IR-MultiLing National Report: Germany

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1. Historical overview and social context: the long road to migration

Today Germany can be considered both politically and socially a country of immigration according to Massing and Niehoff (2014). Politically it is important to recognize that German governments have been required to acknowledge how previous concepts and policies pertaining to immigration developments had become outdated. Socially the mass media has discovered the issue of immigration and has subsequently attempted to facilitate a general discussion within German society around issues of immigration, integration and inclusion, the terminology to be applied to non-Germans as well the rights migrants should be bequeathed. As will be revealed below, though, adjusting to a new historical period has not been without its difficulties.

Although a social space with which to examine issues surrounding migration now exists, a relatively new development, Germany's geographical position (at the heart of Europe) as well as its importance as an economic power means that it has a long history of immigration and emigration, one stemming back to the late 18th century and one marked by continued new structural challenges (Oltermer, 2013). By the end of the 19th century, specifically the emergence of industrialisation saw a noticeable decline in emigration to America and an increase in immigration to Germany. The option of employment closer to home not only made the often perilous journey to the USA less enticing, but it also encouraged many polish speaking Prussian nationals to move westwards. Oltmer notes (2013) that from the 1870s on the Ruhr area of Germany, home to the country's vast mining industry, became known as Ruhrpolen. A term that describes Polish speaking migrants living in the Ruhr area, Oltmer (2013: 27) states that by the early 20th century Ruhrpolen were an established part of the mining communities in this part of Germany:

> [A]round 40 years after the first migrants arrived - the Polish population in the Ruhr had reached around 400.000. At the beginning it mainly involved men, but many of

these pioneer migrants who originally came for a fixed period of time because of the chance to earn high wages soon began to fetch their families.

As the 20th and 21st centuries would demonstrate, German employers' dependency on foreign labour was not restricted to these early years of industrialisation. The rebuilding of Germany directly after the Second World War, the now infamous *Wirtschaftswunder* (economic wonder), saw the mass-recruitment of Gastarbeiter from southern European countries, in particular from Greece, Italy, Spain and Turkey between the 1950s and 1970s (Jutta Höhne et al, 2014). This represented an unprecedented period in the history immigration to Germany, with 14 million Gastarbeiter moving to Germany up until 1973, of which the majority, 11 million eventually returned home (Oltmer, 2013: 52. This historical juncture also changed quite radically the country's demographic structure, i.e. a major increase in the number foreign nationals living in Germany. In 1961 foreigners made up a mere 1.2% of the population, by 1974, a year after Germany stopped its recruitment drive in response to the economic crisis brought on by the first oil crisis, the number of non-Germans had increased fivefold (Statisches Bundesamt, 1992).

Although Germany has experienced a total of 6 immigration phases since the 1950s according to Meier-Braun (2014), like Massing and Niehoff (2014) highlights how the emergence of Germany as a country of immigration has been shadowed by controversy and heated debates. The difficulties surrounding the birth of Germany as a land of immigration (Gill, 2005), today the second choice for many immigrants after the United States; is also reflected in the language and the concepts applied 1) to chart German immigration and 2) to comprehend the role, status and rights of foreign nationals. An example of such challenges is to be found in the term Gastarbeiter applied to describe migrant labour from the middle of the 1950s. The term expresses in an exact way an important message which leaves no room for misinterpretation, i.e. the notion that immigrants coming to Germany in search of work were "guests". They were invited to work for a specific period of time - but like all good guests expected to return home. Until the mid-1970s, specifically up-until the first oil crisis, a fluctuation in the number of Gastarbeiter can be observed. Foreign employment declined from 1.3 million to just under a million between 1966-1967 (Oltmer, 2014: 57). Certain migrant groups such as those stemming from Italy, the very first Gastarbeiter to come to Germany, were

renowned for returning to their country of birth (Höhne et al, 2014). In short, the language developed and the policies applied to regulate immigration until recently helped to express a general understanding that foreign nationals would be tolerated but such toleration did not extend to allowing foreign nationals to believe Germany was their new home.

As Gill (2005) argues, Germany struggled for many years not only to accept that is was a land of immigration but to respond accordingly. This would appear to explain why the notions of migration and integration have taken so long to make themselves known in Germany. Recent political and economic developments inside and outside of Germany have forced governments to reassess the countries immigration stance. Externally, the closer integration of Europe, specifically the free movement of labour as well as former eastern bloc countries gaining membership to the EU saw Germany's labour market landscape change quite radically. Whilst internally Germany was forced concede that the first Gastarbeiter, especially workers from Turkey, had not only decided to stay with their families but equally that their children (second generation) were having children, too.

Politically Berlin responded to what many have called the "Globalized effect" by passing and modifying a number of laws to take into account the new historical context. As Meier-Braun (2006) notes, the first ever elected SPD and Green coalition took the ground-breaking decision to distance itself from the *Jus sanguinis* principle in the late 1990s, i.e. that nationality is based on the right of blood. As of 2000 the process of naturalization became far more influenced by the notion *Jus soli*, the right of soil. In 2005, the government passed the Immigration Act, a law designed to steer, limit and regulate the length of time foreign nationals could stay in the country as well as the process of integration. The last element of the Immigration Act referring to integration is of particular importance in that again it demonstrates a recognition that not only are immigrants here to remain but equally it represents a tentative commitment on the part of government to promote the inclusion of migrants within German society. And it here that the issues of language becomes starts to influence the discourse, the Act makes a firm commitment towards supporting German language courses, individuals having access to 600 hours of German lessons, the Act acknowledging that participation within society is influenced by knowledge of German.

