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Nataniel Zemla

International Joint Cross-Border PhD Programme in International Economic Relations and Management

UNIONS AND DECISIONISTIC-RESTRICTED INVOLVEMENT IN THE CSR DEBATE

– An Explanation to a Cooperative Approach

DOCTORAL DISSERTATION

Doktor znanosti (dr.sc.) / ekvivalent PhD

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Pula, 2021

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About the author



Nataniel Zemla, born 1979, Croatian origin, grown up and educated in Germany, initially completed a commercial apprenticeship and an accompanying course of studies of business administration at the University of Applied Sciences, Essen, followed by a degree in tax sciences from the University of Münster. In addition, he gained scientific experiences at the University of Berlin.

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In his thesis in the field of business ethics, Mr. Zemla takes up - in current times of discussions about sustainability and their actors - the conflict line of morality vs. market economy by examining a long-standing debate on Corporate Social Responsibility (CSR) using the example of a stakeholder group - unions - and their constellations of interests. In his in-depth investigation, he comes up with surprising results.

Mr. Zemla has published several professional and scientific articles during his scientific career:

"Monitoring of economic indicators in the context of financial and economic crises" (with Sinković, D. & Zemla, S.) - Scientific paper, Contemporary Economics, University of

Economics and Human Sciences in Warsaw. Submitted in March 2021. Publishing in progress.

"Monitoring of economic indicators in the context of financial and economic crises" (with Sinković, D. & Zemla, S.) - Scientific paper, 6th International Scientific Conference for Doctoral Students and Early Stage Researchers, University of Applied Sciences Burgenland in Eisenstadt, Austria. Conference proceedings. Submitted in July 2020. Publishing in progress.

"Financial Policy and Instruments in the capital markets - a critical assessment in the light of the current developments and sustainability issues" (with Zemla, S. & Gelo, F.) - Scientific paper, International Scientific Conference "Modern Economy, Smart Development", University of Sopron, Alexandre Lamfalussy Faculty of Economics, Hungary. Conference proceedings. Published in November 2019. ISBN: 978-963-334-348-7.

"*Unions and societal participation - an interim assessment to the context of creating shared value and the CSR-Debate*" - Presentation (September 26th, 2019) in Poreč, Croatia, 9th International Scientific Conference "Tourism, Innovation and Entrepreneurship TIE 2019", Juraj Dobrila University of Pula, Croatia (https://fet.unipu.hr/images/50025753/FET%20TIE%202019%20Conference%20programme.pdf).

"Factors influencing tourism growth in Croatia" (with Zemla, S. & Gelo, F.) - Scientific paper, 9th International Scientific Conference "Tourism, Innovations and Entrepreneurship", Juraj Dobrila University of Pula, Croatia. Conference proceedings. Published in February 2021. ISBN: 978-953-8278-54-9.

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Information on supervisor



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Prof. Sinković is married and father of two children.

Abstract

Corporate Social Responsibility (CSR) implies the responsibility of companies for sustainable management in economic, ecological and social terms. The majority of CSR works in science and research were written primarily with the focus on ethics (moral vs. market economy), bearer of responsibility (state vs. companies) and management (e.g. best practice, manuals). This article comes from the perspective of a stakeholder group that is constantly mentioned but receive insufficient attention: unions. Research indicated early on that unions leaned back in the European CSR-debate since its beginning 2001. Based on the case of German unions, the author will analyse their motivation by studying their statements.

The systematic literature review provides the basis for his qualitative content analysis of reasonable motives. The results show the unions encountering a complex environment with diverse interests, in which it is difficult to position themselves. Furthermore CSR requirements placed on companies were considered, by economy, to be set very high. Although CSR is not driven by legal regulations, it unfolds quasi-binding rules. For those reasons, it is not surprising that unions were sceptical and restrictive.

With its analysis of a defensive CSR strategy, the study contributes to progress in the field of engagement in international debates. The author deals in a theoretical-conceptual way with the existing research results in this field, invalidates them and presents his own attempt with explanation. His explanatory approach extends the existing explanatory patterns by a new perspective for the problem described.

Keywords: Corporate Social Responsibility, unions, industrial relations, CSR debate in EU, CSR actors

Expanded Abstract

Corporate Social Responsibility (CSR) implies the responsibility of companies for sustainable management in economic, ecological and social terms. The majority of CSR works in science and research were written primarily with the focus on ethics (moral vs. market economy), bearer of responsibility (state vs. companies) and management (e.g. best practice, manuals). This article comes from the perspective of a stakeholder group that is constantly mentioned but receive insufficient attention: unions. Research indicated early on that unions leaned back in the European CSR-debate since its beginning 2001. This remains questionable because fundamentally different expectations are attached to them. Based on the case of German unions, the author will analyse their motivation by studying their statements. Passive behaviour, however, is contrasted by a radical tone as a striking criterion. Unions suggest resolute action, but there has been little sign of this so far. Their message has not changed basically in the course of the debate. They are concerned with turning voluntarily into a legal obligation for CSR fields of action for companies. It is precisely this attribute of voluntarism that their opponents - the business association - want to maintain.

From the author's point of view, it remains to be stated that the attitude of the unions in this context is not yet sufficiently scientifically developed and can be quite well distinguished from the otherwise dominant topics. These circumstances are underpinned by the lack of empirically verified documents in the literature, in which the explicit question about the causes of passive behaviour was put to the unions, possibly also due to a lack of willingness to testify and a reserved attitude to the matter. So, it is left to the author to analyse the motives of the unions' decisionistic-restricted attitude. The systematic literature review provides the basis for his qualitative content analysis of reasonable motives. The results show the unions encountering a complex environment with diverse interests, in which it is difficult to position themselves. The unions occasionally countered the reservations of companies and their associations with references to a quasi legal claim to CSR, but largely left it up to the formulation of demands. And the strict and demanding tone it contains can therefore only be conveyed symbolically in order to consider the underlying goals of the CSR concept to be meaningful. Although the current CSR framework is not shaped by legal provisions, it tends to have unpredictable effects at the expense of companies as a result of quasi-obligatory requirements. As a result, it is not surprising that unions are so sceptical and restrictive in

their decision-making that they have for a long time neglected CSR issues. What is striking is that the causes cited in the literature, all disregard the ambivalent constellations of interests of the unions and thus could not provide any relevant results on the author's explanatory approach. Although interests can be verbalized from union ideology, hidden interests have also emerged. In the course of the scientific core work, the perspective was also taken up by deepening the relationship between companies and the market in the CSR context. In addition, a further change of perspective was made by looking at the union's internal view. Both parts were intended to substantiate the finding that the unions had legitimate reasons to refrain from radical enforcement in the debate.

With its analysis of a defensive CSR strategy, the study contributes to progress in the field of engagement in international debates. The author deals in a theoretical-conceptual way with the existing research results in this field, invalidates them and presents his own attempt with explanation. His explanatory approach extends the existing explanatory patterns by a new perspective for the problem described. It presents an expanded view of corporate social responsibility in the field of CSR research and union engagement, going beyond current understanding and traditional models of thought. Using the example of the stakeholder discussion around unions, CSR is elevated to a higher level and their behavior in this regard is analyzed in depth. It is the stakeholders who should be first on the "battle line" for social responsibility and their behavior has been very little studied in this regard.

Keywords: Corporate Social Responsibility, unions, industrial relations, CSR debate in EU, CSR actors

List of Abbrevations

B 90	Bündnis 90
BCE	Bergbau, Chemie, Energie
BDA	Bundesvereinigung der Deutschen Arbeitgeberverbände
BDI	Bundesverband der Deutschen Industrie
BMAS	Bundesministeriums für Arbeit und Soziales
CaeSaR	Activities for Ethical and Social Solutions for the Creation of an Innovative Working Environment and for the Sustainable Use of Resources
CC	Corporate Citizenship
CDU	Christlich Demokratische Union
CSR	Corporate Social Responsibility
CSV	Creating Shared Value
DGB	Deutscher Gewerkschaftsbund
DIHK	Deutscher Industrie- und Handelskammertag
DIN	Deutsches Institut für Normung
e.g.	for example
EGB	Europäischer Gewerkschaftsbund
esp.	especially
et al.	et alii
et seq.	et seek
ETUC	European Trade Union Confederation
EU	European Union
EVG	Eisenbahn- und Verkehrsgewerkschaft
FDP	Freie Demokratische Partei
Gew.	Gewerkschaft
HRM	Human Ressource Management
ibid.	ibidem
ISO	International Organization for Standardization
IFOK	Institut für Organisationskommunikation
IG	Industriegewerkschaft
IHK	Industrie- und Handelskammer

ILO	International Labour Organization
KMPG	Klynveld Peat Marwick Goerdeler
MdB	Mitglied des Bundestages
NFIR	Non-Financial Reporting
NGO	Non-Governmental Organization
No.	number
OECD	Organisation for Economic Co-operation and Development
p.	page
pp.	pages
RNE	Rat für Nachhaltige Entwicklung
SPD	Sozialdemokratische Partei Deutschlands
SME	Small and Medium Enterprises
UPJ	Unternehmen: Partner der Jugend
ver.di	Vereinte Dienstleistungsgewerkschaft
Vol.	Volume
VS	Verlag für Sozialwissenschaften
ZDH	Zentralverband des Deutschen Handwerks

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Statutory Declaration LI

The term “author” in the context of the work basically refers to the view and perspective of the author of this dissertation.

1 INTRODUCTORY PART

1.1 Topical introduction

Companies have been increasingly criticized for numerous incidents of immoral behaviour in public debate. The population is becoming ever more sensitive to those reports and the patterns of behaviour they describe, especially when it comes to high profits coupled with a reduction in jobs and high executive salaries and severance pay in times of economic crisis or scandal. To become more social and to accept more responsibility, some concepts have been brought up over the past years. Corporate social responsibility (CSR) - the assumption of social responsibility through integration into their business activities - is one of the concepts that can help companies out of the reputational crisis. The content-related facets of this concept create a field of tension of diverse interests, which can be partly heterogeneous and conflicting. CSR cannot therefore be viewed in isolation from the stakeholder approach, as the two thematic areas are closely intertwined. Thus the "integration ... in terms of content, time and communication and the structural and procedural implementation into the company's activities, as well as the securing of long-term interrelationships with the relevant stakeholder groups [belong to its] central components" (Meffert/Münstermann 2005: 22). CSR basically represents the "way in which a company treats its stakeholders ... to put it succinctly" (de Colle 2004: 526).

Against the backdrop of the complexity of the CSR debate in theory and practice, which has been going on for years, the subject of this study emerged. The debate does not take place in a vacuum but is situated within a large circle of participants in which value conflicts and areas of conflict had built up, emotions were heated and polarized camps formed. As might be expected, there are power interests and struggles between stakeholders who want to rival one another and influence the shaping of political will-formation to their benefit. These participants also include the interest groups, in this study above all the German units, which - like the other actors - want to meet the expectations of their members and are therefore obliged to point out (re)actions. As a result, the various actors develop ideas and concepts that are primarily based on the enforcement of their position or interest representation. For his study, the author selects from the various CSR stakeholder groups.

For the author, the basis for the selection of the stakeholder group was their justified claims for involvement in the CSR debate. In this area, the author was particularly struck by the fact that the stakeholder 'unions' were inconspicuous in the debate, so he used this characteristic

as a decisive selection criterion and consequently had a need for clarification. Preuss, Gold and Rees stated that various social actors have contributed to the global spread of CSR. Against this background, it is very strange that the unions as one of the social actors that hardly make an appearance. As part of their traditional role as employee representatives, they should participate in the discussion on the relationship between companies and stakeholders, especially in times of international labour cost competition. It is therefore appropriate to examine how Europeans unions view the rise of CSR (2015: 1). Eleven countries were selected in their corresponding empirical study: United Kingdom, Germany, France, Belgium, Sweden, Finland, Spain, Hungary, Poland, Lithuania and Slovenia. Rees, Preuss and Gold noted that European unions have taken an unclear attitude about CSR. In principle, the concept is supported, but scepticism remains about the application and effectiveness of CSR measures. Respondents often view CSR as being geared to the company's reputation rather than a real focus on improvements in working conditions and more responsible business practices. In addition, they see their role or power in the social dialogue being endangered. In some countries, union involvement is more visible compared to others. Numerous CSR union initiatives have been launched in Finland, France, Lithuania, Spain and the United Kingdom (2015: 220). In Germany, which is considered to be a strongly institutionalised country with codified union rights and the principle of ‘social partnership’, the unions are of great importance for the national economic system. This makes it all more striking that CSR still ‘appears to be a relatively uncharted territory” (ibid.: 204).

Research and the author’s own impressions quickly showed that foremost the German unions ‘wall up’ when it comes to CSR and they had taken a passive or reserved attitude at the beginning of the debate. The wall tactics of the commonly aggressive unions is and remains questionable, because fundamentally different expectations are attached to them. Passive behaviour, however, is contrasted by a radical tone as a striking criterion. Unions suggest resolute action, but there has been precious little sign of this so far.

In the broader context critics of CSR often warn and relate to ‘greenwashing’, which claims that companies have clean hands but are actually willing to engage in dubious business practices (such as child labour in supplier industries). Therefore, CSR should not be viewed without caution and criticism. Where CSR is on the label, CSR does not necessarily have to be practiced without restrictions. CSR can be part of companies’ propaganda purpose, and those interested in CSR must always keep this in mind and not approach the topic naively.

Credibility in this respect poses a challenge or "particular dilemma in the CSR debate." Ensuring economic system stability and at the same time not jeopardizing sustainable development - in times of climate change and scarcity of resources - would take into account a possible 'reorientation' of the social market economy (Riess 2012: 782). If, according to Milton Friedman (1970), the only social responsibility of companies would only be to make a profit. The subject CSR is and remains ambivalent for companies. But to what extent are unions an integral part of the CSR discussion? What associates them with CSR? Their message has not changed in the course of the debate. In most cases, employee-relevant CSR aspects are in the foreground, even if CSR is much more than responsibility toward employees. Essentially, the unions are concerned with turning voluntarily into a legal obligation for CSR fields of action for companies. It is precisely this attribute of voluntarism that their opponents - the business association - want to maintain. They have pled since the beginning of the debate and move from this project not a millimetre. Furthermore, they are far more present in their membership representation than the unions. A consensus with the unions on the crux of the matter, namely voluntariness, has so far hardly been found.

The described 'hide and seek' tactic of the unions is and remains questionable since the unions also want to be recognized as a pillar of democracy and it is so "important" that they will "raise their voice" (member of the German Bundestag/parliament MdB Schieder 2016). Their wall tactics are also questioned against this background. Another reason why the unions' wall tactics are questionable is that CSR - to put it somewhat exaggeratedly - is not an issue for the Federal Criminal Police Office, but a public and social issue. This makes it all the more interesting for the researching author to penetrate and advance where he finds himself in front of imaginary closed doors.

1.2 State of research and gap

The scientific debate on CSR in Germany was initially triggered by economic and corporate ethics, mostly on a theoretical basis, while Anglo-American business ethics operated more practically oriented research. As far as the development trend is concerned, however, it can be observed that, after some delay, the German-speaking area of business and corporate ethics has also increasingly penetrated into practice in recent decades.

A very difficult task here is not to lose track. However, in view of the existing material, it is presumptuous to give an overview of the current state of the business ethical discourse.

Enderle already stated in 1996: “It is undoubtley fair to say that in the mid of the 1990s, nobody has a complete view of what is going on in the field of business ethics in North America and Europe” (Enderle 1996: 36). Grabner-Kräuter stated in 2000 that by then there had already been an almost “unmanageable flood of publications” on the topic of moral responsibility in business (Grabner-Kräuter 2000: 290). She also published a compact article on the state of research in US-business ethics and points out the impossibility of completeness (Grabner-Kräuter 2005). As a short overview, however, it offers very good access to the subject.

CSR has also become a very extensive and multifaceted subject in technical literature. Already in 2005, a worldwide survey resulted in an “overkill” of CSR information, so that those interested in CSR were probably saturated by the flood of publications and information (Pleon 2005: 7). The author may counter that, at almost the same time German CSR-researcher Loew considered the CSR debate in Germany as still in its infancy, whereas the research focus in this paper is explicitly set on stakeholders - moreover, it is nationally limited (Loew 2004: 7).

It is noticeable beyond that the CSR content has always been encompassed other terms. The demarcation of related concepts such as sustainability, corporate citizenship, economic and business ethics proves to be difficult and confusing overall, as there is still no common CSR definition, which further affects the scientific debate. Often the discussion is carried out from different perspectives on these topics without explicitly referring to CSR.

A study on the CSR Green Paper and the relevant notifications of the European Commission up to 2006 were carried out with a particularly critical focus on the understanding of responsibility (Ungericht/Raith 2008: 19 et seq.) and in detail with a view to stakeholders (Muchitsch 2012). Works on the role of national actors with regard to CSR is relatively rare. There are hardly any studies in the literature concerning the material of the work to be examined (individual statements and position papers of the associations), which indicates deficits in the research.

In relation to the flood of publications on CSR the attitude of the national unions in this regard is limited to a very small group of scientific publications. A first ‘pitch’ often mentioned in the literature was concisely made by Preuss et al. (2006) on an international

level in a country comparison. The authors stated that the union role and influence of CSR depended in particular on the respective country and its framework conditions, and that CSR is also recognized as a threat by the unions. In general, CSR represents a new terrain for the European unions where the voluntary nature of entrepreneurial engagement contrasts with a legally binding duty of care for employees in Europe. Nationally limited - but very detailed - Mutz and Egbringhoff (2006) studied the attitude of German works councils in the CSR debate and their involvement in implementing relevant standards in the companies. At this point in the CSR debate, it was also clear among the expert community that unions initially behaved more passively than actively.

Frequently cited in the relevant German CSR literature and similar conviction are also Hauser-Ditz and Wilke (2004: 7) whose study came to a similar conclusion that, inter alia, "German unions' reaction is … characterised by restraint". Feuchte also notes "a rather reserved to critical assessment" regarding the reaction of the German unions to the discussion on CSR (Feuchte 2009: 7). This view is sometimes represented in the union ranks as well, e.g. by IG Metall union spokesman Friedrich (2013). In his opinion, the subject had not really been dealt with in the first years after the publication of the Green Paper, according to the results of his previous research. His own research in the union archives to find out why they have so far devoted very little attention to the issue of CSR has not provided any justification. By stating "unions must take a stand", Heil, an official of a union-related Foundation may have apparently launched an official call for unions to express their views (2006: 6). Could this possibly have been an allusion to comments that had not been given until then?

If the study primarily focuses on this passive attitude, it is obvious to question which findings can be derived from the current state of the art. According to Mutz and Egbringhoff (2006: 6) as well as Thannisch (2009: 335), there are justifiable reasons for the unions' passive attitude, especially since CSR is of Anglo-American origin and therefore "conceptually foreign to its nature." Mark-Ungericht had already examined the CSR discourse of opponents, namely employers' associations and unions in Austria. In his opinion, both seem to be "trapped in a defensive attitude", which may also have tactical causes (2005: 167 et seq.).

Following the old approach according to Kessler from 1907 on the basic attitude, actionism and initiative of unions in relation to their opponents, the need for explanations of their prevailing passive CSR attitude increases: "Union is throughout the primary, the employers'

association the secondary appearance. The union attacks by its nature, the employers' association defends (the fact that the relationship is occasionally reversed does not alter the general accuracy of this fact)" (1907: 20). Accordingly, a characteristic feature of unions is their willingness to fight. A union which - in normal situations - is not ready to fight would therefore be a rare creature. People also remember times when "words … [like] … unions … were associated with tremendous suggestive force that inspired the masses" (Factory Workers Union of Germany 1930: 94). Consequently, this fundamentally assessed attitude is challenged by a prevailing passive accusation, so that the work against this background and the investigation must take into account the motives of this decisionist-restricted attitude. However, this short and quick finding is only intended to give an analytical foretaste of what is to be expected in terms of conceptual explanations.

Of notable relevance and important sources are two studies published by the union-linked Hans Böckler Foundation: On an empirical basis Zimpelmann and Wassermann provided a conceptual analysis of the relationship between the traditional model of social partnership, the codetermination "arena" and the emerging CSR arena. They can recognize "at least no dominant role" in employee representation as actors. And they noted a fragmentary state of research, both the empirical data on the involvement of employee representatives in CSR activities remains "incomplete" and "the constellations of conditions as to how employee representatives can be involved at all have not yet been sufficiently investigated" (2012: 22 et seq.).

Vitols' (2011) literature report offers a large overview about the activities and positions of the employee representatives at national and international level and thus also an excellent access to the matter. In terms of unions' activities following points essentially were made: the relatively late time of the unions' statement of determining positions in 2005 is criticised. Particularly in 2009 the unions became active.

Haunschild and Krause have followed the development of the debate in the Confederation of German Trade Unions (DGB) and selected affiliated unions and their positions on a recent empirical basis. In the accompanying anthology the editors Preuss et al. (2015) noted that the topic of how unions deal with CSR and its rise is significant but has remained "under-researched" so far (2015: 10). Their detailed study was carried out as a survey on the basis of a large-scale project in several European countries and was guided by the striking situation,

that the unions - after all known as a social actor - are hardly noticed in the CSR-literature. Habisch and Wegner were already of the opinion in 2005 that the unions do not appear as a leading actor (2005: 115).

