiating an agreement. However, the right to strike is subject to considerable limitations and procedural requirements. For example, unions can't strike in support of multi-employer agreements, employees must authorise industrial action by secret ballot, and the employer must be given advance written notice of industrial action. The level of current industrial dispute is low in historical terms, declining markedly since the 1980s (Bray et al, 2014).

Finally, the legislation regulates both the procedural and substantive content of enterprise agreements. In particular, some provisions are mandatory for all agreements (e.g. clauses relating to dispute resolution, change consultation) while certain claims are unlawful (e.g. bargaining services fees). Importantly, the mandatory dispute resolution clauses in enterprise agreements can specify either the FWC or an alternative dispute resolution provider to assist the parties with the settlement of disputes (Forsyth, 2012). The content of agreements is vetted by the tribunal, with approval subject to an agreement leaving employees 'better off overall' ('BOOT') than the relevant 'modern award' (see below).

Employment rights

Australian legislation provides employees with a range of protections and entitlements that may give rise to rights disputes. Currently, the key source of legal entitlements in the employment context is the main industrial statute, the Fair Work Act 2009 (FWA).

Firstly, the legislation establishes a 'safety net' of minimum conditions applicable to all employees in the national workplace relations system. This safety net is comprised of two components: a set of ten 'National Employment Standards' (e.g. maximum weekly hours, guaranteed leave entitlements) as well as the provisions contained in approximately 120 'modern awards'. These modern awards set out the minimum terms and conditions (e.g. pay) applicable in different industries (e.g. retail, banking) or to different occupations, and cover almost all employees. While the NES are contained in the legislation, modern awards are made by the industrial tribunal, the Fair Work Commission (FWC). Importantly, all modern awards contain a dispute resolution procedure to cover matters arising under the NES and the modern award. Generally, the clause will set out a process requiring that the parties attempt to resolve the dispute at the workplace before it can be referred to the FWC for settlement through mediation, conciliation or, where agreed by the parties, arbitration.

Secondly, the FWA provides employees with 'general protections' from various forms of unfair treatment, discrimination, and victimisation in the workplace. Specifically, the general protections prohibit employers taking 'adverse action' against people in relation to their 'workplace rights' (e.g. making a complaint or inquiry about one's employment). Disputes arising from these general protections may be resolved either by the FWC, a court, or both.

Thirdly, employees are protected from unfair dismissal subject to certain eligibility requirements. In particular, employees have to be employed for at least 6 months (12 months in small businesses) before they can seek a remedy for being unfairly dismissed, and a high income threshold applies. Unfair dismissal cases are decided by the FWC.

A further statutory agency, the Fair Work Ombudsman (FWO), is tasked with ensuring compliance with industrial legislation through the provision of advice, education, and enforcement. For example, the FWO can investigate complaints of alleged underpayment and recover back payment for workers. The FWO uses a variety of dispute resolution and enforcement mechanisms, including mediation, compliance notices, and litigation through the courts.

Australian workers enjoy additional employment protections by virtue of other legislation, most notably in the areas of discrimination and workplace health and safety. A detailed examination of these protections, and their associated dispute resolution mechanisms, is beyond the scope of this paper.

Conflict and Complementarities in Australia's system of workplace conflict resolution

Our main concern in this paper is to explore the idea of complementarities in relation to national institutions of workplace conflict resolution. We have argued that complementarities take different forms (supplementarity or synergy) and may reflect different logics (coherence or compatibility).

It is difficult to neatly categorize Australia's institutions of workplace conflict resolution. For example, the minimum floor of employee entitlements provided by modern awards has both synergistic and supplementary qualities in relation to other components of the system. As discussed above, the approval of enterprise agreements by the FWC is subject to the test that the agreement would leave employees better off overall (BOOT) than if they were covered by the modern award. In this sense, there is a synergy between modern awards as a baseline reference

point for enterprise bargaining. At the same time, however, modern awards can be seen to fill the void left by incomplete collective bargaining coverage. Modern awards thus serve to supplement for union weakness by providing workers with a more encompassing set of minimum entitlements.

