

REMUNERATION OF NON-TARIFF EMPLOYEES



Remuneration options and rights
of NT employees.

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Do I have a non-tariff (NT) employment contract?

To decide on the correct remuneration, the first question to ask is whether the employment relationship is really an NT relationship. In most sectors in which collective agreements apply, these agreements define the NT status. At the top end of the hierarchy, the status of NT staff ends with the delimitation to executive employees as defined by German law. The employment relationship must always be checked on an individual basis, because many factors play a role, e.g. the individual remuneration, the working time agreed in the employment contract, and any existing company agreements. If in doubt, contact your works council or union secretary on site.

Remuneration in the NT sector

Individual level

For NT employees who (have to) negotiate their salaries individually, it is of crucial importance to know how their job is paid for in other companies in the same industry. For this purpose, the Institute of Economic and Social Research (WSI) at the Hans Böckler Foundation, which has close links with the trade unions, has set up a web based, anonymous salary comparison database. It provides information on salaries based on the following data: qualifications, sector of industry, career experience, gender, management responsibility, region and number of employees at the company.

Lohnspiegel.de

In addition to Germany, the database is also available for many other countries at www.wageindicator.org.

Wageindicator.org

Since these evaluations are all the more reliable the larger the database, we kindly ask you to enter your own data in return – of course anonymously!

Company level

NT employees are employees whose remuneration is not covered by collective agreements, as their work is rated higher than the work of the employees in the top pay group of the collective agreement. As a kind of compensation, works councils have a right of co-determination in the principles of remuneration for NT employees. The works council's right of co-determination is intended to protect employees from remuneration structures that are unilaterally designed in the interests of the company. It is designed to promote fair remuneration within the organisation and to ensure the appropriateness and transparency of the remuneration structure.

In concrete terms, works councils have an enforceable co-determination right (Section 87 No. 10 of the Co-determination Act [BetrVG]) and a right of initiative (German Federal Labour Court) in matters of company pay structure, in particular in the establishment and modification of remuneration principles and the introduction and application of new remuneration methods and their amendment.

In addition to that, the determination of criteria for salary increases, for example on the basis of performance assessments, and for the distribution of sums available for salary increases, are also subject to co-determination by works councils. The total sum of the remuneration increase, however, is not subject to co-determination. This means that the works council can co-determine the principles according to which a budget of 40.000 € will be distributed to 100 employees, but it has no right to enforce an increase to 50.000 €.

This shows that works councils can actually do more for NT employees than for employees covered by collective agreements, since the regulatory authority for many items otherwise collectively agreed is transferred to the works council. However, it should be noted that although the law gives the

works council many design competencies, it cannot directly affect remuneration levels. Co-determination rights entitle it only to influence questions of structure and distribution.



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Inter-company level

IG BCE takes care of the interests of NT employees. It must do this because despite the narrowing labour markets, injustices in the NT sector are not a rare thing and range from years without any pay adjustments, so that the remuneration advantage over the tariff is 'eaten up', to permanent overtime to completely non-transparent pay systems.

Membership in IG BCE is worthwhile for NT employees too, because:

- a right to a remuneration advantage only exists when both employer and employee are covered by the collective bargaining agreement,
- with our tariffs we also keep re-negotiating the minimum conditions for NT employment relationships,
- we offer competent advice in labour and social law issues. This includes, if necessary, representation in court – but if you want to avoid a lawsuit if possible, we also help you to reach a settlement with your employer,
- IG BCE supports and advises works council members and shop stewards who fight for the interests of NT employees in the companies.




However, to do this we need the NT's support. After all, only a small number of employers are genuinely interested in making arrangements that are favourable for NTs. With everyone else we have to negotiate – and a large membership is an important bargaining chip.

We are strong together.

WWW.ZUKUNFTSGEWERKSCHAFT.DE

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