The reasons for a defensive attitude of unions are variously interpreted in the public and literature, but there can be no question of a gruelling academic discussion of this connection, as detailed descriptions of the topic are scarce. Since there are basically no relevant studies available that have investigated this behavioural phenomenon in relation to CSR, acute need can be derived from this scientific area. From the author's point of view, it remains to be noted that the unions' attitude in this context has not yet been sufficiently scientifically researched and can easily be distinguished from the otherwise dominant topics. This fact is supported by the lack of empirically proven documents in the literature that would have posed the explicit question to the unions, possibly also due to a lack of willingness to provide information and an attitude towards the matter. Therefore, the specific knowledge that can be read off is not available and must therefore be derived in a well-founded manner.

An unclarified role (finding) due to their traditional pursuit of interests (Rat für nachhaltige Entwicklung 2007: 26, Habisch/Wegner 2005: 115), only indirect relevance to the topic (Zimpelmann/Wassermann 2012: 26, Salzmann/Prinzhorn 2006) or merely an overlap with the "co-determination arena" (Zimpelmann/Wassermann 2012: 27), unclear political classification (Riess/Welzel 2006: 33) or even an expression of a low level of negotiating power (Steger/Salzmann 2006) are essentially given in the literature. Particularly as other priorities of the unions might be conceivable for the latter aspect, "in order to be able to play a stronger role in other negotiations", the unions were "in some respects prepared to refrain from imposing their own positions in the CSR debate" (Muchitsch 2008: 27).

Mutz and Egbringhoff state that the reasons for a sceptical, hesitant and defensive union attitude seem plausible at first. Nevertheless, questions remain open. By its very nature, CSR is also concerned with issues such as social standards and "protective functions", which "in essence represent traditional areas of responsibility of the unions" and "can be, as it were, a model for negotiating claims, co-determination and influence" (2006: 282). Defensive behaviour is also questionable for this reason, since CSR commitment is linked to opportunities. Hildebrandt and Schmidt (2001: 240 et seq.) see union influence as a lever to avoid an unfavourable interpretation of sustainability by the opponents. This intervention

would also make strategic sense in order to counter the union organisation crisis and find new approaches to it. Over time, DGB has moved from a merely critical position at the beginning to a position of opportunity. CSR could raise awareness of the "social and ecological responsibility of companies, which is already a public concern." Ultimately, these are "core union issues," but "other terms" are used (Thannisch 2012). Employee representative involvement opens up additional room for manoeuvre beyond the "respective institutional" boundaries (DGB 2009a: 4) and makes it possible "to bring classic union issues such as good work and employee participation into the focus of voluntary commitments" (DGB 2009b: 4). In conclusion, Haunschild and Krause use the results of their interviews to illustrate that the finding - the union strategy with regard to CSR lacks a clear line of approach - has not changed even after 2015: "In general, unions still lack a consistent strategy for using CSR, which could be a consequence of the sceptical view discussed above" (2015: 80).

Mutz and Egbringhoff provide first indications of the explanatory approach pursued by the author for union CSR behaviour, as shown at the analytical end of the work. Since a large number of parties and stakeholders are involved in the CSR environment, it is necessary to "take note of each other's concerns", from whose "recognition ... a fruitful cooperation between different stakeholder groups" could become effective. After all, issues such as "job security or the future of gainful employment ... are too important and ... not particular problems that can only be solved by one interest group separately from others. ... it is logically imperative from a sociopolitical point of view that stakeholder interests are seen in a context" (2006: 174)

Due to the diversity of its dimensions, CSR may involve conflicting interests of employees. Member-specific special interests can become virulent if the peculiarities of the respective group(s) are neglected. This raises the question of whether the unions' commitment to CSR is a public issue. In this respect, unions can also experience conflicts of interest within their membership and make positioning even more difficult.

1.3 Research perspective issues

The explanations allow the conclusion that the state of research on the passive behavior of the unions is empirically and theoretically deficient. What remains as a desideratum are theoretical (preliminary) considerations which, from the author's point of view, take too short a view, since the scope of their context of action and the interaction of other actors are more

or less neglected. This approach proves to be problematic when the unions are generally required to make a change in strategy and policy, but the counter-effects are neglected. To this extent, the work intends to broaden the perspective. The position and the underlying thinking of the actor are therefore thoroughly examined.

Against the background of the reserved attitude of the unions, which the majority of experts accuse (especially at the beginning of the debate in 2001 and in the following medium-term years), a few initial questions arise for those interested in CSR, to which they seek answers in this defined research area: Why do the unions stonewall? Is there something to hide? What exactly is the unions' problem in this matter? Is CSR for the unions possibly outside or only on the periphery of their collective bargaining power and therefore (dis)qualified by them as a social 'clutter'? The question certainly arises whether CSR really is a thrust or flag of union policy. Is it actually a union demand? Is it really their territory/market hunting ground? CSR may not be a union demand, even if the word 'social' is anchored in the terminology.

What exactly is the unions' problem? Why is their commitment only half-hearted? Do they perhaps simply feel compelled to react? What are the union's weak points? Where would they themselves undermine their positions? Against the background of the co-determined corporate landscape in Germany, the analysis of union behaviour in Germany is particularly interesting for the author. How did the national unions in Germany behave after the Green Paper was published in 2001? Are the reasons for their defensive behaviour mentioned so far among experts relevant? If so, is the attitude based on consideration, caution, forbearance, tactic? What is the strategy? This catalog of questions can easily be supplemented with a large number of further questions; for the formulation and final answer to the research question, however, these question criteria will be condensed, which will take these aspects into account in the course of the study.

Based on the statements made as well as the canon of questions and the assumptions contained therein, the research guiding question can be set up as follows:
What are the causes of the unions' decisionistic-restricted attitude, when CSR is being debated?
To penetrate this question analytically and conceptually and to illuminate it in a well-founded manner is the subject of the work and problem. Since the question is complex, it is advisable

to address it in more detail by breaking it down into sub-questions and isolated investigations. The investigation of the main question will focus on the following sub-questions:

- In light of the conflicts of interest between unions and companies, what discrepancies arise when the topic of CSR is addressed or debated?
- Why are the unions hesitant in the debate, even though "social" is part of the CSR term?
- Why do they have difficulty finding their role?

Against the backdrop of the decisionist-restricted attitude, a determined and detailed study of the CSR debate and critical appraisal from the perspective of the German unions in a 15-year timeline has not yet been produced. This gap is the starting point for the work. The present study therefore aims to make a contribution to filling this research gap.

For a better understanding of the title and the research question, the author makes a concise excursion into the theoretical foundations of "Decisionism" and takes the opportunity for a terminological explanation. "Decisionism" was derived from the concept of decision, and fundamentally - though controversially - established primarily by the German constitutional law scholar Carl Schmitt (1922). Disciplinarily, decisionism can be contextualized in particular in legal theory, social sciences and moral philosophy (Werner 2006: 52). Common to all of them, decisionist approaches basically hold a fundamental structure: a "connection between aporia and decision." The unstable state of indecision ("aporia") can only be solved by decision (Schwaabe 2001: 176). In the sense of a further representative of decisionism, Max Weber (1917), aporia would even put the individual in a state of failure. From this very state as well as its further extension, it could be remedied by action, namely by virtue of "decision", which according to Weber means a transgression of aporia (Junge 2004: 19). Despite all this, decisionism cannot be limited exclusively to one of its mentioned different disciplinary variants: "Rather [it] is to be understood in a very broad sense as a position or insight that gives a momentous answer to a very fundamental problem ..." (Schwaabe 2001: 176). By means of this brief excursion into the theoretical foundations of decisionism, the author merely wants to indicate the need for investigation of this phenomenon by means of a practical example of unions in the CSR context. And to anticipate: it will have to be shown in the thesis that there are reasons for unions' indecisiveness that are clearly related to CSR contents and dimensions. Furthermore, it should be pointed out that a decision does not necessarily have to be related to a concrete action. Also "the non-action, the temporary postponement ..., the symbolic action, the simulation of action" can be defined as action for

the behavior of an actor - following his assessment of the situation - whereby here also a longer time can pass until the decision of the actor. The reasons for this are manifold: “either ... gained ... or velor ... or simply time without any evaluative adjective”. This is then basically due to the difficulties in the actor’s judgment (Bredow/Noetzel 2009: 125). The difficulties that unions have to overcome in their CSR assessment and decision-making will be examined in more detail in the thesis.

1.4 Methodology and material

The discussion takes place over a very complex matter, since the topic has been broadly approached in the literature. In this context, Büscher points out that, in addition to the “topic horizon” (including social/societal responsibility, environmental factors, human rights), the definition (including CSR, corporate citizenship), levels of action (including within a company, political representatives) and the degree of binding nature of the norms and values derived from these need to be clarified in a discussion analysis between various participants (Büscher 2010: 206).

In the debate on CSR development in Germany, the union position is elaborated in detail and placed in relation to the business perspective. The different and common perspectives are analyzed in detail. The focus is on an analysis of the union strategy and how this can be characterised against the background of stakeholder interests.. Ultimately, the qualitative assessment also depends on the point of view of the observer or other stakeholders. The focus of this study is on the national unions as a whole, that specifically approach the CSR matter and take part in the debate. As a simplifying assumption, national unions are initially viewed in the existing CSR studies and studies on external relations predominantly as unified actors, so that the isolated interests of the individual unions are initially faded out in favor of the organization as a whole. The author agrees with this view, although he is not unaware that collective actors as the object of investigation can in principle be a methodologically problematic procedure. However, the available source material hardly allows for a consideration of unions as individual actors. This could only be circumvented by means of individual interviews, which would not lead to significantly different results for the research project from the author’s point of view (without a refutable assumption). The methodological problem cannot be completely eliminated in this respect, but it can be invalidated by the fact that, in accordance with the research project, entire organizations were chosen as the object of investigation instead of individual actors. Moreover, an application to individual actors would

require further theoretical justifications in the research framework and would make the project (even) more complex; deviating results in the answers to the question would require empirical confirmation anyway. The study will therefore abstract from the individual actors within the DGB membership base or initially ignore the individual unions, since the author's literature research has not produced any empirical and/or theoretical findings to justify differentiation in order to answer the attitude toward CSR or the research question. For this reason, a typology of individual German unions is dispensed with. This does not mean, however, that they are irrelevant to this work. They play an important role in the positioning of the DGB, which is why they will be considered in a further analysis in an isolated chapter.

The author initially assumes that the positions of the individual unions with respect to CSR are not fundamentally diametrically opposed. Disagreements in the interpretation of problems in the CSR debate may be conceivable, but from the author's perspective these cannot be reduced to one or more fundamental conflicts. What is decisive is the overall picture and how the unions' stance can be framed, so an undifferentiated view is taken of the analysis of existing material. Political coordination at the national level makes sense, not least because of the broad scope of the topic. Furthermore, the author assumes that the public statements were agreed to by all member unions, since antagonists from within their own ranks would have drawn attention to themselves. Nevertheless, in answering the question posed in this paper, the author will also take a closer look at the individual actors and refrain from abstraction, so that this interest in knowledge is not neglected.

Qualitative research as the methodology, that relies on profound knowledge and hypothesis formation should lead to the research goal. A period of actual analytical tracing since the beginning of the debate in 2001 is chosen. The contours of the content of the study speak in favor of this temporal limitation of the investigation. However, the limitation also makes sense in terms of the underlying analytical material on which the data is based, since the work clearly starts at the time of the first and subsequent discussions since the publication of the Green Paper 2001 and consistently evaluates the subsequent publications. During this period, breaks in the lines of development are sometimes discernible and significant for the actors in connection with their different interests.

In order to adequately answer the research questions, document and text analysis is used in the broader context of the investigation. It is important to understand the interest of the unions

in their function as interest representatives and to subject them to critical examination. “A theory of the unions ... does not exist to this day. But there are general descriptions of functions and tasks” (Bontrup 2008: 112). Accordingly, this thesis is methodologically devoted to functional analysis in particular.

Already at the beginning of the 20th century, there was a tendency to deny the existence of a theory of union functions, because - according to the socialist Bernstein - it exists “not at all or only in very basic approaches” (Beier 1981: 428). According to historian Schönhoven, this assumption is still justifiable at the present time, since “the function ascriptions established by union theorists have been modified again and again in the course of the now approximately one and a half centuries of unions’ existence and adapted to changes in social conditions” (Schönhoven 2003: 60). A study by political scientist Esser discusses various functions of the unions and their transformation in the German model. In its summary, the essential functions enable them to exert a wealth of influence in different historical situations, while at the same time, in the political-economic context, they benefit from the strength of the German economy in international comparison. However, the environment within which the unions operate as social and political associations has proved to be aggravating.

The sometimes different logics that arise from this need to be brought together “internally and externally again and again” in terms of interest policy: in this way the unions can find themselves “in a tense relationship ... between the concrete economic, social and cultural environment of their members on the one hand ... and the institutional conditions under which they try to realize their economic, social and political goals on the other hand” (Esser 2014: 88). For this reason, functional analysis in the CSR context requires a specific theoretical foundation, because the more differentiated the situations or decisions are illuminated in the context of tension, the more clearly the individual aspects can be interpreted in the overall societal reference field of a problem situation and related sequences with their ramified effects on the individual CSR areas.

A literature review prepares the conceptual basis and becomes the basis for the formulation of hypotheses. The functional analysis will examine the roles and functions of unions with regard to CSR. Over time, the attribution and allocation of union functions has been constantly changing and adapted to the changing social conditions. Nevertheless, their essential functions make a remarkable influence possible. In the political-economic context,

they benefit from the strong added value of the German economy in international competition. An aggravating factor that needs to be considered is the environment in where they operate as social and political associations.

A secondary research through the content-analytical evaluation (document and text analysis) of existing material is carried out, which is aimed at a secondary-analytical reconstruction of the most important texts determining positions in the CSR debate. In addition to the above-mentioned CSR publications of the European Commission (2001, 2002, 2006, 2011), the statements of the German Trade Union Confederation (DGB) and occasionally of individual unions are evaluated as relevant material.

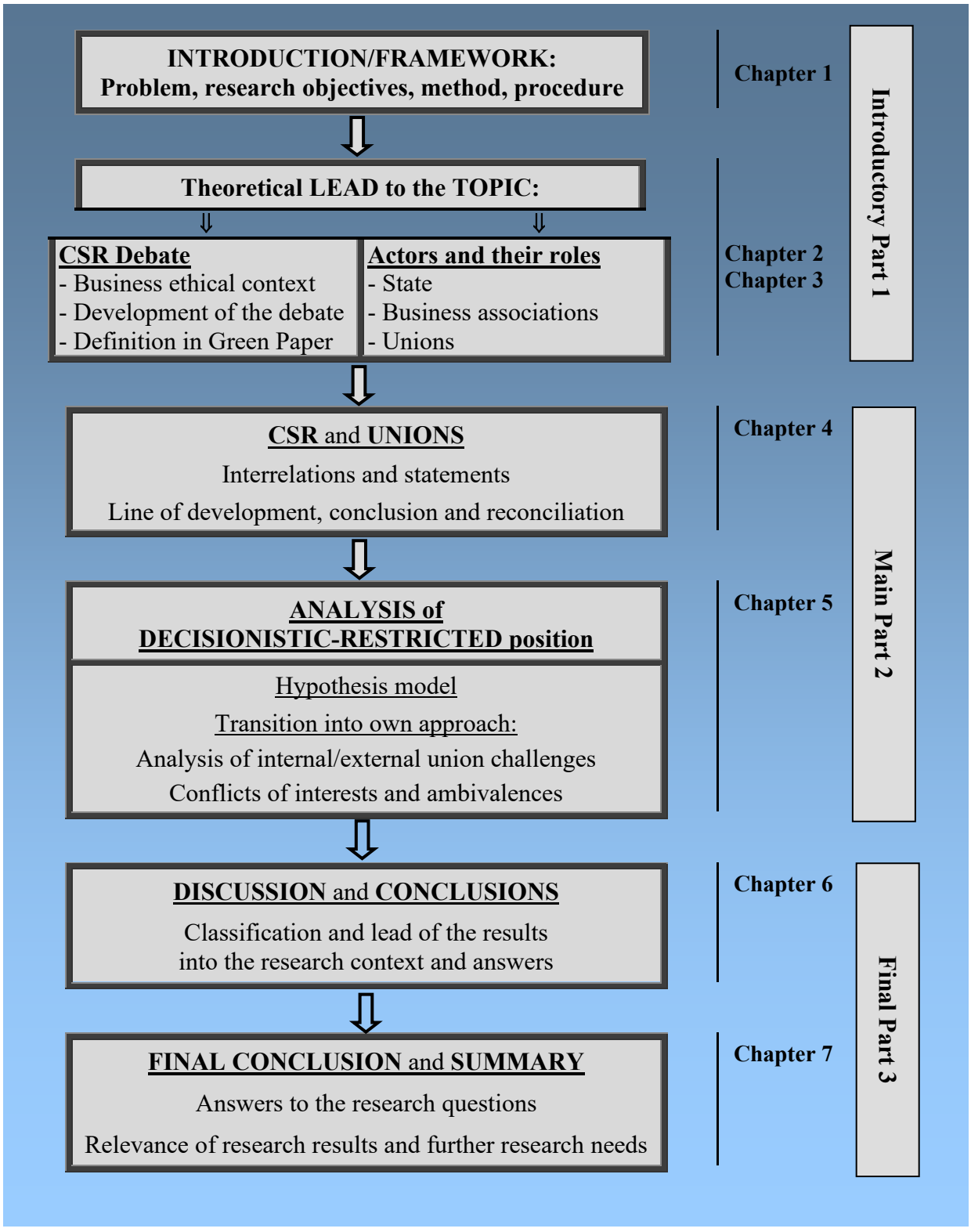
In the opinion of the author, the documents named are appropriate for setting a frame of reference to express and analyze the overall development of the chosen period, the differentiated position and motives of the actors in consideration of the research question of this thesis. In essence, the research work refers to the evaluation of the named documents, but in the following also to qualitative material that was used for the deeper understanding and document-oriented analysis. By referring to statements of individual officials, a practical relevance can also be achieved in the research project.

In the thesis, it was also possible to draw in part on other previous empirical work (in particular Mutz/Egbringhoff 2006, Zimpelmann/Wassermann 2012, Preuss et al. 2015), in which surveys of unions or other stakeholders were also conducted. Overall, however, it was shown that the aforementioned qualitative methodology and the analyses used for this thesis were suitable for achieving the research objectives.

1.5 Course of investigation

The study is divided into three parts on a superordinate level. The figure below illustrates the structure of the work and establishes references to the contents:

Figure 1: Structure



The introductory part 1 begins in chapter 1 with the initial situation, furthermore the problem is described and the objective and the central research questions of this thesis are derived from them. Part 1 also contains a comprehensive lead to the subject of the study on a

theoretical level: since CSR is part of business ethics, chapter 2 provides an insight into the discussion of business ethics and the theoretical characteristics of the market economy. Following on from this the terminological description of the CSR concept is given in order to differentiate the subject and make it definable: because an answer to the research questions cannot be given without exploring the CSR Green Paper and its follow-ups to determine the scope of the study (or the essential understanding of CSR) of this work. To find out the exact content of CSR, the author will first look back at the publication of the Green Paper in 2001 and examine the subsequent publications. Ultimately, the Green Paper represents the theoretical basis and basis for discussion and will therefore be analyzed in detail in the in Chapter 2.3.1 et seq. The follow-ups have in particular the extensions, additions and changes to the subject of investigation. The work on the chapter 2.3.1 et seq. requires a chronological review of the development of the CSR terms/definition from the Commission's perspective, since CSR has undergone further definitional clarification and supplementation. Finally, part 1 looks at key actors that have been active in this area (chapter 3). In addition to the German state, the chapter presents a condensed presentation of the unions' counterparts and analyzes their views on CSR. Since the German business associations ZDH (Central Confederation of Skilled Crafts) and DIHK (Chambers of Industry and Commerce) did not join in until 2011 and the German central business associations BDI/BDA had mainly been involved and committed until 2011, the latter is the main focus of this chapter.

Part 2 is the main section (chapters 4 and 5) and sets its focus/pivot point in chapter 4 after providing basic union knowledge in the content analysis of the union publications, primarily of the DGB, and their dedicated processing of their position in CSR context. These remarks form the core of the study and conclude with the hypothesis modeling of already existing and the resulting own approach. At the beginning, an analytical concept will be derived in order to capture and define the theoretical preliminary considerations that have been made so far. This analytical part of the study aims to base the own conceptual approach on the theoretical foundations that have already dealt with the central question. From this, the own research approach is developed and directed towards answering the main question.

Based on the findings of the main part of the study, the final part 3 (chapters 6 and 7) provides a summary of the main and sub-questions that have been formulated, including their answers, evaluation and critical appraisal. This final review takes into account the decisive results of the work and will provide impulses for further research.

2 CSR DEBATE - DEVELOPMENT, BASICS AND FRAMEWORK CONDITIONS

With the aim of providing an introduction, the chapter provides information on the development of the CSR debate since its inception and explains the background. The CSR debate has been picked up and passed on primarily through business ethics in the area of conflict between social and economic corporate interests and/or morals vs. the market economy, which is why the following chapter will refer to business ethics.

2.1. Business ethical context

When dealing with CSR, it is important to bear in mind the subject of business ethics. The wide range of approaches and directions of philosophical ethics can also be applied to possible fields of business ethics (Grabner-Kräuter 1998: 9 et seq.) The US-American business ethics-debate served as a kind of mission statement and (academic) discussion opening for business ethics in Germany (Forum Philosophie Bad Homburg 1994).