Today, 60 years after the first post-war Gastarbeiter started migrating to Germany the country appears to have at long last awakened to the fact that it is a land of immigration. This is particularly reflected in the language surrounding discussions about immigration policy, nationality, the documentation of labour movement and residency. One concept symbolises this change more than any other, that of migration. The notion of migration starts to take into consideration the new complexity that now exists, the fact that terms such as Ausländer and Gastarbieter no longer describe the increasing prevalence of German citizens whose parents and grandparents possess a foreign passport. Martins (2015) outlines, how the earlier concept of foreigner applied to capture demographically the political and cultural topography of the country was becoming increasingly obsolete. This point is also taken up by Gill (2005: 139) who when discussing the concept of foreigner Gill (2005: 139) notes:

> *It demonstrates only that the bearer of this title does not have a German passport. It says nothing about whether they can speak German well, or are familiar with the German way of life or if they have German friends.*

Gill (2005) argues that the advantage of the migration concept concerns its ability to take into account the often diverse path that many individuals with a migrant background have trodden, the fact that someone born and schooled in Germany and holding a German passport might not be well versed in the language of their immigrant grandparents.

2. Migration waves and trends

As indicated above the number of immigrants moving to Germany has increased dramatically since the 1970s, a development that does not show any signs of decreasing - further proof that Germany has become a country migration. As table one highlights the number non-German residents increased by just under 2 million between 1991 and 2014. Recent micro-census figures released by the Statisches Bundesamt (2015) even estimate that around 20% of the population, 16.8 million people; have a migrant background, of which just under 8 million (see table 1) are non-German citizens currently residing in Germany.

Such figures, however, are somewhat limited in the information they convey – they say very little about the status, geographical-spread and recent migration trends that

have occurred in Germany in recent years. A closer look at the German situation reveals how the country's migration landscape is very diverse, which in turn implies that factors such the length of residency, place of residency, nationality etc… can have a bearing on competence in German, knowledge and access to the education system (including pre-schooling), government agencies and cultural practices, all of which not only influence entrée to the labour market but equally the treatment and rights of such employees. For example, Whittall and Staples (2011) study of posted-workers exemplifies how Polish workers longer association with Germany compared to their Rumanian counterparts were able use their superior language skills and greater knowledge of the labour market to attain higher and secure wages.

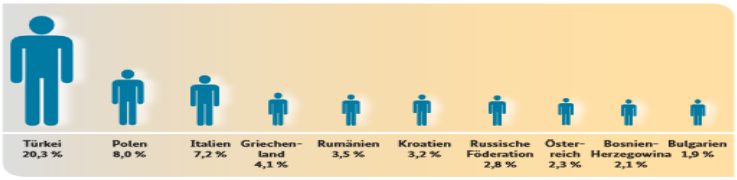
Table 1: Foreign population in Germany between 1991 & 2014

Jahr	Ausländische Bevölkerung
1991	5.882.267
1992	6.495.792
1993	6.878.117
1994	6.990.510
1995	7.173.866
1996	7.314.046
1997	7.365.833
1998	7.319.593
1999	7.343.591
2000	7.296.817
2001	7.318.628
2002	7.335.592
2003	7.334.765
2004	6.717.115
2005	6.755.811
2006	6.751.004
2007	6.744.879
2008	6.727.618
2009	6.694.776
2010	6.753.621
2011	6.930.896
2012	7.213.708
2013	7.633.628
31.03.2014	7.731.958

Source: Ausländerzentralregister (2015)

As figure 1 demonstrates the migrant population is still dominated by citizens coming from countries that made up the so-called Gastarbeiter generation, Turkey, Italy and Greece. Together they account for nearly one third of all foreign nationals living in Germany. Of these three countries, Turkish nationals remain the dominant migrant group, accounting for just over a fifth migrants living in Germany. Of the 2.8 million Turkish migrants living in Germany, 52.1 % have the advantage that they were born in Germany and according to Gill's (2005) conceptual understanding of migration are most likely to possess a superior proficiency in German and an understanding of which gives them certain advantages migrants that have newly settled in Germany.

Figure 1:


Türkei 20,3 %
Polen 8,0 %
Italien 7,2 %
Griechen-land 4,1 %
Rumänien 3,5 %
Kroatien 3,2 %
Russische Föderation 2,8 %
Öster-reich 2,3 %
Bosnien-Herzegowina 2,1 %
Bulgarien 1,9 %

The face of migration has changed quite drastically in the last few years, though. A closer look at migration trends exemplifies quite clearly how Eastern Europe now accounts for the highest percentage of new immigrants moving to Germany, in particular the accession countries of Poland, Rumania, Bulgaria and Hungary. As table 2 demonstrates, Polish citizens account for the highest number of news immigrants, 190.424 thousand in 2013, nearly 60 thousand more than the Rumanian figure of 139.48 thousand citizens. Combined, these four countries, Poland, Rumania, Bulgaria and Hungary accounted for a total of 450.802 migrants settling in Germany in 2013 according to table 2.

Table 2 would also appear to exemplify interesting developments in countries heavily hit by the financial crisis that enveloped Europe in 2008 and subsequent austerity measures. In some cases, these involve the original Gastarbeiter countries such as Spain and Italy. For example, in both Spain and Italy 28.980 and 47.485 citizens moved to Germany respectively according to table 2. In both cases these figures represent a noticeable inflation compared to 2011, a year when 28.070 thousand Italian and 16.168 Spanish nationals settled in Germany according to the Bundesamtes für Migration und Flüchtlinge (2014: 24). In the case of Spain, the Bundesamtes für Migration und Flüchtlinge notes, that for the first time since 1973, the year Germany implemented a policy to stop the recruitment of Gastarbeiter from Southern European countries, the number of Spanish nationals coming to Germany was higher than those returning to Spain.

