

Newsletter no. 11

In focus: Remuneration - today and tomorrow

Topic

How is my salary developing?

An important difference between the collectively agreed and the non-tariff areas lies in the rules according to which the salary develops. The development of collective wages is decided in collective bargaining. Many actors are involved in these negotiations on both the employee and employer sides. They bring different criteria into the negotiations, e.g. the development of incoming orders and productivity, inflation, etc. The result is a compromise that reflects the economic development of an industry as no single criterion ever could.

And what about the remuneration of non-tariff employees? They are not decided at collective agreement level, but at company level. The employer alone can decide on the budget for the development of non-pay-scale remuneration; the works council has a right of co-determination only with regard to the principles of the distribution of this budget.

If AT pay rises more slowly than collective pay, what should not happen can happen: AT pay would be at the level of collective pay. In this case, AT employees can go to court – if you are an IGBCE member, you can rely on legal protection.



Image: lovelyday12 / AdobeStock

You do not want to sue your employer? Your other option is to back the union and works councils so that they can negotiate with the employer from a position of strength. Then nothing is impossible. Not even a company agreement that stipulates that AT pay is to be adjusted in line with the development of collective agreements.

And: More AT members in the IGBCE are also good for collective bargaining workers. The more members we have altogether, the stronger we can act during collective bargaining.



[Read more here ...](#)

Other topics in this issue

Events

Signpost for the tariff landscape

ansprechBAR in Leverkusen

Non-tariff means above tariff

Popular misconceptions

Member of the Tariff Commission



Artur Oblong,
Works Council Member
at Currenta and Tectrion
and Member of the
Federal Collective Bar-
gaining Committee for
the Chemical Industry

There is much more to it

Collective agreements secure and develop our income – in more ways than some of us may realise. Of course, the increases in „table wages“ are at the centre of every collective bargaining round. But collective bargaining also launched the holiday allowance, created of the „future amount“ (Zukunftsbetrag) and, most recently, the two times 1,500 euro inflation allowance for all employees covered by collective agreements. In order to contribute to such innovations, I work in the Federal Collective Bargaining Commission for the Chemical Industry. And because inflation does not stop at the highest tariff pay group, the IGBCE and the IGBCE works councils have demanded the inflation allowance for non-tariff employees as well. Many companies are already using this opportunity to give their salaried workers up to 3,000 euros free of tax and social security contributions. Thus, we are working together as the IGBCE at different levels to create relief for all employees.

Enjoy reading the 11th KAAT Newsletter!

Events

Professional success and self-determined life

In everyday professional life, new forms of work (agile, flat hierarchies, permanent availability, etc.), increase the pressure of responsibilities. If you want to keep everything under control you have to keep an eye on a lot of things at the same time. How can you reconcile the most diverse requirements? This seminar does not offer a patent remedy – but the possibility to find individual answers.

Seminar,
18 to 20 June 2023 at IGBCE-
Bildungszentrum Kugel-Möllenhorst
(Seminar-number HV-003-570601-23)



More Info ...



Seminars 2023

If you want to have all our seminars at a glance or to pass on to colleagues: The KAAT annual programmes 2023 with seminars for members and especially for works councils are now available!



More Info ...

3rd KAAT dialogue

We cordially invite you to network, exchange, discussions, workshops and much more. In Kassel we are organising our 3rd KAAT dialogue for commercial, academic and AT employees, works council members and shop stewards.

The programme includes a.o. the following workshops:

- Which way to the bonus? Your way through the key indicators jungle
- Know your company – the company map as an analysis tool
- Current legal developments in the AT area



More Info and registration ...



Image: metamoworks / AdobeStock

Service

Signpost for the tariff landscape



Image: mimadeo / AdobeStock

Which collective agreements actually apply in my company and what do they say? Whether simply out of curiosity or with a specific question in mind: IGBCE members can view the collective agreements relevant to them in the „My IGBCE“ area at any time. Because reliable information is a prerequisite for good decisions.

And because collective agreements can be very complex: If you have any further questions, your IGBCE works councils or your IGBCE district will be happy to help.



To „My IGBCE“ ...

From the regions ansprechBAR in Leverkusen

„At the buffet you have a choice. At work too?“ This question surprised employees at Chempark Leverkusen on their way to lunch. KAAT activists from six companies were adressable in the foyer of the casino. For colleagues who work mobil, a virtual event took place at the same time. The response and interest were great: hundreds of workers took the opportunity to meet their works council representatives in person, to find out about KAAT.net or to take part in the online survey on „Self-efficacy in the job and working conditions“. The results were published on the website of IGBCE's Leverkusen district. We stay in touch!