Business ethics has gone through different phases. Before 1960, business ethics hardly existed. However, its roots can be traced back to 1870. Even then, possible problems between business and ethics did not go unnoticed, including those relating to workers' rights, conditions and remuneration. In the 1960s there was new space for ethical discussions in business. The rapid technological development in industry and the resulting problems of nuclear waste have attracted attention and contributed to a loss of confidence in the political system and social structures. The economics faculties have taken advantage of these conditions and included them in the curriculum under courses such as "Social Problems and Business Ethics". "Corporate responsibility" as responsibility for the consequences of entrepreneurial action already occupied students at that time. In the 1970s, "business ethics" established itself as an independent discipline in the USA; the triggers were of various kinds: growing interest in the interrelationships between ethical and economic issues, which was also encouraged by John Rawls' "Theory of Justice" (Porebski 2000: 13 et seq.). However, "Business Ethics" gained academic recognition in 1985, even though it did not initially surpass a number of 500 courses, 20 textbooks, 10 case study texts and 4 professional journals in the USA (De George 1989: 441 et seq.). From then on, American corporations such as General Motors also contributed to the development and expansion of business ethics as a discipline (Porebski 2000: 9 et seq.).

The increasing importance of business ethics is also due to moral legitimation pressure that a company has to face worldwide. In this respect, the motives behind corporate ethical efforts are primarily a practical problem, not theoretical in origin. According to Löhr, 1986 can be classified as a kind of corporate ethical milestone in terms of practical relevance. Because about a year after one of the most famous environmental disasters in Bhopal, India, with around a thousand deaths, other catastrophic events followed, such as the launch explosion of the U.S. Space Shuttle Challenger on January 28, 1986 and the nuclear accident in Chernobyl on April 26, 1986 (Löhr 1991: 9 et seq.). Such events have contributed to a sudden increase in society's awareness of ethically and morally questionable conduct in relation to corporate governance, including issues such as bribery, financial scandals, disregard for human rights in production, especially in developing countries (Steinmann/Löhr 2002: 513).

Starting in the USA, academic training in business ethics was now also offered in Europe: the first relevant faculties were opened in St. Gallen in 1987 or in Ingolstadt-Eichstätt in 1990 and business ethics was also taken into account in economics courses. At the beginning of the 1990s, the relationship between economics and ethics became a systematic subject of science and research (Homann/Blome-Drees 1992: 9 et seq.). Although literature in the past has always dealt with moral evaluations of entrepreneurial behavior, the discussion about business ethics in Germany was taken up sustainably in the 1980s (Steinmann/Löhr 2002: 511). Since the beginning of the 1990s, a debate has been taking place at the scientific level in Germany - in particular about the rejection of business ethics in the context of business administration teaching and research for various reasons - as to whether business administration and business ethics are compatible (Schneider 1990: 869-891, Schneider 1991: 537-543). However, status quo according to Pies is that business ethics has established itself as an independent sub-discipline (Pies 2009: 6).

2.1.1 Market economy and ethics

As a fundamental characteristic of a market-based economic order, the various market participants are granted economic freedom, according to which they have certain room for maneuver (Watrin 1999: 216 et seq.). According to this, the market economy is determined by the principle of free market exchange, as a result of which the state does not fully intervene in economic life here, but only intervenes to a limited extent (Enderle et al. 1993: 216 et seq.). The model of market value is therefore based on classical liberalism. Following this, the economist Adam Smith developed the "basic idea of the market economy", which is also

associated with the “model of the invisible hand”. In summary, according to Smith, the pursuit of individual interests and preferential treatment also serves the general welfare of the economy by means of self-regulation in the market (Noll 2002: 42 et seq.).

The functioning of the market economy can be briefly described as follows: The market players or suppliers and buyers have the possibility under respect of the existing laws of making decisions independently whether they produce, consume, invest or save. In plain language, this means that suppliers will offer the goods and services on the market that will give them the highest revenues. Customers will choose the lowest price for their products. The main factor is and remains the price, which performs important functions. Changes in economic conditions such as technical progress, market entry of new companies and economic trends can lead to price changes and thus to changes in the previous plans or decisions of market players (Stobbe 1991: 346 et seq.). The economist Schumpeter formulated in this context that “companies and their managers” are “forced by their profit motive... to make the utmost effort to achieve maximum production and minimum costs” (Schumpeter 1975: 129). Competitive advantages can be achieved above all through technological progress. Innovations are the value driver to assert oneself on the market against competitors. In this “process of creative destruction”, companies must adhere to the rule that the costs caused by new innovations do not exceed the achievable revenues. Furthermore, companies would try to shift costs and risks increasingly onto the state. Due to the dynamics of the process described above, Schumpeter believes that constant state intervention in the market is unavoidable. The majority opinion of neoclassical economists is different here, as they consider state intervention in a functioning market economy to be necessary only in cases of “partial market failure” (Lehner/Widmaier 2005: 62 et seq.).

In summary, Stobbe’s “basic hypothesis” for a market economy system can be formulated as follows: “Decentralized allocation of goods and demands under competition, with the pursuit of self-interest by all economic subjects with freedom of contract and private ownership of the means of production, leads to generally acceptable living conditions, if not for everyone, then at least for the vast majority of people” (Stobbe 1991: 350). Homann describes the prosperity that comes with a market economy for the majority of the population as a moral quality of the market economy. Profit-seeking is legitimate in this market order, and therefore any philosophy that is oriented against profit maximization would at the same time be closed to the moral quality of the market economy (Homann 2002: 28 et seq.).

2.1.2 The relationship between market economy and morality

If one follows the "invisible hand" of Adam Smith, or if one comes to the conclusion that in the system of the market economy the pursuit of interests and the preferential treatment of the individual is purposeful for the general welfare of the economy, the moral responsibility of market actors would be to maximize their profits (von Hayek 1967: 300 et seq., Friedman 1970). In competition, however, companies are left with freedom of action vis-à-vis various groups, in particular competitors, employees, shareholders, customers and suppliers (Noll 2002: 37). Such latitude can take the form, for example, of various options for product innovation, target variants or risk classifications (Küpper 2006: 195). The entrepreneurial objectives defined after exercising freedom of action are regularly related to each other (Schmidt/Schwegler 2003: 10). Here, conflicts between economic actions and moral goals may arise due to "humane, social and other criteria". Küpper contrasts economic and moral conflicts here. Moral demands can lead to the detriment of economic success and vice versa, or be compatible (Küpper 2006: 195). An actor may be faced with the dilemma of suffering competitive disadvantages compared to his competitors when making morally good decisions and, in the worst case, being forced out of the market, or, on the other hand, gaining competitive advantages when moral demands are negated. Only if in this "dilemma situation" a competition-neutral arrangement of the moral concern can be arranged, the morally acting would not be the "stupid" one (Noll 2002: 37, Enste 2006: 10 et seq.).

According to Weber-Berg it can be stated that basically when people make decisions or take actions, they can "do them for good or for bad". This range of decisions is also relevant in a market system. The freedoms underlying decisions mean taking responsibility for the consequences of the decisions, but also possible failure "because of one's own ideas of good life". The decisions can have "unintended, morally undesirable consequences" for market participants. According to Weber-Berg, the market is therefore fundamentally not an "ethic-free area" (Weber-Berg 2007, 65).

The question can therefore be posed following the preceding explanations in this chapter: Market (economy) and morality, are these really compatible? Various points of view have emerged in this regard in the specialist world, of which the author presents a selection of well-known experts who have taken a position on this topic.

Milton Friedman adopts the “profit-enhancing” and radical approach that companies have only one social duty in a free market: to maximize profits (Friedman 1970). Steinmann and Löhr have a “profit-reducing/profit-correcting” view. They do not question the pursuit of profit in a market economy system. From the ethical view nothing speaks against it (Steinmann/Löhr 1989: 8). However, if undesirable consequences (for third parties) are to be expected when entrepreneurial activities are carried out, then ethics must have a corrective effect in situational conflicts (Steinmann/Löhr 1994: 109). Homann and Blome-Drees see morality as a “profit-functionalizing” component. The “long-term profit maximization” of companies is their “moral duty” if they operate within a set of rules or “framework”. The qualification of an entrepreneurial action as moral is already guaranteed on the level of these rules. Homann concludes: “The systematic place of morality in a market economy is the framework” (Homann/Blome-Drees 1992: 51, 35).

The status quo is that the market economy has lost the confidence of many citizens in the past and caused acceptance problems. Even though Homann is convinced of the “ethical quality of the market economy” (Homann 2002: 8), the qualitative advantages have neither been received nor understood by some parts of the population. After all, prosperity is not guaranteed for everyone, and morality falls by the wayside. There is also a “social coldness” and the exclusion of social groups (“two-thirds society”) which is a characteristic feature of this system (Bickenbach/Soltwedel 1996: 3). The end of the 20th century was chosen as the temporal starting point here. After the fall of the Berlin Wall and the end of the East-West conflict, (global) competition gained momentum as market-economy structures were unleashed in markets that were no longer regulated. Since then, according to Dietzfelbinger, the market economy “knows neither corrective nor factual limits”. The (conceptually) accompanying globalization has challenged business and politics alike (Dietzfelbinger 2008: 34 et seq.).

A globalized economy means a changed political framework for action and a changed role of markets and companies within a society. As a result of the loss of state control capability that occurs in this process, companies are required to (partially) assume social responsibility (Büscher 2010: 204). It goes without saying, however, that CSR, including its voluntary nature, cannot solve the “basic problems of globalization, world trade and the capitalist mode of production” (Fuchs 2009). It can be said that the relationship between the market economy and morality is seen in the academic debate as being very multifaceted. A flood of

publications has left its mark here. The public has its difficulties with regard to compatibility, since the profit motive of companies is often carried out on their backs.

2.1.3 CSR and business ethics

According to Beckmann, against the above background the "CSR movement" can also be understood as an "expression of a growing need" to "(re)define the moral quality of the market economy. ... Competition and corporate profit-making" are subject to a "pressure to justify" in terms of "conflicts of interest between economic goals such as efficiency or profit and social goals such as justice or the protection of stakeholder interests. CSR could possibly help here to regain the public's trust in the market" (Beckmann 2007). Homann, too, sees CSR gaining in importance since the beginning of the 21st century as a means of helping corporate activities gain greater acceptance and legitimacy. However, due to the inconsistency of CSR measures, he partially agrees with critics of CSR activities (Schunk 2009). Gond, Palazzo and Basu share this view. There is a latent danger that CSR concepts can be misused as a label for effective marketing without actually engaging in CSR (Gond et al. 2009: 66 et seq.).

From the point of view of science and research, CSR is categorically reflected in the area of business ethics, with preference being given to corporate social responsibility, while the view of shareholders or managers, for example, is treated more subordinately (Scherer/Picot 2008).

The discussion about business ethics has also been perceived through terms such as 'corporate social responsibility' (Schmidt 2002: 70). The terms "corporate social responsibility" and "corporate citizenship" are often used synonymously in the German-speaking world, but it is only in the latter that an overarching concept of corporate citizenship is recognized (Loew et al. 2004: 64 et seq.). The operationalization of "Corporate Social Responsibility" therefore appears to be an extremely problematic normative concept.

In the 1950s, the subject of CSR gained scientific momentum in the USA against the background of corporate social responsibility. Howard R. Bowen, who triggered this debate with his 1953 work "Social Responsibilites of the Businessman" (Carroll 2006: 4), is mentioned in this breath as the "Father of Corporate Social Responsibility". Since, according to Bowen, not only corporate products but also corporate activities exerted an influence on the lives of citizens in social, societal and cultural areas, companies were thus obliged to orient

themselves to applicable social norms and values (Bowen 2006: 6). Building on Bowen's foundation, various authors further developed the concept of CSR in the 1960s. While in this context responsibility was assigned to people, in this case managers ("businessmen"), Davis moved away from this CSR concept in 1967 and defined the entire organization "enterprise" as a responsible party for society (Davis 1967: 46).

Since there is no uniform definition of CSR, this leaves room for interpretation. As early as 1972, Votaw stated that CSR has a meaning, but not the same meaning for everyone (Votaw 1972: 25). One of the best-known CSR models is that of Carroll, which he set up in a pyramid shape in 1979 (Carroll 1979). Ethically speaking, companies demonstrate social responsibility when the applicable moral and ethical values of a society are upheld. Since these are not codified, they are developed from social norms of action. Carroll himself is of the opinion that a change of ethical views in society is decisive for legislation/amendment as well as state regulation.

According to Bassen, Jastram and Meyer, the CSR concept can be classified as a subarea of business ethics (Bassen et al. 2005: 231). According to Fassin, ethics in business life requires more than just CSR. Only a small section of business ethics is covered (Fassin 2005: 273). Tokarski classifies business and corporate ethics as an "integrative bracket" in the area of CSR, among others, whereby ethics is used here to legitimize actions (2008: 151). According to Fassin, CSR should be positioned as a strategic process at the highest level of a company. It is therefore not suitable for all practical business problems and actions (Fassin 2005: 273). It should also be noted that business ethics focuses on companies' moral obligations to society, while CSR, following the definition of the EU Commission, follows the principle of voluntariness (Feuchte 2020: 9).

2.2 Development of CSR and the debate in Europe

In Europe - and in some cases in Germany - the debate on CSR was initiated by the European Union, particularly in the early 2000. In Lisbon in March, the European Commission set the goal for the EU "to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion" by 2010 (European Commission 2000). This goal was followed in 2001 by the EU strategy on sustainability (European Commission 2001a) and, a few months later, by the Green Paper on CSR entitled "A European Framework for Corporate Social

Responsibility" (European Commission 2001b). According to Friesl, the beginning of the discussion on CSR in Europe can also be attributed to the international crisis following the collapse of the "dotcom bubble" in 2000. This forced companies to become aware of their role as responsible corporate citizens (Friesl 2008: 9).

Europe's businesses are facing new challenges and conditions due to demographic, technological and market developments. The example of the development of the age structure clearly shows the cost pressure that is increasingly affecting European welfare. The companies do not fail to notice that these social problems do not come easily to them - and they are also in demand when it comes to finding solutions. However, since Europe is not uniform in character, but is characterized by cultural diversity, the local problems vary from country to country. This "European diversity" has contributed to a "high level of dynamism" in the debate and is reflected in the broad interpretation of CSR differences in understanding and solutions, "from which one can learn and which can be applied repeatedly throughout Europe. ... Corporate Social Responsibility (CSR) requires foresight that is not limited by national borders (Bethin 2003: 56 et seq.).

Zimpelmann and Wassermann note as a fundamental observation that in times of deregulation that has been going on for years, there has been room for maneuver for companies that have, however, put a lot of strain on social and ecological resources. The consequences of climate change, Fukushima or the financial and economic crisis are "signals of epochal change". Companies have contributed to these ecological problems and are being held responsible. CSR is an instrument for coping with such "consequences of one-sided deregulation in favor of sustainable business". As an approach, companies pursue voluntary CSR concepts and act as "political actors (Palazzo 2010: 437) independently at the interface between business and politics (...) without being systematically integrated into democratic processes and structures", while the legislature as a regulatory actor is largely reluctant to do so (Zimpelmann/Wassermann 2012: 201 et seq.).

2.2.1 Anglo-American versus European versus German CSR culture

Compared to Europe, the USA does not yet have a fixed CSR definition such as the Green Paper. The approaches adopted so far are rather due to the philanthropic US tradition (Riess/Welzel 2006: 4). In addition, the implementation of social responsibility in Europe is ensured by the existing legal and institutional framework in the US. In this respect,

entrepreneurial scope for independent action in Europe is limited, since European governments exert considerable influence on CSR-related areas such as the health and education systems or the labor market. Entrepreneurial freedom is also hampered by the work of the unions and business associations (Schmidpeter/Palz 2008: 493 et seq.) CSR is an Anglo-American concept and can only be understood against this background. Traditionally, this means less formal obligations for companies to contribute to the common good of society. Benefits are provided flexibly from a "self-image as part of society" (Pleon/IFOK 2008: 19, 27). This understanding is primarily historically based, but this principle has lost none of its significance in the aftermath, as the US scientist Vogel noted overall: "business corporations played a … role in the development of cities and the shaping of communities …, they have long been perceived as social institutions with substantial responsibility for the moral and physical character of the communities in which they have invested. … the doctrine of corporate social responsibility … date(s) back more than a century … . By contrast, in … Europe … , the responsibility of business has historically been defined more narrowly. Since all these economies … , it was government rather than corporations that both set the terms of economic development and assumed responsibility for various civic functions. Even today, corporate philanthropy remains primarily an American phenomena" (Vogel 1996: 104 et seq.)

From the view that the economy and the life of the citizens of a society are connected, the US economist Bowen concluded in 1953 regarding the resulting corporate responsibility that CSR "refers to the obligations of businessmen to pursue those policies, to make those decisions, or to follow those lines of action, which are desirable in terms of objectives and values of our society" (Bowen 1953: 6). Years earlier, this view, according to which companies are also responsible for social commitment in addition to their economic goals, had already been confirmed by a 1946 study of over 90% of American businessmen surveyed at the time (Carroll 1999: 270).

In their function as part of society, companies are assigned the role of "corporate citizens" under the Anglo-Saxon term, so that, analogous to the usual citizens of a society, they have to fulfill duties in addition to claiming rights. In this respect, CSR is based not only on historical facts, but also on the social and cultural demand to behave as a good citizen. It would appear, however, that the company is not given the exclusive goal of philanthropy. Rather, it is conceded that an overall "win-win situation" results from an economic, social and ecological

balance. Consequently, one can also be a “good citizen” if one realizes economic advantages in one’s actions (Mutz/Egbringhoff 2006: 27).

Companies in Europe, on the other hand, are confronted with the expectation of social commitment as a result of state obligations. However, there is usually little room for voluntary actions beyond the legal requirements. Although globalization has favored a further expansion of the CSR concept, the specific framework conditions in Europe, and especially in Germany, place certain limits on this, and thus ensure only a “conditional fit of the US concept” (Pleon/IFOK 2008: 19). The Anglo-Saxon concept differs from the European model, which is primarily geared to state intervention, in that companies’ eco-social services are not primarily guaranteed by law or collective agreements, but are controlled by the market. This is intended to create incentives for socially and responsibly operating companies to create competitive advantages for themselves by investing in human and “reputation capital”. In addition, well-informed consumers and responsible investors also influence competitive behavior, especially since poor social and environmental performance generally means reputation and sanction risks for companies (Hauser-Ditz/Wilke 2004: 2).

According to Riess, US companies in particular have in the past not reported very extensively or hardly at all on their activities and consequences in the social and environmental area. European companies give detailed account of this, especially - due to the EU directive on company accounts in force since 2003 - on environmental protection. In a European comparison, however, it can be seen that the type and scope of CSR policy varies from country to country. This essentially depends on the political culture and tradition of the respective country. According to Riess, in terms of its CSR “visibility” Germany does not need to hide from its European neighbors and has “at least in some areas stood up well in European comparison”. A large number of CSR-relevant issues have already been regulated by law for some time, so that a consideration under the CSR guise is no longer pursued. The legal requirements in Germany - particularly in the environmental and sustainability sectors - have a major impact on companies’ individual scope for CSR measures, which is consequently significantly less than in Anglo-American countries (Riess 2006: 4). In Germany, for example, the employee sector is regulated by law through co-determination, so that due to this lived culture (voluntary) CSR has a “subordinate role” or “hardly any practical significance” (Kißler et al. 2011: 144 et seq.). Overall, it is therefore not surprising that the

CSR debate has in the past been conducted primarily in Anglo-Saxon countries and that German companies have tended to hold back (Trautner 2012: 751).

2.2.2 CSR debate in Germany

From the beginning to mid-2000, the CSR debate in Germany was relatively still in its infancy. Since Germany could not look back on a long tradition in this area as in the United States or Great Britain, any impetus given to the debate in existing societal debates was thematically integrated and put into context (e.g., on issues of sustainability or co-determination). At that time, there was hardly any academic debate on CSR, if at all, on related terms such as social responsibility or social justice. Even corporate citizenship received more attention in academic discourse. The daily press, too, was at a disadvantage in this respect and in relation to issues such as sustainability, especially since there was often no clear conceptual distinction between CSR and corporate citizenship. In most cases, these terms were introduced as instruments for reputation-building after corporate scandals (Loew et al. 2004: 36 et seq.). In mid-2000, however, there was already a noticeable increase in the number of relevant publications in the press. According to Galonska, Imbusch and Rucht, the fact that CSR increasingly came to the attention of the German public is not only due to the fact that, for example, the debate "spilled over" from the Anglo-Saxon world to Germany, but is primarily due to German business and its own behavior (Galonska et al. 2007: 9).

Since CSR is primarily Anglo-Saxon in nature and political awareness has been raised at the EU level, it is initially assumed in practice that internationally operating companies (in Germany) are more likely to have come into contact with CSR and the debate on it than companies based solely in Germany. At least in their reporting, the term was initially neglected. Sustainability reports have rarely been renamed. The relevant topics were reported in accordance with standard practice in these sustainability reports. However, a few large corporations have occasionally entitled their reports CSR. According to a survey of CSR practice, case studies using DAX companies as examples sought to identify "best practice" approaches with regard to their working conditions. In their findings, the participants did not provide a CSR definition, nor did they define the concept of sustainability. However, a reference to the CSR Green Book was generally available. However, the measures reported should not necessarily be categorized under the guise of CSR, but rather in the context of the proven tradition of German social partnership (Loew et al. 2004: 39).