Table 2: Migration to and from Germany between 2012-2012

Land der Staatsangehörigkeit	Zuzüge		Fortzüge		Wanderungssaldo (Zuzugs- bzw. Fortzugs-überschuss)	
	2012	2013	2012	2013	2012	2013
Polen	177.758	190.424	108.985	118.742	68.773	71.682
Rumänien	120.524	139.487	71.715	86.742	48.809	52.745
Deutschland	115.028	118.425	133.232	140.282	-18.204	-21.857
Bulgarien	60.209	60.896	34.276	39.172	25.933	21.724
Ungarn	54.491	59.995	28.099	34.319	26.392	25.676
Italien	36.896	47.485	20.553	24.180	16.343	23.305
Griechenland	32.660	32.088	12.165	13.576	20.495	18.512
Russische Föderation	18.812	31.367	9.553	14.408	9.259	16.959
Spanien	23.345	28.980	9.601	12.473	13.744	16.507
Serbien	22.107	27.302	16.498	19.977	5.609	7.325
Kroatien	12.887	25.772	11.847	12.635	1.040	13.137
Türkei	26.150	23.230	27.725	27.896	-1.575	-4.666
China	19.740	22.350	12.359	14.571	7.381	7.779
Vereinigte Staaten	19.563	20.531	15.603	17.415	3.960	3.116
Indien	18.063	19.455	11.108	12.411	6.955	7.044
Syrien	8.530	19.017	1.244	1.960	7.286	17.057
Frankreich	14.458	15.215	9.789	10.085	4.669	5.130
Bosnien-Herzegowina	12.235	15.083	8.982	11.043	3.253	4.040
Slowakei	13.892	15.038	8.717	10.136	5.175	4.902
Mazedonien	11.331	14.387	5.980	8.656	5.351	5.731
Portugal	11.820	13.635	5.844	7.162	5.976	6.473
Kosovo	9.024	13.071	3.642	5.445	5.382	7.626
Vereinigtes Königreich	10.466	10.836	7.028	7.376	3.438	3.460
Niederlande	9.164	10.037	6.803	6.855	2.361	3.182
Tschechische Republik	9.221	9.963	5.284	6.171	3.937	3.792
Österreich	10.089	9.955	7.665	7.653	2.424	2.302
Litauen	10.226	9.271	5.340	5.988	4.886	3.283
Afghanistan	8.581	9.088	1.932	1.860	6.649	7.228
Lettland	9.212	8.403	5.505	5.429	3.707	2.974

Source: Ausländerzentralregister

A key reason for this development is a Ministry for Employment recruitment campaign designed to encourage skilled Spanish employees to move to Germany. Studies indicate, though, that such initiatives have been hampered by language problems. Compared to the 1960s-70s interest in Spanish labour was geared towards unskilled workers which made the issue of competence in German less relevant (Dahms, 2011), many of the early Gastarbeiter working in the steel and mining industries (Höhne, 2014). The situation today, however, is the reverse. The current recruitment drive focussing on highly skilled labour in which knowledge of German is seen as essential. But as Dahms (2015) highlights, though many potential recruits possess the necessary skills widely sought after in Germany, a mere 1.7% of this group can speak German.

2.2 Geographical and employment spread of migrants in Germany

A comprehensive understanding of the migrant landscape in Germany would not be complete if we failed to consider 1) the increasing presence of Posted-Workers and 2) the geographical spread of migrant labour. Posted Workers differ from the majority of migrants in the broader sense in that their status on the German labour market is not only temporary but they are employees of non-German companies. As a consequence

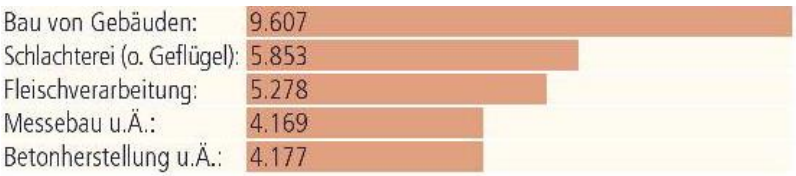
they are often exiled to a parallel society. In their article, "Posted Workers": Zwischen Regulierung und Invisibilisierung, Staples et al (2013) describe how posted workers can go for years residing in Germany, often in container camps, without having any contact to the wider German society. The DGB Bildungswerk calculates that the number of Posted Workers has greatly increased in recent years. As figure 2 demonstrates, between 2009 and 2013 the number of Posted Workers rose by over 50 thousand, and although a slight downturn can be observed for the year 2012 this would appear to represent a temporary blip as the figures for 2013 again indicate an expansion in the market for Posted Workers - currently nearing a quarter of a million.

Figure 2: Posted workers in Germany between 2009 and 2013

Source: **Federal Ministry of Labour and Social Affairs**

In addition, the DGB Bildungswerk indicates that Posted Workers can be found in specific sectors, especially construction and meat associated jobs (See figure 3).