Foto: IGBCE



[Read more here ...](#)

Legal Non-tariff means above tariff

In a recent decision (Az: 2 Sa 114/21, 27.01.2022), the Rhineland-Palatinate Regional Labour Court partly upheld the action of an IGBCE member not covered by collective bargaining agreements

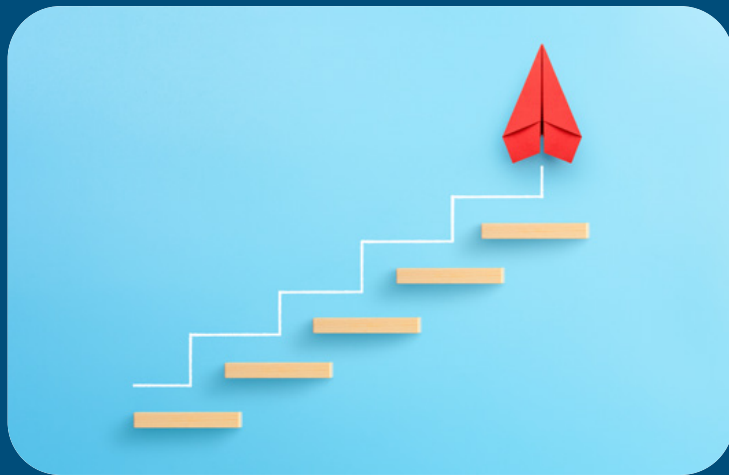


Image: Worawut / AdobeStock

and ordered the employer to pay salary in arrears. The ruling clarifies that an AT employment relationship within the scope of the Manteltarifvertrag für die chemische Industrie (MTV – collective agreement for the chemical industry) contains the contractual assurance that the agreed AT status will also be maintained in the future. For this purpose, remuneration must be paid that corresponds to the provision of section 1 sentence 1 no. 2 MTV. This means that the remuneration components paid to the AT-employee must exceed remuneration and general working conditions of E 13 in an overall view. Due to the wording „general working conditions“, a possibly longer AT working time must be taken into account in this comparison. If the salary paid does not reach the required amount, a claim for subsequent payment of the difference arises.



[Read more here ...](#)

Popular misconceptions This is secret

Right or wrong? I'm not allowed to talk about my salary. It says so in the employment contract. **Wrong! You can talk about your remuneration in most cases.** According to current case law, a clause prohibiting the mention of the individual salary to third parties is often invalid. For example, the Mecklenburg-Western Pomerania Regional Labour Court (Landesarbeitsgericht Mecklenburg-Vorpommern) found in a ruling of 21 October 2009 (Ref.: 2 Sa 183/09) that salaries are not usually part of trade and business secrets. The court explained its decision with the consideration that employees must have the possi-

bility to check whether their employer follows the principle of equal treatment when it comes to pay, i.e. equal pay for equal work. The only way to do this is to discuss the level of pay with colleagues. If a corresponding agreement in the employment contract prohibits discussions about the salary, this would lead to an unreasonable disadvantage for the employees according to section 307 (1) BGB (Bürgerliches Gesetzbuch), which would make such a clause invalid.



[Read more here ...](#)

Engagement

Member of the Tariff Commission

When employers' and trade union representatives meet to negotiate a collective agreement, they decide on the working conditions of thousands of workers. There is probably nowhere else where you can have such a direct say in the development of wages as in a collective bargaining committee. And because the IGBCE is deeply democratic, these committees are made up of members who bring in the perspectives of all national districts and many different companies.

The Federal Collective Bargaining Commission for the Chemical Industry, for example, has 49 honorary members from 43 companies who meet regularly to discuss the economic framework data and social developments and develop collective bargaining policy accordingly.

The actual negotiations usually take place in a smaller group. The members of the smaller group report back to the larger commission on the progress made and get feedback. This is a task that requires a lot of stamina: negotiations sometimes go on all night.



Foto: Andreas Reeg / IGBCE

Chemical bargaining round 2022: The Federal Collective Bargaining Commission is informed about the result of the negotiations.

We have explained here why this is also important for AT:



[Read more here ...](#)

This is www.kaat.net

[Kontakt](#) [Wissenswertes A-Z](#) [Newsletter](#) [Über uns](#) [Zur IG BCE](#) [Mitmachen](#) [Q](#)

Dein Mehrwert

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und außertariflich Beschäftigte. 



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