The political impetus on the part of the federal government was initially muted. Although CSR was recognized as an important issue, the density of laws and regulations in Germany means that there is little scope for further corporate involvement beyond this (Bade 2003: 9). The business associations quickly substantiated this argument. In their response to the 2001 Green Paper, they quickly raised this objection and clearly stated their position (s. 3.3.2 for details). According to Hauser-Ditz and Wilke, the German government's decision not to propagate CSR on a legal basis can certainly be understood as an "informal consensus" with the business associations (2004: 4). According to Trautner, given this legal and regulatory framework, it is understandable that German policymakers were initially very passive and did not attract attention through CSR activities (2012: 751). At least thematically related, the German government adopted the National Sustainability Strategy in cooperation with the German Council for Sustainable Development in 2002 and since then it has pointed the way forward for sustainable development in Germany (Bundesregierung 2002). In 2004, however, Loew came to the conclusion that there were hardly any CSR publications from the German government or its ministries. The only significant paper published was a detailed report from 2003 by the Federal Ministry of Economics and Labor on Germany's national CSR activities. The report showed that Germany was able to document some activities with a clear CSR content - but with no direct reference. These activities were merely bundled together in this paper and served as a stocktaking (Bade 2003: 9).

In terms of its conceptual significance, CSR, by definition, tends to be more a matter of voluntary commitment than a regulated area. It is therefore not surprising that the debate in the national arena did not attract much attention at the time, given the overall circumstances (Trautner 2012: 751). Nonetheless, Riess and Welzel stated that the fact that Germany has a comparatively high density of regulations and laws cannot be assessed as meaning "that there is no need for CSR in Germany". The opposite is the case, for example, because there is a lack of joint exchange between companies and other actors, or a lack of entrepreneurial willingness to take responsibility for their own actions (2006: 4).

The German government also saw CSR primarily as a management issue, with the result that companies did not actively call for solutions to social concerns and problems (Bertelsmann 2007: 14). Since the German government only interfered in the CSR debate to a limited extent in the first few years after the publication of the Green Paper, companies were largely free to determine the nature and extent of CSR activities themselves, so that the voluntary aspect was

also taken into account. It is probably obvious that this fact does not meet with the approval of all participants in the debate. The scope of corporate responsibility and opinions on the benefits and significance of CSR are assessed differently. In recent years, however, the debate has gained momentum nationally and activities have been launched to create incentives for CSR. In this context, for example, a National CSR Forum was established in 2009 - consisting of experts from business, unions, NGOs and academia - to advise the Federal Ministry of Labor and Social Affairs on the development and implementation of a national CSR strategy (Vitols 2011a: 9).

Compared with the beginnings of the debate, when CSR was hardly noticed by the public, the subject has attracted more and more public interest and attention. The general impression that the state was generally absent during the course of the debate was also invalidated in the aftermath. In fact, the federal ministries have initiated numerous CSR activities (particularly from 2008). In the past, however, they have often used a different terminology, with the result that CSR expressis verbis was not perceived in the debate. Situated in a changing social environment due to increasing globalization, the debate about corporate responsibility in Germany has also been influenced by country-specific cultural economic and social traditions (Pleon/IFOK 2008: 21 et seq.). The role ascribed to companies and the interpretation of their responsibilities are also subject to constant change. The changes resulting from this change are also due to the views of the relevant actors in this field (Braun/Backhaus-Maul 2010: 106).

2.3 CSR as defined by the European Commission

Globalisation and the development of a "knowledge-based economy" made urgent action necessary at the European Council, and a Lisbon Summit in March 2000 set the following strategic goal to be achieved by 2010: "to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion". In the context of this global strategy, the Council specifically appealed to companies' corporate sense of social responsibility regarding best practices on lifelong learning, work organisation, equal opportunities, social inclusion and sustainable development" (European Commission 2000). This summit can certainly be described as a milestone, because for the first time it was officially recognized by Europe's heads of government that companies play an important role in dovetailing economic and social performance (Bethin 2003: 197). The EU-wide discourse finds its starting point here.

One year later, the Council defined an EU sustainability strategy in Gothenburg in June (European Council 2001), followed shortly afterwards by the publication of the Green Paper on CSR. The Green Paper makes explicit reference to both the Lisbon Strategy and the EU Sustainability Strategy. CSR could make a valuable contribution to the realization of the Lisbon strategy. Moreover, CSR would not conflict with the sustainability strategy drawn up in Gothenburg (European Commission 2001b). The Green Paper can certainly also be seen as a reaction or response to the Lisbon Strategy (Riess/Welzel 2006: 24).

2.3.1 Green paper "Promoting a European framework for Corporate Social Responsibility"

The European Commission defines Green Papers as communications "whose purpose is to encourage reflection on a particular subject at European level. They invite the relevant parties (bodies or individuals) to participate in a consultation process and debate on the basis of the proposals they put forward. Green Papers may give rise to legislative developments which are then outlined in White Papers" (Publications Office of the European Union 2007).

The CSR Green Paper (European Commission 2001b) consists of 36 pages and is divided into four chapters. It begins with a one page concise summary, followed by an introduction (Chapter 1, 3 pages), a detailed explanation of corporate social responsibility (Chapter 2, 11 pages), a "holistic" view of individual CSR solutions (Chapter 3, 7 pages) and, as the final chapter (Chapter 4, 3 pages), the consultation process to be initiated and the range of questions to be considered. The summary section appeals to the individual actors to take an active part in the debate and jointly ("deepening of partnerships") look for approaches to solutions, to promote CSR on a broad basis - also based on (practical) experience gained to date.

Since the publication of the CSR EU Green Paper in 2001, all socially connected actors in the economic cycle have been forced to familiarize themselves with the CSR term. Responsibility has become a politically relevant term for companies in Europe.

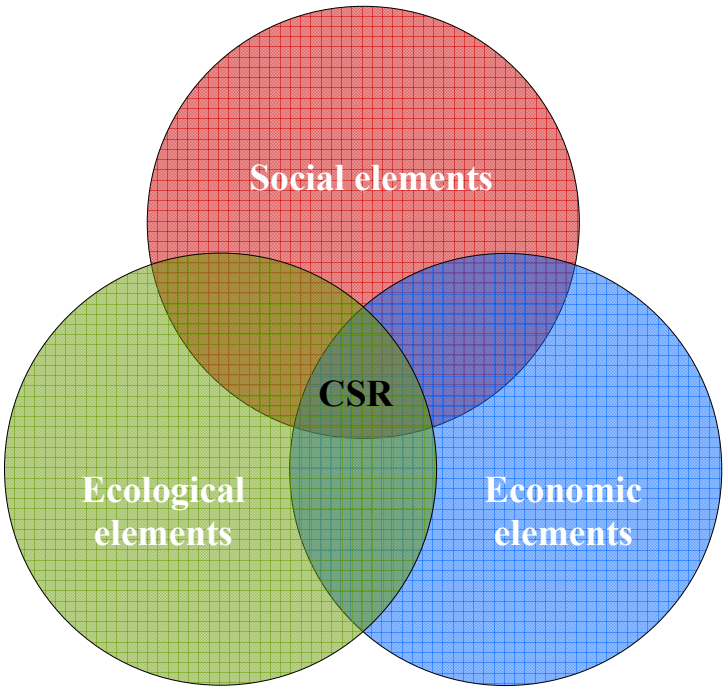
2.3.1.1 EU definition of CSR

The Green Paper documents a definition that is always referred to in the European CSR debate: "Most definitions of corporate social responsibility describe it as a concept whereby

companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis. Being socially responsible means not only fulfilling legal expectations, but also going beyond compliance and investing 'more' into human capital, the environment and the relations with stakeholders" (European Commission 2001b: 8).

Consequently, CSR means that environmentally and socially responsible management in the core business is in harmony with the corporate pursuit of profit. Social, ecological and economic factors would thus be of equal importance and ideally complement each other. The social aspect is thus one of the supporting pillars. As already formulated in the introduction to this study, it therefore remains questionable (2nd sub-question) why the unions are nevertheless only hesitant in the debate.

Figure 2: Areas of CSR
Source: own representation



After pointing out the predominantly voluntary nature of corporate social responsibility, the Green Paper begins by taking stock of the current situation of the EU companies: against the background of the planned adoption of a common Charter of Fundamental Rights in the EU, the number of companies that live social responsibility and have made it an integral part of their corporate culture is growing. The beneficiaries are not only their own employees, but

ultimately all stakeholders who have (in)direct influence on the success of the company. After all, the role of companies has changed in light of the expectations of society and stakeholders. As already strategically defined in Gothenburg 2001, the three pillars of "economic growth, social cohesion and environmental protection" are linked in perspective and mutually supportive (ibid.: 5).

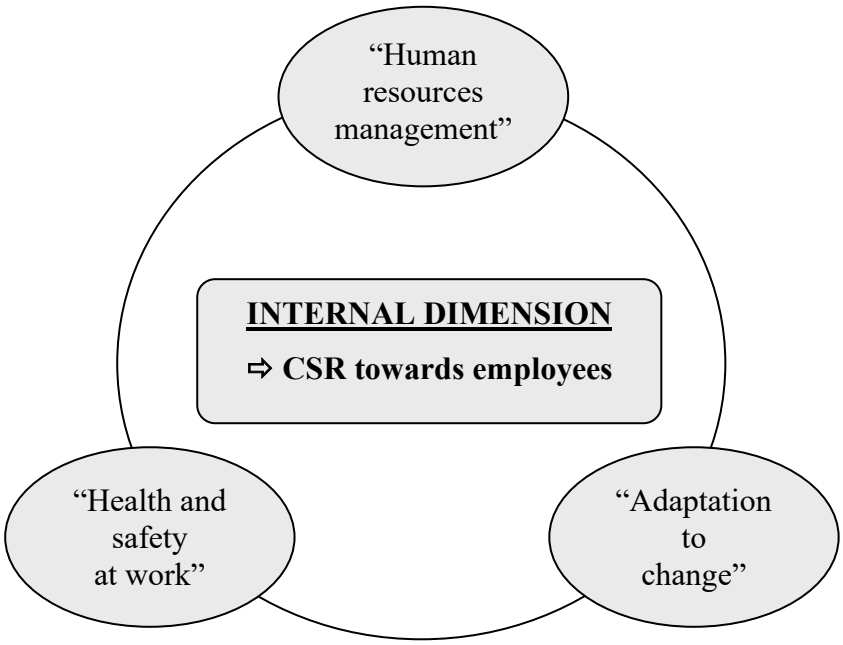
The Green Paper relates social responsibility directly to economic value for the company. It is true that a company would be faced with challenges in changed economic conditions. Despite the primary task of striving for profit, the pursuit of social and ecological goals through implementation "into their core business strategy, their management instruments and their operations" is fundamentally possible (ibid.: 5). Porter and Kramer pursue a similar approach to that of the Commission according to which CSR should not only be used externally as a cosmetic silhouette, but should be strategically integrated into the "relationship between business and society" along the value chain (Porter/Kramer 2006).

According to the Green Paper, "a number of companies with good social and environmental records" state that a socially responsible approach "can result in better performance and can generate more profits and growth." New CSR users must also be aware that the "longer term evaluation remains to be done" (European Commission 2001b: 9). The business success of CSR is only guaranteed as possible, not as sufficiently certain. Moreover, a short-term view of CSR is deliberately rejected. Lin-Hi is also of this opinion, and he is convinced that "companies can benefit" if they "refrain from short-term profit maximization." Furthermore, it is "a long-term project", which is why "the topic often sinks into the urgency of the temporary, i.e. in everyday business life" (Lin-Hi 2009: 22). The green paper clarifies from an economic perspective, that the effects of CSR can be divided into direct and indirect. Direct positive effects include a better working environment, which makes the workforce more motivating and productive. Indirect effects can be an increasing interest of consumers and investors, which can lead to market advantages. Negative effects can come from public criticism of a company's practices, usually fuelled by media effects, which could give the company a negative reputation (European Commission 2001b: 9).

As an internal dimension, the Commission has placed corporate social responsibility primarily in relation to the workforce and in this context outlined corresponding internal fields of action. This also applies to the handling of natural materials used in the production process.

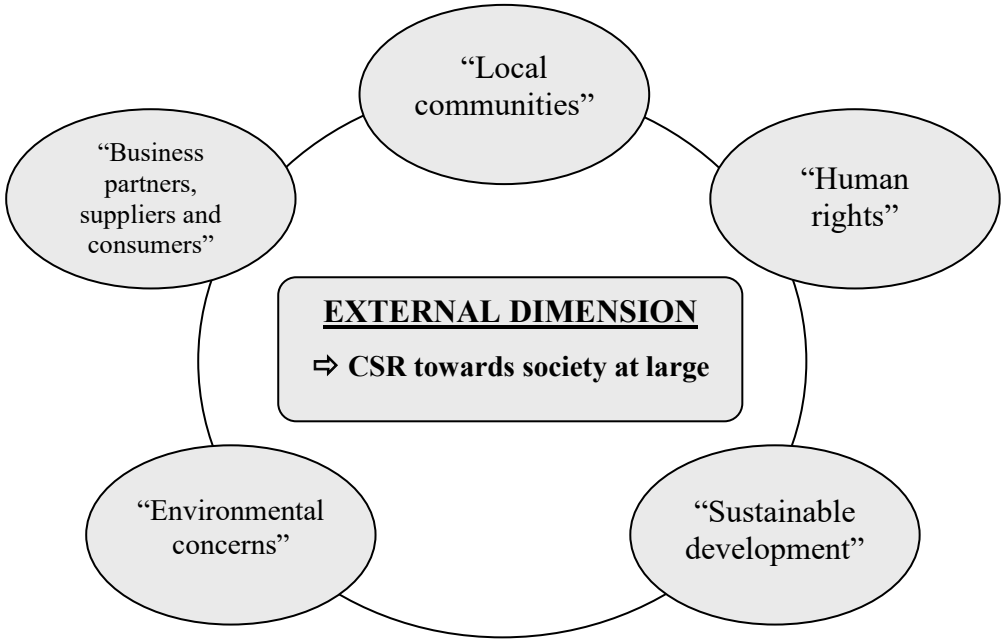
Both aspects pave the "way of managing change and reconciling social development with improved competitiveness".

Figure 3: The Internal Dimension of CSR according to the Green Paper
Source: own representation based on European Commission 2001b: 8 et seq.



CSR in its external dimension does not end at the factory gates: It reaches "into the local community and involves a wide range of stakeholders in addition to employees and shareholders: business partners and suppliers, customers, public authorities and NGOs representing local communities, as well as the environment."

Figure 4: The External Dimension of CSR according to the Green Paper
Source: own representation based on European Commission 2001b: 11 et seq.



In a globalized economy, CSR cannot stop at Europe's borders either. Rapid globalisation has encouraged discussion of the role and development of global governance: the development of voluntary CSR practices can be seen as contributing to this" (ibid.: 9, 13). This dimension is also known as "environmental responsibility" (Müller-Christ/Hülsmann 2010: 26, Vitols 2011: 24). In 2002, the German Bundestag provided a concise definition of global governance: "In the simplest terms ... to shape the process of globalization politically ... so that its risks are minimized, opportunities for individuals and societies are optimized and existing undesirable developments are corrected (Bundestag 2002: 415).

The author agrees with the Commission's view that "human rights" should be classified as "a very complex issue" in the CSR framework. The pronounced "human rights dimension" is expressed in "political, legal and moral dilemmas" (European Commission 2001b: 15). With the Declaration of Human Rights proclaimed in 1948, the general principles of human rights were expressly recognized by the General Assembly of the United Nations: "All human beings are born free and equal in dignity and rights ... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (United Nations 1948). Even though companies are bound by national laws that prevent inhumane business practices, internationally active companies often operate in many countries that are "weak or corrupt", where "appropriate laws" are lacking or

“simply ignored and undermined”. However, companies cannot be prosecuted under international law for this, “because they are not subjects of international law”; only the individual states can be held responsible “for not fulfilling their duty to protect” (Krennerich 2010: 9). In this context, the issue inevitably raises questions for companies in the context of responsibility: “how to identify where their areas of responsibility lie as distinct from those of governments, how to monitor whether their business partners are complying with their core values, and how to approach and operate in countries where human rights violations are widespread?” (European Commission 2001b: 15).

Hardtke suggests, under the aspect of the “primary responsibility of states for the observance and enforcement of human rights”, that mechanisms be set up in companies that give injured parties “additional” options to “assert their claims. These measures should not weaken or hinder state institutions” (Hardtke 2010: 52). “In addition to moral correctness”, Leisinger lists further reasons that justify “corporate human rights responsibility”. These include the fact that the yardstick for “human rights-relevant standards” against which companies have to “measure” themselves is broader, i.e. not only “legality” criteria, but above all “legitimacy” criteria. Through “proactive value management”, the “good name” of a large corporation can be maintained, which after all can amount to around 50% of the company value. Companies that uphold human rights have a “social operating license”, have more motivated employees, enjoy preferential treatment with “ethically sensitive customers” and potential cooperation partners and counteract “additional regulatory demands” in the market (Leisinger 2010: 127 et seq.).

By adopting (voluntary) codes of conduct relating to working conditions, human rights and environmental aspects - not only for their own organizational and production levels, but also for subcontractors and suppliers - companies can influence their public image (European Commission 2001b: 16 et seq.). In 1992, the sporting goods suppliers Nike and Reebok were among the first in their industry to publish codes of conduct. Topics such as child labor, compensation regulations and health and safety standards were included in these indices. The background to this is that since the 1970s, working conditions for suppliers have deteriorated dramatically due to increasing competitive pressure, and ultimately the industry giants have bowed to public pressure (Tscherner 2003: 3, 12, 19). Compliance with such codes inevitably requires permanent and standardized verification through “social audits” (Schillat/Lorenz 2006). By involving certain stakeholders such as public authorities and unions in these

processes, the “credibility” and “transparency” of this verification can be enhanced. The EU has called for a European Code of Conduct to harmonize the voluntary codes. To this end, the European Parliament adopted the “Resolution on EU standards for European enterprises operating in developing countries with a view to developing a European code of conduct” on 15 January 1999 (European Commission 2001b: 17 et seq.).

As far as the content of reporting is concerned, the Green Paper criticizes the fact that environmental protection and occupational safety are primarily the subject of CSR reports, but that issues such as human rights and child labor are hardly ever addressed. Since the ways in which reporting is carried out are “as varied as their approaches to corporate social responsibility” itself, “a global consensus needs to evolve on the type of information to be disclosed, the reporting format to be used, and the reliability of the evaluation and audit procedure” (ibid.: 19). In this regard, it can be noted that up to this point, there was no obligation for uniform CSR reporting.

The Green Paper mentions environmental and/or social labels as one way of responding to the credibility of CSR measures, which are intended to guarantee that, for example, a product has been “produced free of exploitation and abuse”. However, there is a general lack of “transparency,” “clarity of meaning,” “fiscal incentives,” and standards for “permanent verification of the workplace” (ibid.: 23 et seq.). In the past, the consumers’ wealth of influence has triggered a political debate that was initiated by the sociologist Beck, especially in Germany. As the founder of the “political consumer” (Beck 2002: 131), he took the protest against the oil company Shell in 1995 as an opportunity to express consumer power: “The citizen discovers the act of purchase as a direct ballot that he can use politically anytime and anywhere. ... This comes close - in an exemplary way - to what Kant designed 200 years ago ... as the utopia of a global civil society. ... In a boycott, the active consumer society and direct democracy are thus united and allied - and this worldwide” (Beck 1997: 124, 182). In 2007, the social scientist and sustainability researcher Stehr summarized the tense relationship between producers and consumers and the shift in the balance of power in favor of consumers (driven primarily by moral motives) under the title “Moralization of markets” (Stehr 2007, Stehr/Adolf 2008, Stehr/Adolf 2010).

The Green Paper called on relevant and interested actors to debate the contents of the Green Paper, i.e. “to raise awareness and stimulate debate”. In this context, “innovative ways” of

further developing corporate responsibility should also be explored in cooperation/partnership between the actors. The consultation process was also opened up by the communication of a concrete list of questions - with the reference topics “The Role for the EU”, “Companies and CSR”, “Main Actors and Stakeholders”, “Evaluation and Effectiveness” and “Actions to Support CSR” - to open the debate (European Commission 2001b: 26 et seq.).

2.3.1.2 Critical appraisal of the Green Paper

With this publication, the Commission launched the debate on how to promote corporate social responsibility at European and international level. As far as the contents and the related appeal in the Green Paper are concerned, this can also be used as a suggestion to “promote deregulation through greater self-responsibility of companies for solving social problems within and outside their organization”. The portfolio of responsibilities in the Green Paper is ultimately very broad and “appears to be very ambitious and the reference to the self-interest of companies only partially justified” (Stahl 2005: 166 et seq.).

The Green Paper is in part imprecise and vague in its content. At the same time, the CSR definition is very broad, so that discussions of demarcation are inevitable. Loew states that it is “largely unclear what is meant by CSR” (Loew et al. 2004: 2005). Bussler shares this view, because “the 30-page Green Paper outlines the most important aspects of CSR, but lacks a consistent concept” (2005: 45). It is therefore not surprising that the Commission continues to pursue further approaches to defining CSR. It remained to be seen whether the further communications were more purposeful for the general understanding. According to Hansen and Schrader, if companies really do commit to CSR, this would mean, in line with the CSR definition, “recognizing existing room for maneuver and ... willingness ... to use this room for maneuver for the benefit of the actors affected by corporate action” (Hansen/Schrader 2005: 375).

In particular, according to the author, it should be considered that all levels are addressed and should be stimulated, which are addressed on a broader (different actors) as well as a deeper level (companies: large, medium and small). For example, large companies are less likely to be overwhelmed with the Green Paper’s understanding than SMEs possibly are. We are dealing here with a heterogeneous user target group. Kleinfeld sees as a further critical point from the point of view of the SMEs that they could assume that measures still declared as voluntary in the Green Paper could also have a binding character in the future and would thus

overshoot the mark. She also criticizes the fact that the Green Paper contains conceptual confusions. The demand for compliance with ethical responsibility (such as observance of labor and social standards and human rights) is mixed up with fundamentally voluntary activities in the context of corporate citizenship (Kleinfeld 2005: 45 et seq.).