Figure 3: Top five branches in which Posted Workers work



Source: **Federal Ministry of Labour and Social Affairs**

Secondly, a closer look at the spread, both geographically and in terms of employment by sector, also reveals quite interesting trends which need to be considered when comprehending the role and difficulties encountered by migrants within the German labour market as well as measures that currently exist or might be considered to address such problems. As will become apparent below specific migrant groups tend to congregate in certain German cities, this in turn has had consequences for campaigns organized by the DGB to inform migrant employees of their rights.

Table 3 clearly demonstrates that three Federal States, Nordrhein-Westfalen, Baden-

Württemberg and Bayern account for nearly two-thirds of all migrants living in Germany, this reflects the fact that these three geographical areas are not only home to German industry but traditionally epicentres of immigration to Germany. In contrast, the new Federal States, the former German Democratic Republic, is virtually a migration-free zone, with none of the New States home to more than 123,000 migrants

Table 3: Geographical spread of migrants according to Federal State

Länder	Bevölkerung							
	insgesamt	ohne Migrations-hintergrund	mit Migrations-hintergrund im weiteren Sinn	mit Migrationshintergrund im engeren Sinn				
				zusammen	Deutsche		Ausländer	
					mit	ohne	mit	ohne
					eigene(r) Migrationserfahrung			
	in 1 000							
Deutschland	80 611	64 074	16 538	15 913	5 001	4 085	5 489	1 338
Baden-Württemberg	10 599	7 644	2 955	2 832	874	718	947	294
Bayern	12 556	9 967	2 589	2 491	737	585	962	207
Berlin	3 396	2 493	903	865	192	231	375	67
Brandenburg	2 448	2 326	123	118	40	26	47	5
Bremen	655	468	187	179	56	43	67	13
Hamburg	1 744	1 239	504	483	130	120	197	37
Hessen	6 029	4 351	1 678	1 621	476	419	579	148
Mecklenburg-Vorpommern	1 598	1 527	71	69	25	12	31	/
Niedersachsen	7 784	6 393	1 391	1 346	523	357	387	78
Nordrhein-Westfalen	17 553	13 137	4 415	4 265	1 383	1 178	1 316	388
Rheinland-Pfalz	3 991	3 168	823	790	282	210	248	50
Saarland	992	821	172	165	54	39	56	16
Sachsen	4 044	3 854	190	177	51	33	87	7
Sachsen-Anhalt	2 250	2 152	97	94	30	17	44	/
Schleswig-Holstein	2 810	2 458	352	334	120	83	111	20
Thüringen	2 164	2 076	88	84	29	14	38	/

Source: Federal institute for statistics

In terms of employment, figure 4 shows that migrants account for 25% of all employees working in the hotel and catering industry. This is closely followed by temporary agency work and agriculture, with non-German citizens accounting for 17.9% and 14.7% of the labour force in these two branches respectively. Quite remarkable is the fact that foreigners make up a mere 2.4% of the public sector workforce, lower even than the finance sector which records 2.9%.

Figure 4: The foreign employees as percentage of the total labour force in terms of branches.

Source: Statistic der Bundesargentur für Arbeit (2013)

Furthermore, these figures pertaining to geographical and employment spread are quite enlightening in relation to German industrial relations structures, particularly whether specific sectors or regions have access or are home to representative structures such as trade unions and works councils, two bodies that at least theoretically exist to address discrimination against migrants but also offer employees a collective voice in an attempt to influence business strategy. Geographically, for example, the dual pillars of German industrial relations (discussed below), works councils and trade unions, remain strongest in the western part of the country. As graph 1 exemplifies, even twenty five years after unification employees in the new German Federal States are twice as likely not to be covered by a collective agreement or have a works council (15% compared to 29% in the West), are less likely to have a works council (36% compared to 43% in the west) and overall have no form of representation at all (45% compared to 34% in the west).

Graph 1: Employee representative structures in the private economy as of 2012

Source: IAB Betriebspannel (2012).

Next, as will be indicated in the conclusion such geographical factors have had a

bearing on trade union responses to migration developments within the German labour market. The DGB has, for example, designed a strategy whereby it focuses its resources on areas known to be home to a high degree of migrant labour. The relevance of such factors can be further demonstrated by taking a closer look at the hotel and catering branch. Not only is a quarter of the workforce made up of non-German citizens it is a branch traditionally marked by low union and works council density. The organising union, the Gewerkschaft Nahrung-Genuss-Gaststätten (NGG) has a membership of around a mere 200.000 and due to its obvious resource problems the NGG, unlike the IG BCE, IG Bau and the IG Metal does not possess a migrant department, but rather the women's office addresses migrant issues as they arise (Whittall et al, 2009). In two other sectors, agriculture and temporary agency work, which account for a high percentage of non-German citizens too, a more differentiated picture emerges. Although agriculture, specifically the seasonal and dispersed nature of employment in this branch, makes it hard for unions to gain access to workers, a more positive picture prevails with regards temporary agency work. In recent years, there has been a general drive on the part of German trade unions to organize as well as improve the working conditions and wages of temporary agency workers.

In sum, when trying to understand migration trends, especially in connection with labour market and associated problems of representation, an understanding of structural factors provide a more comprehensive insight into the differentiated nature of labour migration in Germany. In addition, such considerations have consequences for the methodology applied when documenting issues around language and industrial relations as well as strategies implemented by industrial relations actors when addressing these concerns.