A similar observation applies to the roles played by the FWO and unions in ensuring compliance with workplace rights. For example, the FWO has proactively collaborated with unions to enforce minimum labour standards (Hardy, 2011), pointing to institutional synergies. A more critical perspective would suggest that a decline in union density has meant a general reduction in their capacity to widely enforce labour standards (Hardy and Howe, 2009). In this view, the FWO can be seen as supplementing for the limited capacity of unions to promote compliance with workplace law.

Further, the requirement for both modern awards and enterprise agreements to contain dispute resolution procedures is indicative of institutional coherence. That is, both instruments share the common principle that the parties themselves should attempt to resolve disputes before escalating the process to involve the tribunal.

Finally, the co-existence of union and non-union enterprise bargaining is indicative of a-complementarities. The capacity of employers to make agreements directly with employees without union involvement stands in contrast to the widely accepted view that employees require union representation to effectively negotiate collective agreements.

4. The German conflict resolution system

At the heart of the German system of conflict resolution is the so-called “dual system” of interest representation, which ensures that workers’ interests are represented through collective bargaining, conducted between trade unions and employers’ associations (or single employers), above the company level on the one hand, and at the plant-level through establishment-level works councils on the other hand. While employees are free to address their legal claims arising from their employment contract in a well developed system of public labour courts, a major focus of the German system of dispute resolution is at the collective-level involving unions, works councils, employers and employers associations as key actors (Behrens 2014).

Collective bargaining

Collective bargaining is the responsibility of unions and employers’ associations. Agreements are mostly negotiated for an entire industry within a certain region (in most cases this is one of the 16 German states (*Länder*)), but a number of national-level agreements can be identified, for example, in banking and in the public sector. The German Collective Bargaining Act (*Tarifvertragsgesetz*), however, also allows for company-level agreements to be negotiated between a union and a company’s management. Today, most multi-employer agreements are negotiated between one of the approximately 700 employers’ associations (most of them directly or indirectly affiliated with the Confederation of German Employers, BDA) and one of the eight affiliates of the German Trade Union Confederation, DGB. In 2013, 32 per cent of establishments in west Germany and 20 per cent in east Germany were covered by a collective agreement (both types: industry and plant-level) (Ellguth and Kohaut, 2014:

288). Because collective bargaining coverage rises along with company size, this leads to 60 per cent of all employees in west Germany and 47 per cent in east Germany being covered by a collective agreement (Ellguth and Kohaut, 2014: 287).

Conflict in the area of collective bargaining takes the shape of strikes and lockouts, both being guaranteed by section 9 III of the German constitution. While there is no designated law regulating strikes in Germany, several standards and restrictions have been established by major decisions of the Federal Constitutional Court (*Bundesverfassungsgericht*) and the Federal Labour Court (*Bundesarbeitsgericht*). Among other standards, the courts have established that strikes are to be called by a union, are only legal to pursue a goal which could be regulated by a collective agreement (implying that political strikes are considered to be illegal) and when a collective agreement has expired or when no agreement is existing (on a particular subject) at all. In addition, strikes should be a weapon of last resort (*ultima ratio* principle) and should not be excessively used (*Verhältnismäßigkeit*).

When compared to other OECD countries, strike activity in Germany is rather moderate. In terms of working days lost per 1,000 employees (averages for the years 2004-2007) Germany's strike activity is at the lower end of the distribution with only Austria, Sweden, Switzerland, the Netherlands and Poland having less strike activity (Dribbusch, 2010: 159). In recent years, lock outs by employers have been hardly used at all (Schroeder/Silvia 2014: 357).