It can be stated that it is to be expected that the actors should have a different understanding of CSR or, according to the study of the Green Paper, would have developed a different understanding, since the Green Paper provides a flexible definition of CSR. Even though much remained unclear, it was clear that the Green Paper should not remain without an echo and that it would trigger a reaction. Implementation would have consequences, both positive and negative. The ambiguity of the definition has unclear consequences. In this respect, it is not surprising that the stakeholders expressed themselves publicly.

Despite all the unevenness, the overall purpose of the Green Paper is clear. It addresses social concerns and environmental protection in the context of entrepreneurial activities and their stakeholders, and provides an initial outline of the concept. Points of contact and interfaces with the sphere of action of the stakeholders named cannot be dismissed. It is noticeable that the voluntary character is expressed unequivocally and forms a main emphasis of the European understanding of CSR. However, the voluntary nature carries the risk of non-compliance. Schneider also points out that a “proactive voluntary commitment ... on one’s own initiative and beyond legal requirements” is voluntary, but not “arbitrary or non-binding”, especially since companies are subject to “special monitoring” by stakeholders (Schneider 2012: 28). According to Mark-Ungericht, when voluntary action is emphasized to a high degree, such an understanding of CSR pursues “an individualizing approach of (corporate) responsibility.” It should be noted that CSR at the EU level not only represents “clearly visible ... market liberal positions, ... but also, in the demand for transparency, binding ... standards and accountability, positions such as those of globalization and market-critical organizations that insist on stronger regulation”. Due to the ambivalence of the topic, “intensified activities” by employers’ associations and civil society organizations/employees’ associations were noted “to influence public opinion on CSR and political decision-making processes” (Mark-Ungericht 2005: 170 et seq.).

2.3.2 Follow-ups of the Green Paper

While the Green Paper was intended to be the first measure to initiate the Europe-wide CSR debate, it has been followed up by follow-up publications at irregular intervals in 2002, 2006, 2011 and 2014. The first follow-up was a communication in 2002, which was debated by all stakeholders throughout the period.

2.3.2.1 Report from the Commission in 2002

About one year later the 1st follow-up was issued and is aimed at the same group of addressees as the Green Paper. This refers to the CSR actors already mentioned, i.e. “the European institutions, the Member States, the social partners, as well as business and consumer associations, individual enterprieses and other converned parties”, whereby “enterprises and their stakeholders as well as the Social Partners in the candidate countries” are also explicitly mentioned. In strategic terms, CSR can only become established if “joint efforts” by all these actors contribute to it. The Commission continues to adhere to the definition in the Green Paper; CSR has not undergone any change in this respect (European Commission 2002: 3).

According to the Commission, the CSR measures presented were, as a result, seen as supportive by the actors, and overall “all responds welcomed the Green Paper ... and the usefulness of an open debate about the concept of CSR. Almost all parties - social partners and other respondents to the Green paper - supported Community action in this field.” Nevertheless, there are “significant” differences of opinion “between the positions expressed.” In particular with two actors (companies, unions/organizations), the positions are of contrary interests. The companies claim the voluntary nature of CSR application as a necessary condition. Unions and civil society organizations, on the other hand, counter that voluntary initiatives are not enough. (European Commission 2002: 3 et seq.).

The definition already existing in the Green Paper has been adopted in its wording without any changes or modifications. The Commission underlines the growing recognition of the CSR concept through the new governance, which “can help ... enterprises, policy-makers and other stakeholders ... to respond to ... fundamental changes”. This includes the expanded scope of action resulting from globalization and thus also new responsibilities, reputation changes triggered by social and ecological commitment, know-how and innovations as competitive factors to be taken into account through employee retention (ibid.: 5 et seq.).

Large companies could also provide SMEs with information, for example by offering training or mentoring. These measures could sharpen their sense of social and environmental responsibility and raise awareness of the impact of their activities on developing countries (e.g. on core labour standards, child labour) (ibid.: 10 et seq.).

Many companies respond to public pressure by establishing codes of conduct to promote human, labor and environmental rights and fight corruption. However, the Commission points out that these codes - regardless of whether minimum government standards exist in the respective countries - are "they are complementary to national, EU and international legislation and collective bargaining, and not a substitute to them". The development of CSR management systems would create transparency in the measurability of the social and environmental impacts of their corporate activities and economic performance. According to the Commission, this public "triple bottom line reporting" has already been practiced for years and thus complies with "good practice". Employee representatives could be involved in social reporting in order to report on employment practices and strategies in a structured way. In the consumer goods sector, consumers increasingly prefer socially and environmentally compatible products and services; here, citation of the source could be a decisive purchasing criterion. However, these should be verifiable for all stakeholders. Seals of approval could strengthen transparency and trust. At the same time, however, the Commission makes it clear that "Participation in labelling schemes should be voluntary" (ibid.: 14 et seq.).

In relation to the 1st sub-research question according to chapter 1.3, the emergence of conflicts of interest between stakeholders is addressed. Given that CSR is a "fluid concept, and stakeholders also have different and sometimes conflicting interests", the Commission has set up an "EU Multi-Stakeholder Forum" (EMS Forum) as an essential additional supporting measure, which ensures a "structured and partnership-based approach between businesses and their various stakeholders" and is designed to "draw on practical experience, build consensus where this possible, and promote innovation". From the reactions to the Green Paper, the Commission had in any case been asked to "facilitate a dialogue between businesses and their stakeholders". The Commission would act as the forum chair, while a balanced representation of stakeholders would be ensured in the circle of participants consisting of around "forty European representative organisations of employers, employees, consumers and civil society as well as professional associations and business networks. ... The involvement of all affected stakeholders is key to ensure acceptance and credibility of CSR

and better compliance with its principles". Transparency and convergence would also be promoted by the exchange of experience and good practice between stakeholders, the development of common guidelines and the identification of other areas where action is needed. The Commission has mandated the EMS Forum to develop and report on guidance on specific aspects of CSR, including: business case, contribution to sustainable development, especially in developing countries, SME-specific aspects (tools, coaching/mentoring by large companies, supply chain aspects), effectiveness and credibility of codes of conduct, development of guidelines and criteria for performance measurement and reporting (ibid.: 19 et seq.).

In the author's point view, the first follow-up gives the CSR concept from the Green Paper a complementary - but not yet conclusive - character, even though the reactions and results of the consultation process were fed back. Despite this, CSR has almost come to a standstill in terms of its definition. The ambiguities brought about by the Green Paper have not yet been resolved. In this context, CSR researchers Loew and Braun emphasized that it is still "largely unclear what is meant by CSR". The scope of responsibility was also not clearly interpreted, because "others reduced CSR to the responsibility of companies for their supply chain". In expert circles, questions also remained unanswered as to "whether CSR also has something to do with environmental management and climate protection" (Loew et al. 2004: 5). Bussler and Schneider take a different view. According to Bussler, the follow-up "clarifies the basic ideas of the Green Paper" and "present the tenor of the reactions in a structured form. ... Aspects of the Green Paper are presented more clearly and to the point. Conceptually, the document thus represents clear progress". The establishment of the EMS also serves to "further deepen the debate" (Bussler 2005: 48). Schneider takes a similar view, stating that the 2001-2002 definition is "relatively plausible and comprehensive and ... a good starting point for the further development of the CSR concept". At the same time, however, he also notes that there is no "uniform understanding and paradigm of CSR, what it can and should achieve, where CSR begins and ends" (Schneider 2012: 22). On the other hand, Muchitsch notes that some aspects of the Green Paper are "withdrawn or weakened". There is a "softening of the argument" in that "CSR should not be imposed on the core business" (Muchitsch 2012: 5).

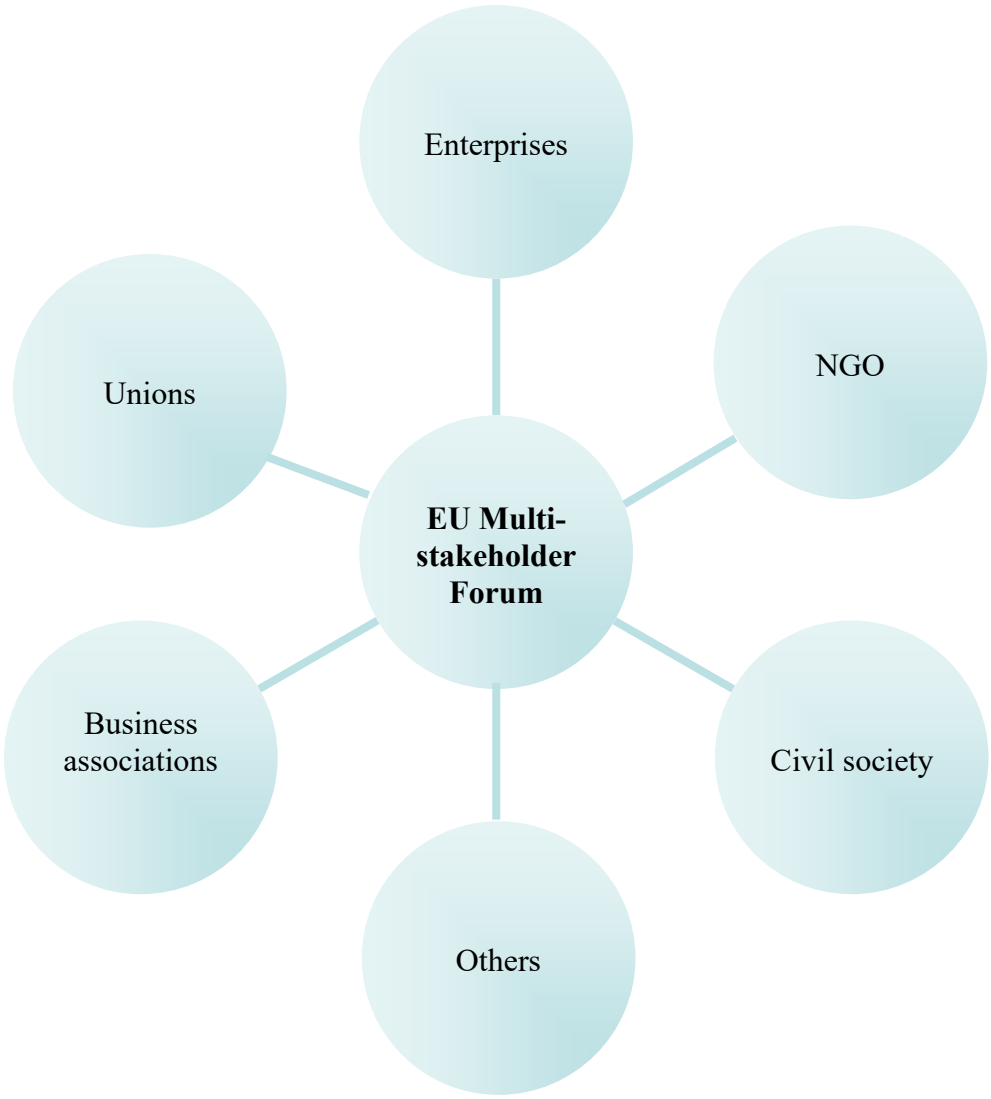
A feature already present in the Green Paper will be strongly emphasised: The key concept of "voluntary action" or CSR as a complementary function is also expressed directly and

indirectly in this publication on several occasions. According to Schneider, this frequent use by the Commission is “almost inflationary”, “possibly to gain acceptance in the business world” (Schneider 2012: 22). The German Government is a strong advocate of voluntary action, and in its opinion on the Green Paper it states that “voluntary action is and must remain the fundamental principle of CSR.” (BRD 2001).

2.3.2.2 Excursus: Establishment of the Multistakeholder Forum in 2002 and its final report 29th June 2004

The Forum was officially launched on 16th October 2002 under the chairmanship of the Commission and aimed “to promote CSR through raising the level of understanding of CSR, and fostering a dialogue between the business community, trade unions, civil society organisations and other stakeholders (European Commission 2003: 5)

Figure 5: European Multistakeholder Forum
Source: own representation



EMS forum shall promote innovation, transparency and convergence of CSR practices and instruments" (European Commission 2003: 5). After holding various joint and thematically sorted meetings over a period of almost two years, the "Final report" was published with the "Final results & recommendations" on 29.06.2004. The report already states in the foreword that even after 20 months of cooperation in the Forum there wasn't just consensus: "There are some differences and debates that remain" (EMS 2004: 2).

The subject of the "CSR agenda" requires a "steep learning curve", it is a "complex and uncertain area" for the user and consists of "unclear boundaries", and in this context also the scope of responsibility. Furthermore, companies with small margins may also find themselves in a situation where they cannot bear CSR costs and therefore simply have to forego any

reputational gains. A weak influence of various stakeholders such as national governments and civil societies or simply a lack of interest among investors and customers would make it even more difficult to establish "effective and credible CSR". Critical success factors identified in the Forum included coordination between shareholders and management; ensuring the integration of CSR values into (day-to-day) business, corporate culture, processes and policies; the establishment of CSR planning and the setting of targets; communication to and with all internal and external stakeholders; willingness to learn; stable framework conditions, especially in developing countries, including the presence of unions and NGOs (ibid.: 9 et seq.).

In line with the objectives and common understanding of the Forum and after analysis of the "determining factors", the findings have been elaborated into the following three recommendations to the European Commission: "a) Raising awareness and improving knowledge on CSR, b) Developing the capacities and competences to help mainstreaming CSR, c) Ensuring an enabling environment for CSR" (EMS 2004: 12).

Loew states that the final report in short merely reflects existing CSR definitions from previous publications and already existing principles, standards, conventions and other documents. The results of the forum are "ultimately unsurprising". It is to be criticised that the three main recommendations are formulated too abstractly, which is why "obvious concretisations" would have been useful for implementation. Loew considers the recommendations on the development of market conditions using the example of the dilemma of drivers and obstacles insufficient. Using the example of the economic advantages vs. the effort and costs of CSR activities, he says that there is a lack of "substantial recommendations on how to contribute to ensuring that CSR activities of companies are rewarded by the market more strongly than before". All in all, the recommendations are to be criticised in the sense that critical points are generally not addressed (Loew 2005: 7 et seq.).

As the Forum sought to bring different stakeholders to influence the Commission, the study of the motivation of the stakeholders to come together is worthy of recognition in this context. For the spectrum of different views and reactions is as heterogeneous as the composition of the Forum. The opener in the final report "There are some differences and debates that remain" already expresses this unequivocally. In order to eliminate any impartiality, it must be stated beyond dispute that a heterogeneously composed circle with different emphases and

specific interests, taking into account its stakeholders, leaves little room for consensus. With regard to the role of unions, one of the main questions in the CSR-debate (2nd research sub-question) is why it is difficult to find. One has to take into account here that there are also secondary battleships. So if one looks behind the scenes, the characters and the expected assertiveness vis-à-vis the opponents become clear: the driving force and leader of the discussion was the Coordination Committee, in which the European employers' association UNICE, the European business network CSR Europe, the European trade union federation ETUC and NGO representatives at political level were the decision-makers as to which topics were discussed in greater detail at the round tables. The above formation and omens alone make it clear that, according to internal Commission information, two out of four parties "were on the same side", while the latter were characterised by "a relatively loose relationship". Even before this starting point, the Forum suggested that "a success for the economic side" could be expected. BusinessEurope, the European employers' federation, conducted some of the discussions "very skilfully", which is why "even many of its own views and objectives were pushed through without having to compromise elsewhere". The participation of the unions in the Forum was initially viewed "sceptically", but in summary, their success in negotiations in the Forum can also be assessed as "variable". The forum was used more as a "sideshow" in order to avoid "unnecessarily turning the other side against itself". They were even prepared to emerge as losers in the Forum, as parallel negotiations were being held in the social dialogue with BusinessEurope, "which seemed more important to them", so that "it was not necessary to win at any price" (Muchitsch 2012: 73 et seq.).

From these internal remarks by a European Commission official, it is clear that the Forum's final report hides more tension than consensus between the lines than has been revealed, and that the result may be a negotiation outcome with side-scrolls rather than a focused process. De Schutter, a Commission official then, puts it more directly: "In fact, no consensus was reached." In fact, a "lowest common denominator" was achieved, with which the participants could at least to some extent satisfy their interested parties. However, De Schutter notes that "its results were less than impressive" (De Schutter 2008: 214 et seq.). Jonker, Stark and Tewes have also criticised the Forum's agreement on the results and are also critical of further discussion in the Forum. A major point of criticism is the "lack of transparency" which the report has highlighted. It could not be objectively assessed "to what extent representatives from business, politics, associations and civil society were able to find common positions through the Multi-Stakeholder Forum". It remains to be seen "whether a minimum consensus

will be reached over the years, in what proportion it will actually be supported and implemented by the stakeholders concerned" (Jonker et al. 2011). According to Loew, the "typical conflicts between the various stakeholders" remained unchanged. Controversies "on the relationship between regulation and voluntariness as well as between standardisation and diversity" remain. Here, the "limits of the efficiency of a forum that is exclusively focused on consensus are clearly shown" (Loew 2004: 35).

2.3.2.3 Commission's report in 2006

The second follow-up to the Green Paper is entitled "Implementing the Partnership for Growth and Jobs", and adds as its guiding principle: "Making Europe a pole of excellence on corporate social responsibility" (European Commission 2006). The basic CSR-concept remains unchanged. Moreover, the Commission briefly summarized the work of the specifically established multi-stakeholder CSR forum and notes not only 'consensus among participants, but…also… significant differences of opinion between business and non-business stakeholders. …There was no consensus, however, on topics such as company reporting requirements or the need for European standards on CSR' (ibid.: 5).

The launch of an alliance consisting of companies is a novelty in the CSR debate so far. While recognising the achievements of European companies in the field of corporate social responsibility, the Commission wants to "encourage them to do [even] more". As regards the voluntary nature of these benefits, "an approach involving additional obligations and administrative requirements for business risks being counter-productive and would be contrary to the principles of better regulation". As the Commission now qualifies companies explicitly as "primary actors in this field [of CSR]", it has "decided that it can best achieve its objectives by working more closely with European business". This legitimises the creation of the "European Alliance", "a concept drawn up on the basis of contributions from business active in the promotion of CSR". As part of its reflections on "how best to give a new impulse", the Commission has decided to establish the Alliance as a new concept to encourage enterprises, to engage in CSR (ibid.: 2f, 6, 12).

The main theme of the report is the creation of a new alliance for a new CSR impetus, but with a homogeneous set of interests guaranteed by a mere entrepreneurial approach. The Commission further states that "several years of public debate and consultation with all stakeholders preceded the report, most particularly in the context of the European

Multistakeholder Forum on CSR, which presented its final report in 2004" (European Commission 2006: 3). However, the report was also preceded by an internal reorganisation within the Commission in 2004, as responsibility for sustainability policy was still with the Directorate-General for Employment, Social Affairs and Equal Opportunities at the beginning of the CSR debate and has now been transferred to Enterprise and Industry (Muchitsch 2012: 37). "In the light of the controversies" and as "an indication of internal Commission disagreements", the publication of the 2006 Communication has been steadily postponed (Heil 2006: 11). The priorities of the new Commission were different from those of its predecessors. The priorities of the new Commission were different from those of its predecessors. As the original Commissioner for "Employment and Social Affairs" was "closer to the unions and NGOs", there was "much more activity on CSR", especially as the Commissioner responsible, Verheugen, was "primarily concerned with business." He reaffirmed the voluntary nature of the initiative, but in return called for CSR. This increased commitment should be realised through the new alliance. Muchitsch therefore concludes that the 2006 report is "the result of a barter deal ... in which NGOs and unions were not involved". In terms of the culture of debate, the report could also be interpreted as "the result of an unequal balance of power between business and civil society". (Muchitsch 2012: 37, 59, 85 et seq.).

Conceptually, CSR has seen a turnaround. According to Ungericht, Raith and Korenjak, the Commission is now shifting its focus to Europe as a business location. The "intention" of their "blatant" communication to "become a leader in the field of corporate social responsibility" suggests that CSR is "primarily seen as a productive, strategic factor in competitiveness" and "no longer (any longer) ... social responsibility as an independent, legitimate and necessary objective in its own right". Any demands made on companies have been softened or "neutralised without obligation" (Ungericht et al. 2008: 20). Witte and Benner also bring the concept of arbitrariness into play here, because the waiver of formal requirements for entry into the European Alliance makes access possible for any company - whether "common principles and values" or not - so that the initiative can be accused of being a "shadow alliance of arbitrariness" (Benner/Witte 2006: 8). Williamson, Minder and Proissl even reported on the Commission's clear position in the Financial Times in 2006. The decision on the "European alliance for CSR" meant "a defeat for trade unions and NGOs that have lobbied the Commission for years to introduce regulations and voluntary benchmarks on corporate accountability" (Williamson et al. 2006).

2.3.2.4 Third follow-up: A renewed EU strategy (2011-2014) for CSR in 2011

The 3rd follow-up from 2011 includes a new CSR definition and a renewed strategy (European Commission 2011). CSR is redefined as "the responsibility of enterprises for their impacts on society. Respect for applicable legislation, and for collective agreements between social partners, is a prerequisite for meeting that responsibility". CSR has a multidimensional character and covers areas such as human rights, labour and employment practices and ecology, and the fight against bribery and corruption (ibid.: 3). The role of other stakeholders is also highlighted: "Trade unions and civil society organisations identify problems, bring pressure for improvement and can work constructively with enterprises to co-build solutions. Consumers and investors are in a position to enhance market reward for socially responsible companies through the consumption and investment decisions they take" (ibid.: 7). From an objective point of view, the definition has been both shortened and, as a result, supposedly simplified. However, in addition to a very ambitious action plan, the communication also contains "sharper" tones than hitherto on the part of the Commission, since it formulates explicit intentions and demands, most of which are of a measurable/quasi-measurable nature. As a result, the concept of CSR has undergone a significant change compared to the definition previously used.