3. Language barriers to employment and employment inequality

The main language spoken in Germany is Hochdeutsch (high-German), followed by Niederdeutsch (low-German). Only by the end of the 19th Century, this coinciding with unification of Germany, did a standard form of German, mostly written, become widespread. As in the past various regional dialects continue to prevail, such as the Bavarian dialect, *Bairisch*. Furthermore, recent migration trends, in particular the return

of the so-called Aussiedler, former German citizens from Eastern Europe, specifically Russia have added a new dimension to the German language. The so-called Russlanddeutschen (Russians with a German heritage), speak Plautdietshe (Mennonite Low German). The arrival of many immigrants from Russia and eastern-Europe together with the first wave of Gastarbeiter means that Germany is a multilingual society today. After German and English, English the second language, just-under 3 million citizens speak Turkish and around 1.5 million speak Polish. Furthermore, Germany has long been home to minority languages too, such as Danish, Friesian, Sorbian and Romani.

The question of language, specifically competency in German, has become a key issue of political and public debates around the issue of integration in the last decade. The development and passing of the 2005 Immigration Law makes a clear reference to the need to learn German, the law making a firm commitment towards German language courses with individuals having access to 600 hours of German lessons. What is more, debates around education, in particular Germany's poor showing in the OECD's PISA study of 15 year olds, the so-called PISA shock as it has widely been referred to, has resulted in discussions about the German schooling system. One aspect that has received much attention is the three-tier school system in Germany, which includes Grammar School, Intermediate and Secondary Modern. Considered highly selective it is shown to fail migrants. As table 4 indicates a mere 8.6 of Turkish school children compared 34.5 of their German counterparts attend a Grammar school, a school which can set pupils off on a path to higher education.

Table 5: School attendance and competence in German

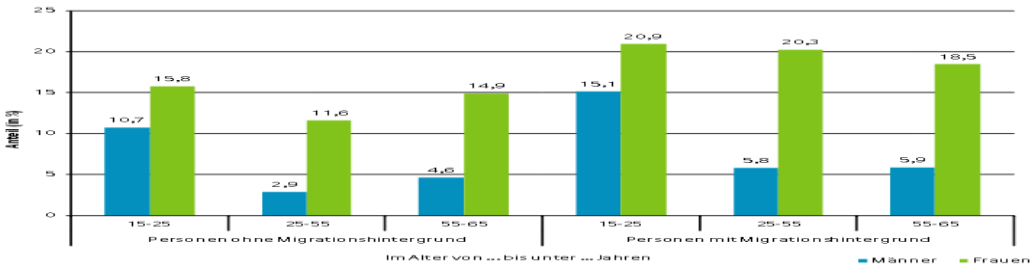
(n=3 128)	Türkisch (n=396)	Italienisch (n=180)	Jugoslaw. (n=106)	Aussiedler (n=309)	Sonstige (n=237)	Migranten (n=1 228)	Deutsche (n=1 900)
Übergang							
Hauptschule	75.3	81.7	59.4	37.9	41.4	58.9	35.4
Realschule	16.2	10.6	19.8	34.0	30.8	23.0	30.1
Gymnasium	8.6	7.8	20.8	28.2	27.8	18.2	34.5
Deutsch							
1.0–2.4	6.3	6.7	19.8	22.3	19.8	14.2	33.5
2.5–3.0	18.9	12.2	18.9	26.9	26.2	21.3	26.2
3.1–6.0	74.7	81.1	61.3	50.8	54.0	64.5	40.3
Mathematik							
1.0–2.4	14.9	11.1	23.6	33.7	35.0	23.7	36.9
2.5–3.0	20.5	14.4	20.8	31.1	24.9	23.1	24.7
3.1–6.0	64.6	74.4	55.7	35.3	40.1	53.2	38.4

Source: Kirsten 2003.

Moreover, table 4 exemplifies how children with a migrant background score considerably lower marks in German. A mere 14.2 % of all migrants received a mark in German ranging from excellent to good, for German nationals the figure was more than twice as high, 33.5 %. What these figures indicate, figures relating to migrants who have had the advantage to go through the German schooling system, i.e. individuals not only competent in German but possess important cultural attributes, potentially leave school without the qualifications necessary to be successful on the labour market (Bundesamt für Migration und Flüchtlinge, 2011).

Education, including competence here in German, not only has repercussions for the kind of employment opportunities available to migrants, equally the employment conditions these individuals have to contend with. For instance, in terms precarious employment, employees dependent on mini-jobs (400 Euro jobs), temporary employment, accounting for 9 % of the total working population, female migrants are over-represented. Leaving aside the gender variable graph 2 clearly indicates, the percentage of migrants in precarious employment is considerably higher across all age groups.

Graph 2: The % migrants according to age and gender in precarious employment



Source: Bundesamt für Migration und Flüchtlinge (2011)

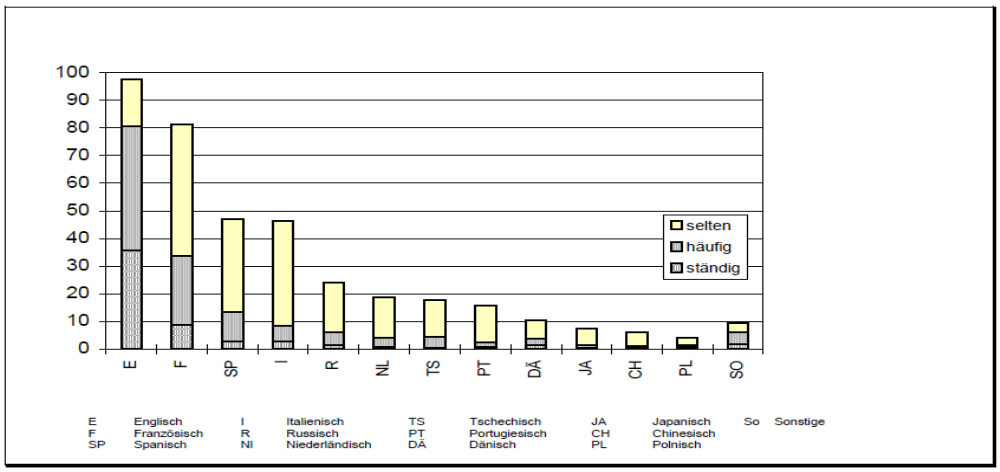
Concerning the question of shift work, for example, a form of employment associated with physical and psychological burdens, migrants are more likely to be required to work shifts than German nationals, respectively 7.5 % and 6.1 % (Bundesamt für Migration und Flüchtlinge, 2011: 52). As the Bundesamt für Migration und Flüchtlinge concludes, employment statistics clearly demonstrate that the position of migrants on the labour market are clearly inferior compared to citizens without a migrant heritage.