Establishment level interest representation

Works councils, which according to the Works Constitution Act (WCA), can be formed in establishments with more than five employees are elected by the entire

workforce (rather than just by union members). They represent workers' day-to-day interests in areas such as hiring, transfers, dismissals, company restructuring, discipline but also work organization, working time regulation, overtime work, and the administration of company facilities such as cafeterias, childcare or housing. Yet the WCA also imposes limits on the scope of works council activities. In particular, works councils are not allowed to either bargain collectively (section 77 III WCA) or to call a strike (section 74 II WCA). In 2011, 44 percent of all west German employees in establishments with more than 5 employees were represented by a works council. In east Germany, only 36 percent of all employees were covered (Ellguth and Kohaut, 2012: 303).

While employees are entitled to address individual grievances directly to the employer, or to the works council, the most common dispute resolution procedure at the establishment-level are arbitration panels. Such panels are mostly used to resolve collective-level conflict between works councils and management. In cases of workplace conflict concerning "differences of opinion" an arbitration panel is required by the WCA to produce a legally binding decision (section 76 I WCA). In conflicts that involve matters where works councils enjoy statutory co-determination rights (not just information or consultation rights), the arbitration procedures can be activated by one side, either the WC or the employer. Panels are composed of an equal number of works council and employer representatives, as well as a neutral chair. In practice, the chair is usually a professional judge from the local labour court. The decision taken by the arbitration panel has the character of a works agreement, which is an enforceable contract-like document. A recent study has found that about 11% of establishments (only private sector establishments with more than 20 employees possessing a works council) have used arbitration in the previous two years (Behrens 2007: 180).

Statutory Employment Rights

A third level through which workers' grievances can be expressed is individual employment rights. While many aspects of the employment relationship are regulated by collective bargaining (between unions and employers) or through works agreements at the establishment-level (negotiated between plant management and works council) the German law provides for a variety of minimum standards in areas such as maximum length of the working day, minimum vacation days, safety and health standards, maternity leave and – enacted quite recently in 2015 – minimum wages. Statutory minimum standards are important because firstly, they provide for a minimum floor and second, more than a third of all German workplaces with more than five employees is not covered by either collective bargaining or works councils. Employees can litigate their claims in a special labour court system, a branch of the public court system which is fairly easy to access, with a local court available in many localities and moderate court fees. It should be noted, however, that labour courts are also in charge of litigating individual and collective claims based on standards set by collective bargaining or by works councils.

Conflict and Complementarities in German Industrial Relations

In the second section of this paper we have raised the question of to which degree national conflict resolution institutions provide for complementarities. In a most basic sense, complementarities first include that both set of institutions are not just the same.

As the brief description of Germany's dual system of industrial relations suggests, both pillars of the system are based on different general principles. First, the two

arenas are dominated by different actors: works councils and plant management at the establishment-level, and labour unions and employers' association (in some case individual employers) in the case of collective bargaining above the establishment level. Also, different laws apply to regulate the two pillars: the WCA in case of the establishment-level and the Collective bargaining Act and Section 9 of the German constitution in the case of labour relations above the establishment. As far the different key tasks to be pursued by the actors at both levels are concerned, the differences are also quite striking: The WCA prohibits works councils from negotiating collective agreements, while section 2 of the Collective Bargaining Act assigns the sole responsibility for concluding agreements on wages, hours and working conditions to unions, employers and employers' associations.

As we have also argued, complementarities might come in different forms, either as institutions supplementing each other (compensating for each others shortcomings) or by providing for synergies (providing for mutually reinforcing effects). As the case of the dual system clearly shows, there is much room for synergies. The – de jure – rigid separation of responsibilities has important consequences for potential employment-related conflict. As responsibility for matters such as wages, hours and working condition is mostly removed from the establishment level and assigned to collective bargaining parties, conflict arising from “distributive bargaining”, to use the term introduced in Walton and McKersie's (1965) seminal work, has been largely removed from the plant level. This it not to say that unions are just providing a supplement for works councils being legally banned from bargaining collectively.