2.3.2.5 Directive 2014/95/EU of 22nd October 2014

The CSR Directive extends mandatory non-financial reporting for companies of certain sizes and types (large credit companies, large insurance companies and large capital market oriented companies as well as large capital market oriented limited liability partnerships with more than 500 employees and a balance sheet total of more than 20 million euros or a turnover of more than 40 million euros). In essence, the Directive includes a transparency-requirement to report on material non-financial issues, at least information on environmental, labour and social concerns, on respect for human rights and the fight against corruption and bribery. For the 2017 financial year, large companies throughout Europe had to publish non-financial reports for the first time. This includes a description of the business model and information on concepts and their results, to due diligence processes, to material risks with serious non-financial impact, among the most significant non-financial performance indicators and, where appropriate, in the annual accounts are required. The due diligence process also covers the supply chain, where appropriate. The information to be reported is that for the understanding the situation (i.e. future development) and the impact of a limited

liability company are required (European Parliament 2014). Due to a certain amount of binding force, this directive certainly represents a “milestone” in sustainability reporting (Schank/Knaak 2017: 258).

Nevertheless, one can speak here of a narrow field of application. This is because the Directive is aimed primarily at capital-market-oriented companies with more than 500 employees. Large unlisted companies are not affected (Kluge/Sick 2016). 6.000 companies in the European Union would be affected by this rule (CSR NEWS 2014). According to a study in cooperation with the Hans Böckler Foundation, 540 large companies in Germany are subject to this reporting obligation (Kluge/Sick 2016). The directive allows companies a relatively high degree of flexibility with regard to the scope of information to be disclosed, in accordance with the “comply or explain” principle (Deinert 2016: 103).

Since publication in 2014 and entry into force, there has been a need to revise the rules. In March 2018, the European Commission published a consultation document “Fitness Check of the EU framework for corporate reporting” (European Commission 2018a). The EU Commission’s fitness check on the framework concept for the public reporting of companies has shown that investors have a previously unmet need for information on financial risks resulting from sustainability risks. Investors want to better understand financial products with CSR relevance (European Commission 2018b). Ultimately, claims that require improved non-financial reporting were formulated. To this end, the EU Commission has called on the interested public to provide feedback on the further development of non-financial reporting in 2020 (European Commission 2020).

2.4 Summary of the CSR definition development and critical appraisal

The Commission’s CSR definition and understanding has changed, redefined and redesigned over time, but this seems logical in view of the long period of time and interim events. After the enterprise side of the Communication had been favoured in the meantime in 2006, the definition has become more interesting for protagonists of binding regulations in 2011. The Commission’s CSR policy is thus inconsistent, which was not only due to the long period of time, or the elasticity of the term with its scope for interpretation itself, but also to the officials involved in the ranks of the Commission itself.

While CSR was initially presented as a “concept ... which enables companies to integrate social and environmental concerns into their business activities on a voluntary basis”, the Commission defined CSR ten years later as a “global understanding”. Particularly as a result of the uncertainties of society in the wake of the economic crisis, the “development and stabilisation of a culture of social responsibility became a central challenge for society”. A now strategic approach to CSR should enable companies to “respond more adequately to societal expectations and rapidly changing business conditions” (Schweer 2013: 37). Although the voluntary aspect has never been abandoned, it has been (tended to) undermined by the fact that, on the one hand, the concept is no longer included in the latest definition and, although mentioned within the Communication, it is softened by the provisions of the Action Plan.

The normative interpretation of the concept of CSR is not clear, is very scattered and extensive in science and practice. “To put it succinctly, the extensive debate on the best definition ... in a single sentence” can be formulated according to de Cotte as follows: “The way a company treats its stakeholders ... is a reflection of its CSR”. To derive the “best definition” is “a task which in its complexity is reminiscent of a Sisyphean task (2004: 526). They also see CSR as a “concept whose concrete content is the subject of controversial debate. The social debate about the moral responsibility of companies is fed by the influence of various stakeholders as drivers, each with their own specific interests. ... CSR is attributed different elements which, depending on the interests of the respective actor, are brought more or less into the centre of the discussion (2005: 232). A link can also be established here in relation to the 1st sub-research question, according to which an emergence of conflicts of interest between stakeholders is addressed.

Curbach sees the concept of CSR as “a kind of folder for a definition of the content of ... mutual expectations of the rights and obligations of companies. ... Taken literally” it is merely “a conceptual tube without wine. ... If one does not specify and normatively define for what and whom, and to whom companies are responsible, then the CSR concept remains completely open to interpretation. ... A definition of CSR can ... only be made by referring back to concrete normative, political and cultural interpretations and contents of the role expectations of a society towards companies” (2009: 25 et seq.).

A positive or rather successful aspect of the Commission's work is that it has set its own definitional accents - at least in the European area - or, as Loew and Rohde put it: "In Europe around 2001, the European Commission took up the term and subsumed under CSR ecological and social measures in business processes and in products or services. The EU has thus established a new understanding of CSR" (2013: 7 et seq.). Ungericht and Hirt also highlight the Commission as a political actor and give its definition an "official" character, since "for the first time in Europe, the debate on social responsibility has been raised to a broad and official level" (2011: 178). Wilke sees the concept of CSR coined by the Commission as a further example of "how politics and business attempt to respond to [social] change in a complex interplay". Social change as a result of new and unpredictable situations triggers discussions that affect the interests of every single stakeholder: Global threats and risks such as environmental pollution, climate catastrophe, or global warming define "new, common interests that create common goals beyond the old class boundaries (labour versus capital). ... This social change creates new paradigms, new words and attempts at explanation and entails a change in institutions and associations. There is, however, sufficient evidence, "that these reactions themselves are an approach to defend old interests (e.g. of the economy against state intervention)" (2010: 2 et seq.). In the course of the research questions posed at the beginning, the research intention in this respect also consists of illuminating the difficulties from the union point of view in positioning themselves (3rd research sub-question). A conflict between old and new interests is tangential to this approach.

Schneider has dealt intensively with the specific concept of EU CSR and its development and has given it shape by "maturing" CSR over the course of 2001 to 2011. However, in his view, CSR is still not conceptually defined and delimited even after a 10-year "maturity model", leaving room for interpretation. Despite the very well-founded CSR "maturity level step-by-step model", Schneider's contribution cannot claim to be complete and "conclusive", but serves primarily "as a stimulus and impetus for further development and should mature in a continuous improvement process by science, business and civil society itself. ... The communication provides only a partial definition and delimitation of CSR (Schneider 2012: 19 et seq.). Zirnig points out: "The fact that there is no internationally uniform understanding makes both the theoretical development of the concept and its implementation and performance measurement at company level more difficult. This fact is particularly relevant against the background of the fact that the CSR debate has changed fundamentally: "Today,

for example, in management it is less a question of whether CSR activities should be carried out, but rather how they should be carried out" (2009: 7).

Irrespective of the theoretical and practical vagueness of the concept of CSR, the author maintains that CSR is not a completely new subject for unions and that areas are inevitably identifiable which at first sight appear to be the "territory" of unions. On the other hand, as an extreme case, negative reports and statements from the unions would have been registered, which would have deliberately averted any reference to the subject matter and also any competence. The reserve holdings assumed at the beginning of the work must therefore have other reasons as their primary concern. Irrespective of the respective decided definition and interpretation of social and/or societal responsibility, the companies are directly affected and thus also indirectly their employees and thus representatively and (in)indirectly their representatives. In view of the CSR characteristics and the extent to which they are affected, CSR represents a systematic pressure to which companies - whether comparatively weakened in the light of the 2001 Green Paper or intensified towards the end of 2011 - and, building on this, their employees and their representatives are exposed. This pressure is also intensified by the expectations of all stakeholders who come to companies.

The voluntariness has not only disappeared expressly from the definition but, according to Schneider, is also 'strongly relativized' within the release. Whereas in the first reports in 2001 and 2002 "the voluntary aspect was used in an almost inflationary way ... possibly to gain acceptance in the business community, the voluntary aspect was mentioned only three times throughout the document in 2011" (Schneider 2012: 22). According to Baule, the new definition is "inadequate in some respects". In particular, voluntary action is no longer emphasised (Baule 2012: 845). Despite the more binding nature of the commission's CSR-definition of 2011 presented in comparison to the previous ones, the most recent communication for the proponents of binding is unlikely to be a success. This "product…will disappoint those calling for far more regulation of business" (Grayson 2011). The German UPJ Network for CSR-oriented companies has summarised the reactions of various stakeholders. These business associations are almost unanimous in their opinion and criticise the voluntary nature of the initiative, saying that they "continue to respect the voluntary nature of the initiative and continue the course of the past ten years". Instead of additional bureaucratic burdens such as transparency and reporting for companies, the exchange of best practice should be promoted (UPJ 2011).

3 MAIN CSR-ACTORS

If one takes a look at the term “main actor”, a difference in the Anglo-American vs. European area can be observed from a business ethical perspective according to Crane and Matten. While in the USA the company takes the position of the main actor, Crane and Matten locate this position in Europe of the government, unions and interest groups. Apart from that, in the context of globalisation, they see a reduction of individual states in their participation in shaping the economy (Crane/Matten 2004: 26 et seq.). In fact, tasks that in the past were considered public, such as environmental protection and the granting of human rights, are increasingly leaving the state sphere and being shifted to the private sector (Weber-Berg 2007: 95). In this process of change due to globalised conditions, dialogue between participants is essential in order to exchange expertise and agree on a common path. According to Büscher, “classic” participants here are “company owners, employees and politicians”. The social responsibility of companies is in need of discussion and interpretation. The relationship between politics, business, companies and society must be rethought together and a balance of interests must be taken into account (Büscher 2010: 95).

Germany’s political system is characterised by a pluralism of interests, according to which non-governmental institutions acting for the purpose of representing interests exert influence on the state’s decision-making process. In Germany, associations in which public-law chambers (Chambers of Industry and Commerce and Chambers of Crafts and Small Businesses) have an influence in the entrepreneurial sector alongside sectoral and employers’ associations, are very important as interest representatives, while on the employee side the unions - especially those belonging to the DGB - form their “largest block”. However, public tasks are also attributed to the associations. Rudzio calls this “dovetailing with the state features of corporatism”: they “not only exert influence on the state from outside as social organisations, but in some cases are already involved in the formal establishment (administrative boards, advisory councils), implementation (e.g. the welfare associations in social assistance) and binding interpretation (appointment of assessors in labour and social courts by employers’ associations and unions or associations of war victims) of state law” (2015: 89 et seq.).

3.1 State

3.1.1 The state role of CSR

Looking at the views of individual countries in Europe, the role of the state in the overall CSR process is controversial. In order to ensure that political steering capacity is not lost even in times of global economic change, it is necessary for political actors to participate in public debates - including those relating to CSR - or even to initiate new dialogue processes.

The debate in Germany has tended to develop in the absence of politicians. Other actors have been the drivers, which is not surprising, according to Mutz. On the one hand, "the social" is a matter for the social partners, whose negotiated collective bargaining and social standards render further voluntary rules resulting from CSR obsolete. On the other hand, for the state, the interaction of stakeholders or the "model of social partnership" has always been regarded as a pretext for staying out of any processes, so that CSR is adequate even without state regulation. Compared to Germany, other countries (e.g. France and Sweden) have made much more of a contribution to CSR development and have emerged as major players. They also show that corporate responsibility can contribute to economic or competition policy. Mutz summarises the situation in Germany as a "paradox". Above all, it is thanks to the model of social partnership that there is political restraint. If one leaves the field to unions and other interest groups, this will not fail to happen. (Mutz 2008: 46 et seq.). Through new mechanisms, state intervention can bring about the regaining of previously existing formalised means of influence, which previously fell victim to the dismantling of deregulation and privatisation processes. These new mechanisms aim to ensure the functioning of social action from a flood of individual and collective perspectives. Multistakeholder forums can be cited as an example of such an instrument for formally bringing together diverse interests (Pleon/IFOK 2008: 250 et seq.).

Globalisation and neo-liberal and thus largely deregulated framework conditions have weakened the influence of politics and the state not only in Germany but worldwide. As state control and economic/civil society forms of cooperation intertwine, the role of state and politics is becoming increasingly difficult to define. Politics has not been able to set any accents in the area of ethics of responsibility either. The ethical problems of globalisation, e.g. discourses on justice, were primarily led by business and civil society; under the guise of social responsibility, sustainability is becoming "a new moral paradigm" (Mutz 2008: 27 et seq.). Finally, the state with its regulations and laws sets the framework within which the

individual actors operate. In the CSR mesh, politics would increasingly develop from "father state to partner state" (Riess/Welzel 2006: 2). Schmidpeter and Palz also see a formerly clear separation of political and corporate tasks as outdated against the background of "management approaches based on partnership" (Schmidpeter/Palz 2008: 494).

3.1.2 CSR in the German Federal Government's policy

As a CSR stakeholder, the German Federal Government has also complied with the European Commission's request and, following the publication of the Green Paper, took a position in a statement in January 2002. The Green Paper was generally "welcomed to stimulate a broad debate on increased corporate social responsibility at national, European and international level in the context of sustainable development". CSR is not seen as a fundamentally new topic, since "the Green Paper rightly draws on the diverse traditions, initiatives and experiences in the Member States" and the aim is rather "to further develop good practices and organise an exchange of information and experience in this field at European level". In addition, "this debate should involve all the players". The Federal Government leaves no doubt about the key characteristic of voluntariness that "is the basic principle for CSR and must remain so." It has its own opinion on how to fulfil its role, as it does not see itself in a position of primary responsibility: "The autonomy of entrepreneurs and social partners to shape their own affairs must be fully respected. It is the task of politicians to encourage companies to become more socially and environmentally committed by creating favourable social and economic framework conditions. ... Public authorities play only a subsidiary role … . Their main task is to spread awareness and knowledge. This excludes action by Member States, but also action by the EU, through binding regulations" (Bundesregierung 2002).

This reserved attitude is criticised, e.g. by the Forum Menschenrechte [human rights], because the Federal Government does not sufficiently acknowledge its human rights responsibility and does not fulfil its obligations under international law: "It is rather the original task of the state to respect, protect and promote human rights worldwide." This also includes enforcing these rights vis-à-vis third parties - e.g. transnational companies. The state's mandate to protect and promote human rights therefore does not exclude "action by the member states [...] [and] action by the EU through binding regulations," but rather demands it - nationally, regionally and internationally. The Forum believes that the German government could have examined, for example, the establishment of binding rules, especially in the context of corporate reporting obligations in the environmental and social area (Forum Menschenrechte 2004: 6).

The statement on the Green Paper should remain one of the few statements of the Federal Government at the beginning of the debate. Research in 2004 came to the conclusion that at that time "hardly" any publications of the Federal Government and its ministries could be found. Loew notes that despite the lack of an independent CSR strategy at the political level, corresponding activities in Germany were, if anything, only in the field of sustainability. Incidentally, this correlation could also be observed in other countries (Loew et al. 2004: 40). The sustainability strategy can therefore be used as a precursor to a German CSR strategy. In 2001, Federal Chancellor Schröder established the Advisory Council for Sustainable Development (Rat für Nachhaltige Entwicklung, RNE), which Merkel has continued to run since 2007. Its conditional task is to develop contributions to the national sustainability strategy (RNE 2020). The German Government's 2004 progress report on the sustainability strategy takes up the topic of CSR via a chapter on responsible corporate governance and puts it in context as an important factor for shaping globalisation in a sustainable way. Although the German Government recognises the need to assume corporate responsibility, it does so "on a voluntary basis" (Bundesregierung 2004: 140). Since 2005, expressis verbis has also made CSR a thematic focus in the work of RNE (IHK Nürnberg 2020). CSR is "a way to implement the concept of sustainability at company level" (Bundesregierung 2005: 125).

A comparison of the situation with the German government's CSR policy was outlined in two - independently conducted - transnational studies commissioned by the Bertelsmann Foundation in 2006 (Riess/Welzel 2006) and 2007 (Bertelsmann 2007). With regard to the status quo of CSR in Germany in 2006, Riess' verdict in the first study is "no strategy, no contact partners, no visibility: the German government has some catching up to do". However, this criticism is only partially justified. Just because the German government lacks a "clear commitment" and a strategy, there is no "general shying away" from the term CSR. It cannot be denied, however, that a number of activities and policy measures are subsumed under the "label" CSR "without the concept ever having undergone an effective strategic discussion. Its arbitrary use reflects the fact that there has never been a strategic conception of CSR at the political level in Germany on social responsibility" (Riess/Welzel 2006: 6 et seq.). The second study by the Bertelsmann Foundation (2007) concludes with a "CSR Navigator", which can analyse the degree of maturity of a country's CSR policy using current political instruments. With regard to the status quo in Germany, the findings of the two studies by Loew et al. (2004) and Riess (2006) can be confirmed in the overall aspect. The development

of the CSR strategy in Germany is "currently in the second generation stage. What is still lacking above all is a uniform CSR strategy and a clear thematic leadership that bundles the previous activities of the actors involved in CSR policy". The CSR debate in Germany is only just beginning and the reserved contribution of the Federal Government is justifiable, since in its view CSR should be classified as a management concept rather than an innovative solution to social problems. It is therefore not surprising that "the topic ... is only slowly developing into a political concern." Nevertheless, Germany can be categorically qualified as a solid CSR country, as CSR-related policies have long been pursued (especially in the environmental sector), in which international standards are followed and "soft law" is applied (Bertelsmann 2007: 11 et seq.). It should also be mentioned that the German government in its 2006 statement again emphasises the fundamentally voluntary nature (Bundesregierung 2006).

Over time, the German government has been able to launch political initiatives in the context of active CSR promotion, as the National CSR Forum was founded in early 2009 following the announcement of a National CSR Strategy, consisting of experts from the relevant CSR stakeholder groups (Bundesministerium für Arbeit und Soziales 2020). An important milestone of their work is the development of a common understanding of CSR (Bundesministerium für Arbeit und Soziales 2010). In 2010, the Federal Government adopted the National CSR Strategy and published a CSR Action Plan. "Remarkable" was, on the one hand, "the way in which the path to a national CSR strategy was shaped", after all, following the tradition of social partnership in Germany and beyond, the various actors from business, politics and civil society were able to demonstrate joint work in the "form of a cooperative political style" (Riess 2011: 120). At the end of 2011, the Federal Government issued a statement on the European Commission's CSR report 2011. Although the initiative and strategy of the European Union to strengthen and modernise CSR is welcomed in principle, it has positioned itself against the renewed understanding of the Commission, as the new provisions require companies to be more transparent about their reporting obligations and thus would entail a "strategic departure from the principle of voluntariness". The principle of voluntariness was included in its National Action Plan 2010 and it was in line with current practice in Germany (Bundesregierung 2011). On 19th April 2017, the CSR Directive 2014/95/EU was transposed into German law. This is the first time in Germany that reporting on specific sustainability issues is regulated.

As a brief result, the changes in German government have had only a fragmentary impact on government CSR policy since the 2001 Green Paper, as, although government work has picked up speed, government policy has not been conceptually overhauled. A consistent and continuous policy has been pursued since the beginning of the debate, which should not impose an excessive burden on business.

3.2 Business associations

Especially in medium-sized companies, companies do not have the necessary human resources to communicate their interests to the outside world. In this respect, business associations fulfil important functions: on the one hand, they can act as their contact partner when there is a professional need, and on the other hand, they can act as their "mouthpiece". A dialogue with other actors conducted by the associations can be particularly fruitful if not only individual interests but a collective interest of companies are represented (Hardtke 2010: 55 et seq.). As there are different interests on the business side which have to be represented externally, the business associations can be outlined on the basis of their different interest orientations (Bea/Friedel/Schweitzer 2004: 173). In Germany their organisation is based on three pillars: trade associations, employers' associations and chambers (von Alemann 1996). The latter are compulsory public-law institutions with compulsory memberships that guarantee economic interests and professional standards. A distinction must be made here between, the regionally structured and cross-sectoral Chambers of Industry and Commerce with their umbrella organisation organised at federal level, and the Association of Chambers of Industry and Commerce (DIHK). In addition, there are chambers of skilled crafts as a regionally active representation of the interests of the skilled crafts professions, which are jointly organised in the German Association of Chambers of Crafts (ZDH) (Sachße/Tennstedt 2005: 93 et seq.). The trade and employers' associations have a dual function in the representation of interests, since they are not only opponents of the unions or the collective bargaining parties, but, "representatives of German business" - in concrete terms they represent "those who generate economic growth and who therefore have the role of a key player in the creation of employment". This dual function is reflected accordingly in the German business association system (Fraune 2011: 93 et seq.). The umbrella organisation on the side of the trade associations is generally the Federation of German Industries (BDI), and on the side of the employers' associations that is the Confederation of German Employers' Associations (BDA). The business associations are active as associations for the promotion and implementation of common interests of enterprises; a "division of labour" is functionally

given, as the types of associations are geared to their clientele or only to fragments of business interests. To put it bluntly: The representation of economic, social and collective bargaining policy interests in the above-mentioned umbrella organisations is “highly differentiated” and “organised according to the division of labour” (Reutter 2012: 139).