3.1 Multilingualism at the workplace

The question multilingualism within companies appears to greatly depend on numerous variables. In particular, the sector, the profession and the size of the company. A report into foreign languages released by the Institut der deutschen Wirtschaft Köln (Römer et al, 2004) indicates awareness on the part of politicians and businesses alike to address the issues of foreign languages in response to the increased international nature of markets. As table (?) exemplifies this mainly entails a need for employees to have an understanding of English, English being the main language required to undertake business.

According to Hohenstein and Spoori (2012), the internationalization of business and with this growing international diversity of teams is forcing more and more companies to choose English as the Lingua Franca in their firm. However, it needs to be recognized that Hohenstein and Spoori assumptions are based on a study they conducted between 2010 and 2012 of highly qualified employees in the finance sector. A number of factors need to be taken into consideration here: Firstly, not all international companies are committed to such a strategy. In 2010, for example, Porsche publicly announced that it was bucking the trend to make English the firm's language of communication, arguing that such a move would have negative consequences for quality of its product as many non-management employees do not possess a competent understanding of English (Süddeutsche Zeitung, 2010).

Table 6: How often German companies need foreign languages.



Source: IWK (2004: 28)

Secondly, Germany has experienced changes in its labour market which are not directly linked to the needs of global markets but rather internal developments, specifically a growing dependency on migrant labour in the healthcare and construction sectors. According to Lüffe and Reimann (2012: 24) these developments have led to a necessity on the part of migrant labour to command an understanding of German in relation to specific vocations. To this end the Federal Office for Migration and Refugees has invested around 230 Euro in German courses directly related to vocational training. Lüffe and Reimann (2012: 25) note, that something in the region of 51 thousand participated in such courses, mainly in courses linked to healthcare, technical, commercial and logistic/warehouse jobs.

In sum, when reflecting on the issue of multilingualism within German companies there is the need to consider issues relating to product markets, skill levels/educational background and sector. Although in some large industrial complexes employers can still be found which continue to hold general employee meetings in various languages, other firms tend towards just communication in German whilst a smaller number have introduced English as the joint language for communicating. Generally, speaking there is not a clear patter in relation to multilingualism.

4. Legislative and industrial relations landscape

Legal and administrative context

To the outsider the German system of industrial relations, referred to widely as Modell Deutschland (the German model), appears both complex and enticing. A system that empowers workers through co-determination and collective bargaining laws has become an interesting prospect for countries which have experienced a neo-liberal rollback of worker's rights in the last few decades. Some workers outside of Germany, employees of German multinationals, have even been fortunate enough to benefit indirectly from such a system as German members of transnational employee representative structures, i.e. European and Global Works Councils, have either tried to export certain aspects of the German model (Whittall et al, 2015) or used their access to management to advance the interests of non-German sites.

But what is the German system of industrial relations? To answer this question reference to non-German industrial relations commentators, specifically early industrial relations scholars such as Dunlop (1993), Fox (1974), Flanders and Clegg (1954) can be quite helpful. These theorists promoted a pluralist understanding of the employment relationship, an acknowledgement that relations' between employees and employers are ultimately riven by conflict. Seen from this perspective they argued the task of industrial relations involves devising a system of rules and practices to resolve such conflict, or as Müller- Jentsch (2000) has aptly noted to institutionalize it. Ironically such an agenda has best been achieved in mainly non-English speaking countries such as Germany, Germany rather than the US and the UK epitomizes a system of industrial relations espoused by Dunlop which is made up of recognized actors whose interaction is underlined by state legislation. This German arrangement is aptly caught by the term Sozialpartnerschaft (social partnership), a term that acknowledges a willingness on the part employers and employees to solve problems jointly.

As indicated above the State has historically played a formidable role in German industrial relations. Since the end of the 1940s governments have passed a series of laws which define the German model. These include, the 1949 the Collective Agreement Act, a law which allows employers and employees to freely negotiate over pay and terms and

conditions without government interference. This was followed by the Works Constitution Act in 1952 (reformed in 2002), an act which supports the setting-up of works councils. Finally, the 1976 Co-determination Act was passed which provides workers with equal rights on supervisory boards. Together these key pillars account for what is often referred to as the "Dual System", a reference to the fact that representation occurs at two levels, the company/site (works councils & supervisory boards) and industrial arenas (employer associations & trade unions). In practice this means that negotiations over pay and conditions usually take place outside of the company between sector employer associations and trade unions, whilst works councils have an array of responsibilities ranging from overseeing the implementation of collective agreements to drawing-up redundancy - site specific issues.