Being, at least to some degree, relieved of the task of having to negotiate over wages, plant-level management and works councils are freed to address other issues and problems. To use another of Walton and McKersie's (1965) concepts,

“integrative bargaining” matters dominate their deliberations, with the focus very much on problem solving rather than on distributing a ‘cake’ of a fixed size. Working together to solve problems strengthens a collaborative ethos between plant level-management and works councils. As a result of these synergies there is not an end to conflict, it is just regulated or “bounded”. There is still plenty of space for diverging interests at the establishment level. To mention just one example: while the length of the working week is to be regulated by collective bargaining, the distribution of these hours over the working week, rules determining the beginning and end of the working day, overtime work, the introduction of working time accounts (whereby hours could be banked to take time off at a later point in time) as well as procedures for the measurement and documentation of working time are all the responsibility of the works council.

5. Discussion and Conclusion

When comparing institutions of conflict regulation in Australia and Germany it is striking that conflict regulation in German labour relations is based on three pillars while the Australian system is based on two pillars only. In both countries we find conflict regulation at the level of individual employment rights, whereby employees are entitled to claim their rights with the help of a public authority. In Germany statutory guaranteed minimum standards build the ground for the individual litigation of those rights in the public labour court system. In Australia, a system of “National Employment Standards” and so called “modern awards“ define minimum terms and conditions. Specialist agencies (FWC, FWO) administer the main industrial statute, the Fair Work Act, which is enforceable through the courts. Also, in both countries we find a system of collective bargaining between unions and employers which comes

along with detailed regulation concerning strikes and lockouts. While provisions to regulating strikes vary substantially between the two countries, they cover similar subjects such as under which circumstances strikes are considered to be legal and who is entitled to call a strike.

In Germany, however, we find a third pillar of conflict regulation which does not have a corresponding match in Australia. Establishment-level codetermination through works councils provides for a separate arena of labour relations which comes along with a special set of rights and entitlements as well as a system of conflict resolution which serves a different function when compared to collective bargaining or the litigation of individual employee rights. In terms of the structure of the systems for conflict regulation in both countries, we conclude that the Germany system seems to be more complex than the Australian.

Beyond the issue of complexity we also found substantial differences in the way that the two systems process conflict. In Australia, conflict progresses upwards from the workplace to the tribunal system until it is resolved. By contrast, in Germany the resolution of workplace conflict is divided into two separate arenas from the outset. In this 'dual system', the default setting is that the resolution of distributive conflicts (e.g. wages) is allocated to industry-level unions and employers' associations, whereas workplace grievances are resolved by works councils and local management at the enterprise.

These different structural characteristics (complexity and direction of conflict processing), however, can be further examined to shed light on any complementarity dynamics. As we could see in the Australian case, collective bargaining and the individual employment rights system and their respective dispute regulation system

somewhat supplement each other. For example, the Fair Work Commission is tasked with ensuring that enterprise agreements leave employees 'better off overall' than the floor created by modern awards. Through this provision the collision of competing standards is to be avoided. In addition, the employment rights system fills the void left by those companies not covered by collective bargaining, acting as a supplement in the sense that it makes up for the deficiencies of incomplete bargaining coverage. . This, however, stops short of synergies which would require incentive structures in different subsystems to be reinforced (Deeg 2005: 3). In Germany, a similar supplementary form of complementary can be observed in the relationship between collective bargaining and the individual guarantee of elementary terms and conditions of labour. In addition, the analysis also reveals synergies between industry-level collective bargaining and establishment level representation through works councils. By way of restricting potentially conflictual subjects (e.g. wages) to collective bargaining at the industry-level, more collaborative (or better: conflict partnership-like) labour relations are encouraged at the establishment-level. Thus, collective bargaining is providing for synergies by way of reinforcing plant-level collaboration.

In summary, our account reveals that national system of conflict regulation in Australia and Germany are not just based on a different institutional structure, as would have to be expected given that both countries represent a different "variety" of capitalism. Even more than this we find that complementarities within both systems function differently. In Australia different components mostly supplement each other, while we find true synergies in parts of the German system of conflict regulation.

While mutually reinforcing synergies might increase a country's ability to resolve conflict, however, they also provide for a degree of vulnerability. As the share of

German workplaces which are covered by a works council is continuously declining, so might be the overall capacity of the industrial relations system to handle conflict.

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