3.2.1 The role of business organisations in relation to CSR

While the BDI focuses on the development of the product markets in its representation, the labour market is the main focus of the BDA in its representation function (Fraune 2011: 301). In the recent past, business associations have also been confronted with problems both within and outside the association: they have had to keep pace with economic structural change and conflicts of interest in and between the camps have raised doubts about the success of their regulatory task (Reutter 2012: 139 et seq.). In terms of partnership, however, the “division of labour” has become more “cooperative”, as BDA and BDI have been acting jointly in Brussels since 2006 and represent the interests of their members to the Commission (Weitbrecht 2010: 334). In the case of overlaps in content, e.g. on the subject of CSR, the common view is that “cooperation has proved successful and should be expanded in order to avoid duplication of work” (BDA 2006a: 132 et seq.). The specific work of the umbrella organisation with regard to CSR can be defined “primarily” as “taking up the concerns, ideas and positions of its member companies and bundling them not only in general, but also with regard to CSR-relevant topics”, in particular vis-à-vis political actors, “in order to be able to obtain an option to participate in new legal developments” (Hardtke 2010: 59). The BDA, BDI, DIHK and ZDH initiated the joint Internet presence under “CSR Germany”, because they consider it “to be a priority topic and see CSR as the contribution of companies to the realisation of the concept of sustainable development. The umbrella organisations have long been politically active at national and international level in order to provide companies with support for their voluntary and self-responsible commitment” (CSR Germany 2020).

On the basis of common objectives, the umbrella organisations should not only convey and support a sense of CSR individual responsibility of the individual company, but collective responsibility, as this is ultimately the basis of their work. The support they offer can take various forms. Through their online platform, they intended to promote “networking and an improved exchange of experience between CSR actors”. In particular, they establish communication with the relevant target groups, with unions in the case of “workplace-related” issues, with consumer associations in the case of “product application and

information-related" issues, with environmental organisations in the case of ecological issues and with NGOs on general issues. The umbrella organisations have a special responsibility to "sensitise their members to the CSR concept and support them in its implementation." They pool and make available practice-relevant CSR knowledge in the form of guidelines or best practice examples for management, companies and sectors. For this purpose, they also consult representatives from science or foundations. Since the implementation of CSR measures is subject to a critical public scrutiny, the associations are faced with the task of "actively promoting the implementation of the CSR concept among their members and openly communicating successful examples from the business world" (Hardtke 2010: 59).

3.2.2 Response to CSR and positioning

Even before the joint Internet portal "CSR Germany", which has already been discussed above, was launched, and also subsequently, the umbrella organisations BDI and BDA took CSR position independently of each other and also jointly. It should be pointed out at the outset that the business associations are among the core actors who have attracted attention in the debate, which is not surprising. After all, their members are directly affected by this.

For BDI, CSR has initially become a "top political issue", which, however, requires a corresponding "regulatory" framework. As a "component of the sustainability discussion", It is a "concept … that takes up the idea of sustainability and combines the three pillars of economy, ecology and social affairs with concrete corporate action. Accordingly, CSR comprises the most varied activities of companies in the fields ... with which sustainable development is implemented in everyday business life. CSR activities ... are voluntary and the result of the companies' own initiative and . responsibility" (CSR Germany 2020). The BDI functionary Schall has critically noted CSR as further "standardisations and regulations"; these would run counter to the entrepreneurial flexibility to develop own CSR strategies (Schall 2003: 5). The main BDI positions match with those of the BDA, if at all, the BDA's aspect on working conditions is emphasised somewhat more (Loew et al. 2004: 44).

BDI and BDA's first official joint reaction was compiled in position papers in 2001 and 2002. They point out that companies have already made a major contribution to social and environmental policy, especially since they are already obliged to act in a socially responsible manner by law. "Management geared to sustainability, which includes economic aspects as well as environmental and social aspects" is already common practice in many cases. "This

should be clearly emphasised in the debate on CSR". Voluntariness is "the basic principle ... and must remain so". CSR is certainly associated with opportunities, "but also clear limits. Companies cannot be called upon to solve all social problems in the countries and societies of the world. They have neither the legitimacy nor the necessary resources to do so". This is the responsibility and the domain of politics. In any case, the latter is called upon to improve the competitiveness of companies - especially SMEs - by means of suitable framework conditions and not to restrict it through excessive regulation. Country specifics had to be taken into account in the implementation of CSR, as these had a "direct impact on its development". The Commission's demand to extend responsibility not only to subsidiaries but also to supply chains was "in its blanket view completely unrealistic". After all, multinational companies are already informing their suppliers and contractors about the benefits of good working conditions. What the associations in particular make clear is that companies in the textile and retail sectors are now forced to be more progressive in their CSR activities due to greater consumer awareness. (BDI/BDA 2001).

Shortly before completion of the EMS Forum final report in 2004, BDI and BDA outlined the key points of their positions in a public statement on the Forum (BDI/BDA 2004). As a result, these are largely consistent with the critical views already expressed in their papers of 2001 and 2002. It hardly needs to be mentioned, that business organisations were very satisfied with the creation of the CSR Alliance in 2006 and with the Commission's approach in this respect. BDA President Hundt welcomed and interpreted this alliance as a "clear rejection of any kind of standardisation or regulation of social commitment at any level" (BDA 2006b). In its 2008 annual report, the BDI then went on to explain once again the importance of assuming social responsibility at home and abroad and its support for this, because "without social acceptance" entrepreneurship is "doomed to failure in the long term" (BDI 2008: 66).

Transparency in the business world became a much discussed topic. In 2009, the BDA published a discussion paper on this topic, because "especially against the background of the financial crisis, the rash call for regulation in the area of CSR reporting became louder. The need for new regulation and strict control of the financial markets is undisputed. However, these things must not be lumped together with the area of CSR". BDA also refers to existing initiatives such as the UN Global Compact and the progress reports from companies required by this. In addition, there are a wide range of industry-related measures such as the "Wittenberg Process" as a dialogue between the chemical industry's social partners to jointly

promote social responsibility. In 2008 the social partner agreement “Responsible action in the social market economy” was signed by the Federal Employers’ Association of the Chemical Industry BAVC and the chemical workers’ union IG BCE in the presence of the German President Horst Köhler (IG BCE 2009). The conclusion that companies without public reporting on their social commitment act “irresponsibly” is rejected by the BDA in 2009. Even without reporting obligations, companies can act responsibly (BDA 2009).

Despite all efforts to avoid reporting obligations, the development of CSR has taken a suddenly unfavourable turn for companies and their representatives in 2011, when the European Commission published a Communication on a new strategy in 2011. The BDI and BDA - this time together with the DIHK and ZDH - issued a statement at the end of 2011, clearly expressing the disappointment of the business associations. The “new EU strategy” is viewed extremely critically, as there can no longer be any talk of promoting CSR and “a fundamental paradigm shift” is opening up, “away from the basic principle of voluntariness and towards statist regulation of entrepreneurial commitment.” The new definition of CSR in particular is strongly criticised because, according to the associations, the Commission has “very successfully promoted CSR over the last ten years ... with a practical approach based on the exchange of experience and voluntariness” and is now getting off course. “The European Commission is ignoring the consensus of all relevant stakeholders on the definition of CSR by presenting a new CSR definition without consultation and without a dialogue process” (BDA/BDI/DIHK/ZDH 2011). The companies received backing from the German government to defend themselves against legal accountability and transparency obligations.

Company representatives base their statements on the uselessness of a transparency obligation mainly on voluntary reporting standards already in place. In addition, the existing legal reporting obligations of large corporations already tap CSR issues. Sustainability representatives see the arguments put forward differently. They counter the objections of company representatives by saying that sustainability codes would fill gaps. Moreover, CSR could provide innovative impulses and thus be useful for the entire German economy. Finally, it should be mentioned that a “model of voluntariness” is being brought into play, “which, if not respected, will be sanctioned by the market rather than the legislator” (CSR-News 2011). The intensive debate on the question of voluntary action is being extended and enriched by an important finding, which is substantiated by a study. The study supports similar claims by observers and experts that CSR is no longer completely voluntary, at least not in the case of

large corporations: “Corporate responsibility (CR) reporting has become the de facto law for business” (KPMG 2011).

In summary, it can be critically assessed that companies are forced to adopt CSR, not legally, but from a competitive perspective: employers have indicated at an early stage of the debate what has long been a reality or what has become established over time: CSR is no longer completely voluntary. Their active resistance in communicating broad-based demands for voluntariness can therefore also be seen in this context, and particular attention can be drawn to both existing and possible further - possibly oversized - pressure to solve problems. They have tirelessly presented effective arguments on this issue from the perspective of their clientele and have opposed the CSR reforms with all their argumentative power. They also successfully campaigned for support for their position, as the German Federal Government assured them of its support. It also spoke out in favour of the business-friendly solution.

3.3 Unions in Germany

3.3.1 Nature, tasks and functions

Historically, unions are “entities, organizations that emerged under specific conditions and are shaped by political disputes and the level of economic development in each country. Their conditions of origin, as well as the political vicissitudes and economic cycles to which they were exposed, have been defeated as traditions in them, shaped their organizational forms and structures, and influenced their programmatic goals. ... They are the children of early industrialization and the accompanying proletarianization in the late eighteenth and early nineteenth centuries” (Müller-Jentsch 1997: 84). They are a “product of the social conflict between capital and labour within the framework of capitalist socialization”, which defended itself as a solidarized and organized labour movement against material exploitation and social oppression through “power structures” as a result of the “increasing industrialization of capitalism” (Esser 2014: 86). In this context, the terms “counter-power” or “counter-movement” are often referred to, because economic action is not only connected with “exchange relations” with the social, but also the ecological environment, so that “all goods and services, including the social and ecological resources ... become goods and thus fall under the ‘laws’ of the market.” In this respect, the “countermovement” is concerned, on the one hand, with regulating the “unrestricted use of social resources (the labour force) in the market economy”. Against this background, the 2nd sub-research question here makes it clear that it is also relevant for the scientific debate to clarify why the social component as an

essential part of the CSR concept does not move the unions to become an essential CSR actor. On the other hand, "beyond the social question" it is also about the "use of natural resources". Because "basically, in both cases, it is about questions of reproduction, once the labour force, on the other hand of nature." The goal here is to contain the "purely market-based use of resources" and "to cause legal restrictions by political pressure. In current terms: It is about sustainable business, and in the wake of this development, institutions ... have arisen early in Germany" (Mutz 2011: 69).

In 1935, Neumann set out three functions within an extensive document, which are traditionally assigned to the unions and which are often referred to in the literature:

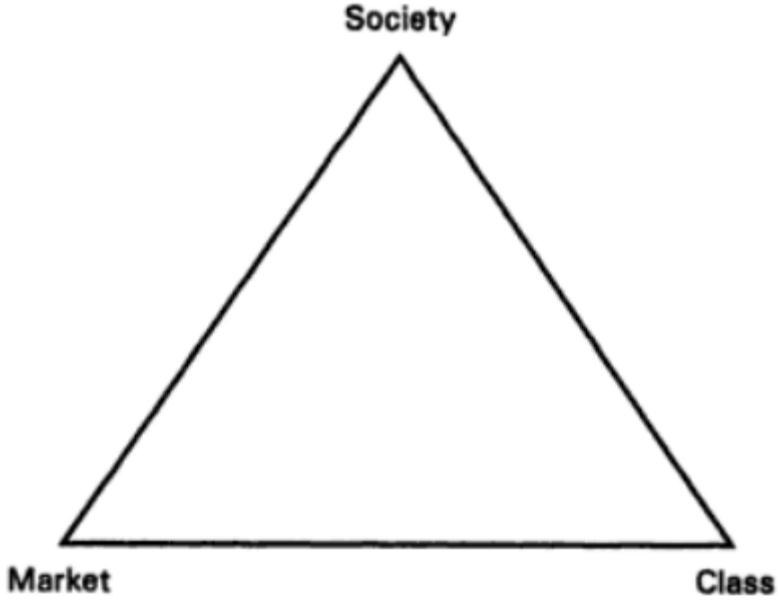
- Their cooperative function is based "on the principle of mutual assistance. They help their members in the most diverse directions ... Sickness and accident benefits, unemployment benefits, old-age pensions, strike and lockout assistance ... legal protection before courts, administrative authorities and social security bodies. They develop their own institutions to fulfil all these tasks".
- Secondly, they perform a market or cartel function: "they are primary fighting forces and aim at dominating the labour market. They confront the monopolistic violence of private property with the collective power of organised labour. ... Either they lay down wage and working conditions together with employers or employers' associations ... . To achieve their goal, they use peaceful means (negotiations, investigations, persuasion), but also means of struggle such as strikes, boycotts and sometimes passive resistance".
- Thirdly, they act as "political associations. They not only aim to control the labour market, they not only help their members, but at the same time try to influence the state and the state apparatus of coercion. ... Just as often they use indirect means to achieve their aim, in particular by enlisting the help of a political party" (1978: 150 et seq.).

According to Schönhoven, a normative "exact definition of what unions actually are and what they want" is difficult to achieve simply because "a comparative analysis of the historical conditions of origin and development, the ideological and organisational diversity of the various professional or industrial associations, and the national and international networking of umbrella organisations and unions of direction is difficult. For this reason alone, the functional attributions established by union theorists have been repeatedly modified and adapted to changes in social conditions in the course of the now approximately one and a half

centuries of union existence" (2014: 60). However, according to Esser, the functions classified above have lost nothing in "their importance for today's research" (2014: 88).

The three areas of action or spheres in which the unions operate can be mapped in "control loop models" consisting of economy, society and politics, each of which is interwoven via mutual "feedback loops" (Fichter/Gester 2004: 121). In his "Eternal Triangle: Market, Class, Society" Hyman showed how unions can be assigned to the model building blocks of economy, society and politics:

Figure 6: The geometry of unions according to Hyman
Source: Hyman 2001: 4



As employee representatives, their central interest is to regulate the wage/employment relationship and to represent collective interests and a collective identity. However, they cannot ignore the "market" in this respect. They cannot ignore their role as agents of a "class", regardless of whether they ideologically represent a differentiation of classes. Ultimately, unions are part of "society", whose activities take place within social frameworks which also limit their ability to make decisions. Their survival also requires living together with other institutions and other constellations of interests which are diametrically opposed to unions. In times of change and challenges of union movements, a "reorientation" is possible. Hyman sees the German unions in the triangle based on social partnership and collective

bargaining autonomy between “society” and “market”, and consequently class identity formation is less important (Hyman 2001: 3 et seq., 115 et seq.).

Their significant area of activity is legally stated since 1974: codetermination (Germany’s law on employee co-determination). In the basic program of the German Trade Union Confederation (DGB 1949) codetermination is drawn up as the third pillar of a new economic order to signal the desired balance between labour and capital (Müller-Jentsch 2001: 203).

3.3.1.1 Union organisation - The German model

In the literature, the German union landscape is often referred to as the “German model of industrial relations”, which is characterized by the following five features: “duality, intermediarity, juridification, centralization and representativeness” (Müller-Jentsch 1995: 11). It is a common feature of this system that it relies on strong stakeholders. In the interplay between the employee and employer side, it becomes apparent “that unions without the employers’ associations are incomprehensible; conversely, the same applies” (Schroeder/Greef 2014: 125). The German industrial relations system along with its structural features, owes its origin to its much cited success, especially in the post-war economic and political framework conditions, which were comparatively favourable in the past. These structural features also fostered the combination of economic goals (such as labour productivity) and rising living standards. In conclusion, the German model can be finally stated: the institutional framework of the dual system promoted, conditioned, and enforced strategies and policies of the involved actors, which strengthened the social consensus and contributed to a low level of conflict and high productivity (Müller-Jentsch 1995: 16). Due to its high system stability the German model could even be considered an exemplary role internationally until the 1980s (Schmidt/Trinczek 1993: 169).

The end of the Second World War also meant an important organizational change, as the union landscape was rebuilt. The DGB unions became dominant players on the employee side and positioned themselves at the centre of industrial relations. The combination of unit and branch association principles became an organizational feature and at the same time a structure-forming centre of the German union model. New comprehensive organizations were to be founded which were united under the umbrella of the DGB (Schroeder/Greef 2014: 125).

Figure 7: DGB's logo

Source: DGB-homepage dgb.de



The DGB - based in Berlin - acts as the federation of unions. In accordance with its statute the DGB represents the common interests of all their member unions (DGB 2018a). The relationship between DGB and its members is characterized by a functional division. The function manifested to the DGB must be differentiated according to the external and internal relationship. Externally, it is responsible for the representation of his members towards politics. In the internal relationship with its members the DGB functions traditionally in two ways: it fulfils common tasks for all unions and creates a financial balance between small and larger affiliated unions. Furthermore, DGB acts as a general mediation and coordination office in the internal relationship of its members (Hassel 2003: 108).

The DGB also formulates its claim to representation as follows: "Unions will remain interest-related combat organisations and social reform movements in the future. They must fight for a different future, for social alternatives, for the overcoming of socially unjust and ecologically intolerable conditions. They must develop resistance and counter-power as well as forward-looking initiatives and sustainable concepts in order to assert freedom and democracy, solidarity and justice" (DGB 1996: 2). Following the unified union principle under an umbrella organisation, the DGB's claim to representation comprises a holistic approach. This requirement considers a representation of interests of all employees without consideration of political or religious opinion, occupation and status groups (Rüb 2009: 133). Currently there are eight members. The figures for affiliated unions in 2019 are as follows.

Table 1: DGB-Membership figures 2019

Source: DGB 2020

Members in the DGB-unions 2019						
Union	**Total**		**Male**		**Female**	
		in %	**Total**	**in %**	**Total**	**in %**
IG Bauen-Agrar-Umwelt (Construction, agriculture and environment)	240.146	4,0	174.166	72,5	65.980	27,5
IG Bergbau, Chemie, Energie (Mining, Chemical and Energy Industrial)	618.321	10,4	483.027	78,1	135.294	21,9
Gew. Erziehung und Wissenschaft (Education and science)	280.343	4,7	78.925	28,2	201.418	71,8
IG Metall (Metalworkers)	2.262.571	38,1	1.850.936	81,8	411.635	18,2
Gew. Nahrung-Genuss- Gaststätten (Food, Beverages and Catering Industry)	197.791	3,3	115.975	58,6	81.816	41,4
Gew. der Polizei (Police)	194.926	3,3	144.115	73,9	50.811	26,1
EVG (Transport)	185.793	3,1	145.322	78,2	40.471	21,8
ver.di (Public services)	1.955.080	32,9	930.637	47,6	1.024.443	52,4
DGB-gesamt (DGB total)	**5.934.971**	**100**	**3.923.103**	**66,1**	**2.011.868**	**33,9**

The unions IG Metall (metalworkers), ver.di (united services) and IG Bergbau, Chemie, Energie (mining, chemicals and energy) together register a DGB membership of more than 80%. In the other five unions, relatively homogeneous groups of employees are organized. Another distinguishing feature compared to the first three is that their financial resources and influence on the course of the DGB are much more limited (Schönhoven 2014: 78).

As a political actor, the DGB cannot currently be ascribed any leadership role. Collective bargaining policy is the responsibility of the member unions, which coordinate it independently, especially since their specialist and policy departments have the appropriate resources to exert political influence. They thus play an essential role as actors in collective bargaining policy for the labour market, while the DGB plays its role as coordinator of cross-union interests in the political arena at national and regional level, particularly in social policy matters (Schroeder/Greef 2014: 130). The task of the DGB as coordinating body is made

more difficult by the mergers of its members. Finding and coordinating an organisational conglomeration of all interests through the umbrella organisation becomes more complicated if there is a smaller number of member unions and an imbalance in membership strengths (Hassel 2003: 108 et seq.). ”In the shadow of the three giant associations” ver.di, IG Metall and IG BCE, the DGB “scope ... for the independent representation of overarching interests and the development of own initiatives is even smaller than before” (Schönhoven 2014: 78). Overall, it can be said that the structural and organisational balance of power of the German union model is currently characterised primarily by the fact that the resource-strong and self-sufficient individual unions are opposed by an umbrella organisation which tends to be weak in terms of resources (Schroeder/Greef 2014: 128). According to Schönhoven, it can also be observed, with reference to its 1996 basic programme, that the “verbal radicalism of the DGB’s claim to representation ... was far removed from the reality of the unions and the concrete opportunities for the associations to assert themselves” (2014: 79).

3.3.1.2 Crisis, causes and effects

The crisis of the German unions is regarded as a very extensive block of topics that has been discussed up and down in the literature and can only be dealt with in a condensed form at this point. Lorenz summed up the crisis phenomenon well: “For some time now unions have been ... in crisis. Countless newspaper articles and research texts have at least claimed this. Even many unionists themselves admit it. Anyone born after 1982 knows basically nothing other than the union crisis. ... The fundamental nature of unions has remained virtually unchanged since the end of the 19th century, and was already evident before the First World War: … . Nevertheless, unions went through a long process of development, experiencing highs and lows. Much research and writing has already been done on all this” (Lorenz 2013: 8 et seq.).

It should be noted that the beginning of the crisis in the mid-1980s was not an exclusively national problem, but a situation affecting all European countries. Those were all politically disenfranchised; they had to navigate through “a deep valley” and “long tunnels” of defeats, membership losses and political impotence. In the process, they had made a name for themselves - especially in Western Europe - by the early 1980s through their combativeness and power. In this context, the long-lasting strike in Germany in the course of the disputes over the introduction of the 35-hour week is unforgotten (Deppe 2013: 110 et seq.). December 1982 marked a “critical phase”, as the results of the union barometer (“low point”) showed, and a construction company scandal involving the DGB had contributed significantly to this.