Although the role of state might give the impression the German system is highly regulated, an argument employers can be known to strategically promote, a closer look at the legal arrangements highlights how Modell Deutschland is a dynamic system, an open-ended system influenced by historical circumstances that have a bearing on the balance of power between employers and employees. Numerous writers have observed how political and economic developments such as the unification of Germany, the emergence of the European Union and the globalization of value chains has changed the topography but not the overall character of the system (Thelen, 1993; Streeck, ? Whittall, 2005). At one level a process of erosion can be observed. For example, collective bargaining declined by 11 percentage points between 1998 and 2009 according to Bispinck et al (2010). It is estimated that around a mere 62 percent of employees are currently covered by collective agreements compared to 82 percent in the 1990s (Welt, 2015). Such erosion tendencies, though, have led social partners to try and arrest the decline of collective bargaining by negotiating so-called open clauses. Open-clauses represent a decentralization of negotiations which empower plant level actors with powers previously reserved for industrial level protagonists. According to the figures presented by the Hans-Böckler Stiftung (?) two thirds of German works councils use such options to negotiate agreements over working time variance, the suspending of collective agreements and a reduction in pay. Hence, although various variables demonstrate how German industrial relations has had to contend with erosion pressures,

the system, especially when compared to many of its European neighbors, would appear to remain relatively stable.

5. Actors

5.1 Role of trade unions and works councils:

A visit to German trade unions websites demonstrates that representing the interests of employees with a migrant background belongs to one of their key responsibilities. Both a national and regional levels unions have officers whose sole task is to address issues faced by non-German employees. However, as in the case of German political establishment trade unions have struggled, and to a certain extent still struggle, to come to terms with the fact that Germany has become a country of immigration (Kühne et al, 1994; Pries and Shinozaki, 2015). As Pries and Shinozaki (2015) point out, German unions' stance to migration is ambivalent: On the one hand a fear that migration threatens existing terms and conditions, hence German unions' insistence on seven year moratorium in connection with free movement of EU nationals when the accession countries joined the EU in 2004. And on the other hand a commitment to the ideal of international solidarity.

Generally, though the passing of the 'Florence' agreement, signed by the ETUC and UNICE in 1995, a commitment to fight racism at work, resulted in unions and works councils taking the problems faced by migrant employees more seriously (Whittall et al, 2009). Subsequently, today it is uncommon if unions do not have migration department or are active, certainly on the surface, in campaigning on behalf of migrant workers. Since the 1990s unions have become more involved in addressing issues faced by migrant workers. In 2003, for example, the IG Metall passed a programme to raise the number of union officers/committee members with a migrant background. Furthermore, Unions have launched various campaigns to promote the interests of migrant employees as well as taking a firm stand against racism both within companies and the wider society. One famous measure, supported by all DGB members, is the campaign entitled *Mach meinen Kumpel nicht an!* (Do not harass my mate alone). In another case the German construction union, the IG Bau, is home to the European Migrant Workers Union EMWU, a body which advises and organises mobile workers predominantly

from Poland, Rumania and Bulgari, of their rights. On a few occasions the EMWU has, with the support of the IGBCE, held demonstrations to raise awareness of the poor working conditions migrant employees have to contend with. Furthermore, unions advise and train works council members on issues relating to employees with a migrant background. In sum, although trade unions commitment to support and organise migrant employees has clearly improved limited resources and a traditional perception that unionism concerns collective bargaining ensures that the question of migration remains quite low in terms of unions' priority list.

The other employee representative body that exists to support the interests employees with a migrant background concerns works councils, an institution that exists to represent all employees at their place of work independent of nationality. In contrast to trade unions works councils are legally required to represent the interests of migrant employees. Here Article 18, Para 7, of the Works Constitution states, the works councils has "the task of integrating foreign employers into the company as well as promoting a mutual understanding between German and foreign employees." Concerning works council elections the election board is required to inform all employees not possessing a competent knowledge of German about the forthcoming elections, the election process and candidates. If necessary they are also required to provide relevant documents and information sheets in the language of the affected employees.

According to Whittall et al (2009) the 1995 Florence Agreement saw an unprecedented number of works councils signing company agreements committed to fighting racism. A word of caution, though, might be required when discussing works councils stance on migrant employees. Although works council have a legal right to represent migrant workers, many even having signed company specific agreements to this end, they have not always been pro-active in this area. Works councils have been known to exhibit a certain degree of reluctance in taking up special interest issues out of fear that German employees will accuse them of showing preferential treatment to a particular group of the workforce (Whittall et al, 2009). As Pries and Shinozaki (2015) note, there exists a general concern amongst German employee representatives that such strategy is a threat to the collective identity of a workforce.

5.2 Employer

Although German law does not require employers to translate an employment contract for a perspective employee who possesses a limited or no knowledge of German, the responsibility here lies with employee, the question language and employment is quite complicated (Schmid, 20013). Schmid (2013), in fact talks about Sprachrisiko (the language risk), the fact that legally it remains a question of interpretation which of two parties, employer and employee, is responsible for potential misunderstandings caused by a lack of a common language. Where law is quite specfic about the employer's responsibility concerns situations when they inform employees about certain issues relating to the employment contract.

Concerning the question of discrimination the employer is required to protect any non-German employees from all forms of racism and discriminatory behavior they might experience from other employees. Furthermore, clause 12 of the *Allgemeines-gleichbehandlungsgesetz* (Equal Opportunities Act) 2006, states the employer has to take certain measures to address the issue at hand. In terms of terms and conditions employers collective labour law stipulates that employers are not allowed treat employers differently due to nationality.

6. Conclusion

Although the refugee crisis that has unfolded in Europe in the last year, specifically the intention of many refugees to come to Germany after Angel Merkel announced her government's open-door policy, has made migration a key political issue in Germany, trade unions since the mid-1990s and the political establishment somewhat later now accept that Germany is a land of migration. This represents an acknowledgement that globalization is effecting political, economic and social fabric of Germany.

Consequently, Germany's labour market, like many other European countries, although possibly more so due to its economic standing, is having to contend with some quite major challenges, no more so than in relation to multilingualism. The question of multilingualism is multi-faceted. At one level it involves young Greek, Spanish and Portuguese graduates with limited to no knowledge of German but possessing marketable skills seeking employment in the high end of the labour market. The fact that many possess English as a second language greatly helps facilitate the recruitment

process. Further, because we talking here about high-skilled employment, i.e. the finance, engineering and IT sectors rather than the meat or cleaning sectors, such migrant employees are also likely to be employed by a company with a relatively well functioning works council or trade union body.

At the other end of the spectrum, though, Germany has actively set about recruiting blue collar workers for the construction, cleaning and healthcare sectors, in particular from Poland, Rumania and Bulgaria. Due mainly to the fact that they are recruited in the low end of the labour market, a market where knowledge of English is not potentially an advantage, these employees often have to contend with precarious employment conditions, i.e. low paid, temporary as well as long and unsociable hours. For this group of employees a number of variables are now available to improve their standing on the labour market. The first, something recognised by the government, involves providing migrant workers with vocational specific language training. Next, the passing of a minimum wage represents a move to improve their working conditions and it is here that the role of employee representative structures can and are playing a crucial role. A general understanding of their rights requires works councils and trade unions not only to monitor whether the minimum wage is being paid but equally to inform migrant employees of the whole array rights pertaining to their employment contract which exist. Of course, the key to dealing with such a task involves managing the challenge of multilingualism, be it communicating with third generation bilingual Turkish migrants who fail to comprehend intricacies of Works Constitution Act or the Polish cleaner unaware of their holiday and sick entitlements and sick pay.

For this reason we have chosen three case studies that reflect the diverse nature of multilingualism in Germany today. The three case studies deal with a hospital employing newly arrived Spanish medical staff possessing often a limited to no understanding of German. A study of the metal sector, a sector which is home migrants who have lived in Germany for many decades and finally a DGB project set up help employees, mainly Eastern Europe, who often possess neither an understanding of German or have the intention to stay in Germany.

References:

Dahms, M (2011) Spanische Fachkräfte Die Lust auf Deutschland steigt, http://www.stuttgarter-zeitung.de/inhalt.spanische-fachkraefte-die-lust-auf-deutschland-steigt.b33d6106-31c2-4a42-b4ef-89acb414e9c8.html

Dunlop, J-T. (1993) Industrial relations systems. Boston: Harvard Business School Press.

Flanders, A. and Clegg, H. (1954) The System of Industrial Relations, Oxford: Blackwell.

Fox, A. (1974) Beyond Contract: Work, Power and Trust Relations. Faber & Faber.

Gill, B. (2005) Schule in der Wissensgesellschaft. Wiesbaden: VS Verlag.

Höhne, J, Linden, B. Seils, E. Wiebel, Anne (2014): Die Gastarbeiter – Geschichte und aktuelle soziale Lage. WSI Report, Nr. 16, September 2014. http://www.boeckler.de/pdf/p_wsi_report_16_2014.pdf

Kühne, P. Öztürk, N. and West, K. (1994) Gewerkscahften und Einwanderung. Köln: Bund Verlag.

Massing, P. and Niehoff, M. (2014) Politische Bildung in der Migrationsgesellschaft: Sozialwissenschaftliche Grundlagen - Politikdidaktische Ansätze – Praxisberichte. Schwalbach am Taunus: Wochen Schau Verlag.

Meier-Braun, K-H. (2014) Migrationspolitik – immer in Bewegung. http://www.bpb.de/gesellschaft/migration/neukoelln-unlimited/188598/migrationspolitik-immer-in-bewegung.

Müller Jentsch, W. (2000) Industrielle Beziehungen; Frankfurt/M:Campus.

Oltmer, J. (2013) Migration im 19. und 20. Jahrhundert. München: Oldenbourg Verlag

Pries, L. and Shinozaki, K. (2015) Neue Migrationsdynamiken unf Folgereungen für gewerkschaftliche Politiken, WSI Mitteilungen 5. 2015: 374-382.

Römer,C., Schöpper-Grabe, S., Wegner, A and Weiß, R. (2004) Bilateraler Fremdsprachenbedarf in Deutschland und Frankreich – Eine Bestandsaufnahme in Großunternehmen, Institut der Deutsche Wirtschaft Köln, http://www.iwkoeln.de/studien/gutachten/beitrag/63975.

Schmid, A. (2013) Einsatz ausländischer Mitarbeiter in Deutschland: http://www.baymevbm.de/Redaktion-%28importiert-aus_CS%29/04_Downloads/Downloads_2013/01_Recht/Publikationen/Sonstige/Einsatz-ausl.-Mitarbeiter-in-Deutschland_klein.pdf

Whittall, M,. Müller, A. and Lotz, W. (2009), The impact of the Racial Equality Directive: a survey of trade unions and employers in the Member States of the European Union: https://fra.europa.eu/sites/default/files/fra_uploads/834-RED_Germany.pdf