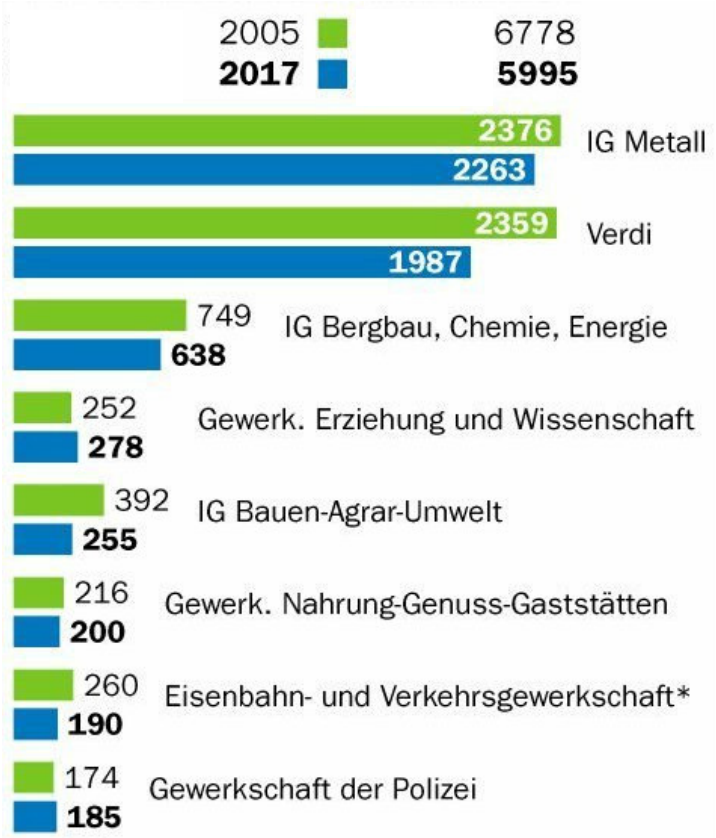
However, the main cause was the economic crisis, which had already in the past "caused similar and even more serious lows" (von Alemann 1983: 454 et seq.). In the further course of the crisis, the union discourse has been transformed. Previously perceived as a "force for reform", the exercise of its influence as an actor was later seen as a "veto power" (Schroeder 2003a: 146).

The economic crisis combined with the oil crisis of 1979 increasingly turned into a labour market crisis. The unions no longer focused their collective bargaining policy exclusively on the income interests of employees, but focused on reducing employment insecurity by demanding shorter working hours. However, they failed to open themselves sufficiently to "new issues" once the crisis had broken out. In comparison to other socio-political institutions, they proceeded "in an extremely leisurely" and calm manner. The DGB could not "seriously" live up to the vision of its self-imposed socio-political leadership of ideas or programmes (Wiesenthal/Clasen 2003: 305 et seq.). In the literature, the decline in membership is cited as the most problematic aspect of the crisis. Specifically, following Schroeder, the abstract term "crisis" refers to four areas of union relevance: the crisis of members, opponents, the crisis of de-limitation and integration into the political system (Schroeder 2003a: 146).

According to Ebbinghaus and Göbel, it can no longer be denied that the unions in Germany are currently under existential pressure. At the beginning of the economic upswing ("economic miracle") at the beginning of the 1950s, the DGB gross organisational level (only gainfully employed persons) reached a high of 39.3% and was only 17% in 2011. Since 1991 they have had to accept a noticeable drop in membership (Ebbinghaus/Göbel 2014: 207 et seq.).

The following overview of the DGB shows the decline in membership in a direct comparison between 2005 and 2017, broken down by individual unions.

Figure 8: DGB union members 2005 and 2017
Source: Tagesspiegel 2018 based on DGB 2018b, p. 17



For the translation of the individual unions, see table 1.

In total, the 6.78 million DGB union members in 2005 (green bars, in thousands) are compared 12 years later with 6.0 million in 2017 (blue bars). A membership loss of around 12% can be observed.

Schroeder sees the downward trend partly as being due to a "defensive member recruitment strategy since the 1970s", which focused on expansion in the traditional areas and which ran counter to a dynamic adaptation to the new labour market structures (2003: 147). In addition, many groups capable of and active in the labour market are not yet unionised: "[they] do not organise enough women, young people and white-collar workers as well as highly qualified employees from expanding (future) sectors within their ranks" (Krüger et al. 2002: 2). The "Achilles' heel" is that the unions are generally not or only weakly represented in the "third world" of the labour market. These "winners of structural change" come mainly from the service sector and are medium-sized companies. These companies are characterised by high value added with a high level of innovation and a high potential for job creation. More than 50% of workers are now employed in service occupations (Schroeder 2003b: 7). There is also a group that has not been the subject of union representation for a long time: the unemployed.

In spite of the many and varied activities (e.g. legal advice, job application training, dealing with the employment office) on the part of the unions, the critical view has spread in the debate that "they would do nothing for the unemployed" (Schroeder 2005: 7). The situation is aggravated by the "dilemma" of not only achieving strategic openness for new social groups and interests, but also "having to continue and increasingly carry out their collective bargaining work for the core membership groups that can still be mobilised under difficult framework conditions" (Ebbinghaus/Göbel 2014: 207).

It is not only the unions that are struggling with a loss of importance, but with regard to the opponent crisis the degree of organisation of the employers' associations has been steadily decreasing since the 1960s, thus weakening their influence. While large companies continue to be affiliated to an association, it is the SMEs that often refrain from membership. In the new Federal states the propensity to join an association is particularly low. This problem applies equally to employers' associations and unions, because since the 1970s "within industrial relations in Germany a shift of power has developed in favour of companies which insist more than before on individual solutions in collective bargaining policy". Since then, both camps have found it difficult to maintain the model (Schroeder 2003a: 151). Difficulties of an international nature in collective bargaining policy should not be neglected either. This is because unions and workplace interest representatives can also come under pressure to show solidarity across national borders. In the process of concession bargaining at company level, they could indulge in a policy of concessions aimed at safeguarding jobs and business locations by strengthening their national position at the expense of other (European) countries (Bispinck 2004: 204).

With regard to the third above mentioned type of crisis, it should be noted that the term de-limitation has become known in the context of international relations and globalisation processes and has as its object of investigation the changed radius of action of the nation state (Meyers 1997, Meyers 1998). The "borderless process in the world of states" calls for a strategic adjustment to counteract the "increasing permeability of borders and the declining ability of states" by means of partitioning measures (Brock/Albert 1995: 261). Interest groups are also affected by Europeanisation and globalisation, as their framework conditions have changed and there is a need for strategic action (von Alemann 2000, Eising 2004). Schroeder classifies the EU as a "decisive area" and Europeanisation as a "central union challenge" to take up a strategic approach. The liberalisation process of the markets in the integrated Europe

is a particular challenge for the unions, as the influence of the associations is fundamentally diminishing under these conditions. To this end, they have developed self-organising and transnational coordination activities among themselves and participated in supranational forums such as the "Social Dialogue" (Schroeder 2003a: 157). The effectiveness of transnational coordination processes, for example to avoid wage dumping at European level, may be doubted, as there are "only soft forms of moral self-binding" (Baum-Cesig 2002: 102, Schulten 1998: 483). New transnational constellations and cooperations have developed which now need to be organised. In representing their interests, the national unions are "de facto in a competitive relationship with one another." In addition, the establishment of a new system of industrial relations under the influence of Europeanisation can only develop to a limited extent. All in all, Schroeder concludes that there is a "fundamental union dilemma of influence at European level", which can be demonstrated by means of "hardly demonstrable" successions in wage coordination policy and by the work of the "Social Dialogue" (Schroeder 2003a: 157 et seq.).

Union system influence at the political level takes place in different ways. The main anchor point is the linkage of unions into parties through which they carry their interests into the political system. A crisis regarding the integration into the political system can be identified in various places. If the membership base cracks, "a restriction of the association's monopoly on representation and a corresponding loss of political significance can be expected" (Braun/Backhaus-Maul 2010: 34). The trend towards personal links between party and union has been declining in Germany since the 1980s, making it more difficult to enforce union interests within the parties themselves and thus also in the political process. (Hassel 2006: 188 et seq.).

After phases of "union strength in Germany ... and ... its establishment in the workplace, combined with the ability to exert macroeconomic and socio-political influence" (Schroeder 2003a: 162), the unions have fallen into a fundamental crisis. The different types of this crisis conglomerate outlined in this chapter seemed to make the discussions on the question of causes, effects and proposed solutions unmanageable. Nevertheless, the outlines of the crisis can be taken up and discussed in a wide-ranging and complex debate with various headings, taking into account various crisis factors. The focus is on a constant decline in membership due to various development trends. In addition, unions are opening up new levels of action under the conditions of globalisation, but at the same time they must also lose their national

scope for action and influence. In the complementary context of the crisis, the structural change in the economy resulting from the globalisation and internationalisation of markets is added to this, which, as a universal challenge for nation states, has triggered intensified discussions about location competition. Such a situation prepares the ground for processes designed for liberalisation, which will force companies to economise through "economisation". This liberal economic model was in line with the mandate of the European legislator. Against this background and the conditions of global competition, companies called for more flexible working conditions to secure their locations. The unions had no choice but to make concessions if they wanted to prevent job cuts and company relocations abroad (Schroeder et al. 2011: 16 et seq.).

To conclude, there was a growing number of opinions in the literature that the union crisis had bottomed out. Schroeder, for example, heralded a decisive turnaround in 2005: "The intensity of never-ending criticism has been decreasing since about 2005 and cautiously hopeful positions have come into play". They have "embarked on a long, sometimes contradictory journey of readjusting their own structures, resources and goals. So they have not become a superfluous form of organisation". Their contribution to solving the financial and economic crisis of 2008 has improved their reputation and given them competence (2014: 15). For Dribbusch and Birke, too, this "great recession" and the ensuing euro crisis seems to have been "mild" for unions and their clientele (2014: 2 et seq.).

3.3.2 The Dual Nature of Unions: Interplay of Different Interests

There is an understanding of literature that unions appear to be exposed to ambivalent effects in the performance of their functions. The thematization of the "twofold character ... is almost as old as the unions themselves" (Müller-Jentsch 2003: 654). Since then, researchers have been exploring how this ambivalence takes shape. Many theoretical considerations have arisen here. As "first, immediate organizations of wage laborers and as an element of capital relations" they form a "counter-power of the workers to the power of capital, but they are also a factor of order. Because they organize the workers and that means they organize them, they channel their anger, ... revolt and ... powerlessness. These roles can 'contradict each other in the crucial task of representing the interests of the working class in the economic and political conflicts. ... unions are always both; this dual character is a stigma attached to them since their creation" (Zoll 1976: 7). Both options are not mutually exclusive because "it is always both at the same time" (Crusius/Wilke 1971: 44).

According to Bergmann/Jacobi/Müller-Jentsch, “two typical reaction patterns have developed here, one cooperative and one conflictual”, which can be applied with different weightings. Acting cooperatively means “realising member interests by adapting their wage policy demands and strategies to the requirements of economic and growth policy. They adapt their wage and collective bargaining policy to the economic concessionary scope, weighing up the various sub-interests, and - in the case of institutionalised income policy - adapt to the orientation data and guidelines of state economic policy”. By contrast, unions acting in a conflictual manner endeavour “to realise the articulated member interests by directly translating them into demands and strategies in collective bargaining policy and refuse to embed their wage policy in economic policy management”. Moreover, Bergmann/Jacobi/Müller-Jentsch make no normative claim to the concept of a “cooperative and conflictive” union, because they do not aim for a “generally valid typology”. Rather “historically specific forms of union practice are identified” (1976: 28 et seq.).

Because of their dual role as a countervailing power and a factor of order, Müller-Jentsch also gave the unions the designation “intermediary organisations” (1982). This intermediary is described by Müller-Jentsch as “that peculiar intermediate sphere in the relationship between management and workforce, between employers’ associations and unions”, and allows the unions to assume a changed role, “not only as collective instruments of resistance and struggle in the hands of the workforce, but also as co-producers and co-shapers of that intermediate sphere between capital and labour which we call industrial relations. ... The modern unions are ... intermediary organisations.” (1997). Union practice in Germany has shown that both “protection and distribution functions for its members” and “order and pacification functions for companies and the economy” have been successfully assumed. However, this does not alter the fact that “the various functions are in a state of tension between them” and that “conflicts of interest between employees and workers ... are virulent” (Dörre/Röttger 2006: 230 et seq.).

In conclusion the arrangement of a union twofold character can have different dimensions. “The respective contents of the opposition conceptual pairs are highly variable” (Müller-Jentsch 2003: 654). In the thematic context, reference is made here to professors Kurz-Scherf and Zeuner who made a worthwhile contribution, which highlights the range in a differentiated und multifaceted manner. By exercising different roles and political

perspectives, they define unions' "in-between as a mode of existence." Influenced by socio-economic change unions oscillate between defending the achievements of the past and participating in a comprehensive restructuring of modern societies. In this contradictory simultaneity of opposition and cooperation the old ambivalence of the unions continues as a countervailing power and factor of order; at the same time, it is a manifestation of the structural problem of unions as a mediator of differing and contradictory interests - both internally and externally - in a situation of fundamental change of constellations of interests, conditions of action and challenges. Kurz-Scherf and Zeuner exemplify the range of fields: "the poles meditation is sought, mediator or mediation are varied, are diverse: capital and labour, state and society, politics and economics, democracy and capitalism, world of work and life. The unions are between different and contradictory structuring principles and logics of action of modern societies, and this "in-between characterizes their peculiarity as well as their internal and external ambivalences" (2001: 147). Referring to the research question outlined in the introduction (3rd sub-question), the preceding explanations make it clear why unions, against the background of their dual character, have difficulties in finding a clear role for instance in CSR.

4 CSR AND UNIONS' INTERRELATIONSHIP

Although unions have a direct relationship with companies, the fundamental involvement and/or participation or role in the field of CSR is not obvious. It is therefore not surprising that their role description/assignment in the literature and also within their own circles can be controversial. It can be stated as a simple statement of fact that the unions, as an actor in industrial action, also have an involuntary (macroeconomic) responsibility. In the specific context of CSR, however, this consideration is not sufficiently taken into account, so that the question of what the unions as employee representatives actually associate with CSR needs to be examined and plausibilised. The content of the statements and their analysis in the following chapters will help to deepen and broaden the understanding of this connection.

Hauser-Ditz and Wilke begin by making it clear that CSR debates are always focused on other stakeholders. In practice, however, the involvement of employee representatives is obvious when CSR processes are initiated. After all, any measures taken affect the interests of the employees. How employee representatives are connected to CSR can be deduced relatively quickly from the employee representatives' company interfaces "when management begins to plan and implement measures to promote social responsibility". In such processes it must be ensured that employee representatives accompany them, also in their own interests (2004: 6 et seq.). Regardless of how and whether CSR can "be a useful tool to strengthen the social and environmental responsibility of companies" or whether this work should be prioritized to other actors, there are definitely connecting factors for employee representatives, in particular: defining social and environmental business goals, introducing CSR management systems, introduction of environmental and social reports, what content should be displayed, introducing codes of conduct, the organization of stakeholder dialogues and the question of which representatives should attend" (Heil 2006: 8). In unions' conflict, any involvement will always occur when the legally guaranteed codetermination might be restricted. Therefore, their concern is clear: CSR should be established as a complement to legal participation, not entrepreneurial flexibilization. On the other hand, the expanded organization of work resulting from globalization will give rise to new union fields of activity, which can be addressed through transnational re-regulation by means of supranational or international standards (Zimpelmann/Wassermann 2012: 45). In the course of the research questions posed, the research intention is also (2nd sub-question) to question the social CSR content from a union perspective that contributes to the concept. Practical connections are certainly given according to the above explanations. The requirements for

unions in terms of their involvement are set out here, in which they could be involved in the company CSR process.

Looking at the three big pillars of CSR (economy, environment and social involvement) and German unions the thematic separation has just been as characteristic as the disregard for integrating an environmental and social dimension of sustainability into a common approach. Connecting lines between environmental, labour market and social policies were at best only addressed in the context of job security (Vitols 2011: 69). Although the integration of environmental and social issues is a very difficult task, unions in Europe can not be denied that in recent decades they have ignored environmental issues in the workers' range of interests. In recent years, they have developed more and more to a social player, because they have faced up to the challenges of environmental policy and aroused practice-oriented policy approaches. E.g. since 1976 the DGB has promoted its environmental and employment policy profile and positioning in its policy program (Gabaglio 2003: 53). In 2007, a policy paper commissioned by the German Federal Environment Agency recorded the environmental policy contributions of the German unions: they were a "central group of actors for sustainable development and ... shaping global regulation of corporate action". As "representatives of the social question ... they strengthen the social dimension of sustainability in particular" and are not closed to the requirements of sustainable development. The union focus was on "promoting a safe and healthy working environment, but also good work, as well as the well-being, participation and co-determination of employees and the local population" and on "fair distribution of opportunities and risks of economic use of the environment". In addition, they still have unused potential and options which concern, for example, the "other side of work", consumption or the "change in lifestyles and consumption styles" and the promotion of its sustainability (Arlt et al. 2007).

It may be noted that the national framework of unions' influence - codetermination - has its origins in the foundations of social responsibility. It was introduced by the legislator in 1976 for (socio)political and moral reasons: [it]"has never been primarily a strategy of struggle, but always also of integration. Because it includes co-responsibility, not primarily counter-power" (Kocka 2006). Furthermore, it can even have a public-interest effect by changing the attitude of companies to some extent: "It creates social esteem … and could be a means of making large companies more committed to the common good again" (Streeck 2004).

The chronological starting point for the following explanations is the publication of the CSR Green Paper 2001, which leads to an analysis of the content of the union statement and, based on this, to a position statement. The basic CSR-oriented statements were drafted by the DGB. In addition, individual unions, union officials and representatives have also submitted specific statements. As already discussed in the introduction to this paper, there is a wide variety of terms used to describe corporate social responsibility. The existence of competing and related concepts in the context of CSR makes the definition vague, so that an exhaustive presentation of related statements cannot be the aim of this chapter. Therefore, only union material that clearly refers to CSR will be considered.

4.1 Union statements and publications

Needless to say that the unions are also aware of the fact that a debate on CSR - under whatever vocabulary - is taking place. Using the term CSR, the above-mentioned 2001 Green Paper provided the impulse for a statement. This statement is the prelude to this chapter.

4.1.1 Official response to the Green Paper in 2001

The DGB, in its 2001 statement as a first reaction to the publication of the Green Paper, supported the concept in principle. It was a significant "impetus at European level on corporate social responsibility". However, it also quickly became clear that the DGB was sceptical about the voluntary approach and preferred a regulatory option: "The DGB considers this to be insufficient" (DGB 2001). In contrast, a completely distanced, or rather negative, stance would certainly be more radically formulated. This view is underpinned by the further content of the opinion, which begins "very briskly" (Tichy 2008: 334): "The DGB is of the opinion that due to the functional structure of market economies it can hardly be assumed that voluntary initiatives can achieve a substantial scope without a corresponding binding framework. Companies competing in market economies will generally only consider aspects of social responsibility beyond their immediate business objectives if they and their competitors in the market are either obliged to do so or if they expect medium or longer-term benefits from it" (DGB 2001). Tichy noted that the DGB "almost literally" copied this comment from the Austrian Chamber of Labour (2008: 334).

There is clear agreement on the subject of corporate restructuring and respect for human rights, where "the opinion ... can very quickly be seen as a paper tiger" or "can hardly be surpassed in its meaningless general validity" (ibid.: 334 et seq.): "the European Commission

is to be approved if it ... emphasises the involvement of those concerned by providing information. From the point of view of the DGB, the social responsibility of internationally active companies consists above all in respecting fundamental human rights" (DGB 2001). Furthermore, it is pointed out with concern that the dismantling of already threatened co-determination and employee rights could be intended. Even though negative criticism was occasionally levelled at the suitability of the CSR instruments used (especially their voluntary nature) and positive criticism (e.g. about the intended social reporting, voluntary commitments by companies), the paper does not mention any concrete (counter)strategies or promise any operational measures or initiatives of its own (Hauser-Ditz/Wilke 2004: 7).

According to ver.di, the European Commission had already involved the unions in a consultation process before the publication of the Green Paper and had thus already launched a debate at union level. Here, the focus was on contents which signify a "renaissance of classic topics", e.g. DGB demands for social balance sheets and accountability reports. However, they were concerned about developments such as the internationalisation of economic relations. Although ver.di agrees in principle with the CSR concept, it criticises the proposed forms of implementation. The voluntariness promoted by the EU is far from practical and an expression of a too "minimalist" design (Zimpelmann/Wassermann 2012: 51).

In his contribution in 2002, the co-determination expert of the Hans Böckler Foundation Kluge described CSR, despite its "programmatic blur", as a "socially relevant driver" for the accompanying debate and predicted a dynamic that "goes far beyond the institutionalised social dialogue to date". ... "CSR is the formula - on which the actors have agreed. But this is where the debate really gets going." Even if, compared to other European countries, "there is little talk about CSR on the employee side", there are "good opportunities for cooperation in Germany - some of them have already taken up the ball". Nevertheless, a clever mixed CSR conclusion tends to be positive: Even if the ETUC "not entirely unjustifiably" sees the danger that "the institutionalised and binding social dialogue ... could be undermined by companies giving preference to voluntary and unilateral initiatives", it is "nevertheless ... good if companies anchor themselves in society according to their self-image. Perhaps this is an opportunity to reposition the political claim of codetermination more strongly and to assert social interests in corporate policy. Social responsibility must not be left to company management alone" (Kluge 2002).

4.1.2 Position on the Multistakeholder Forum

No official DGB position paper has been drafted on this issue. However, secondary sources can be used to illustrate union attitudes at European level. Participation in the Forum gave them a "particularly painful experience", as it was not possible to finalise a consensual debate between companies and the various stakeholder representatives on the principles for shaping CSR. What remained were the well-known differences between commitment vs. voluntariness, which can be regarded as the real centre of the discussion (Arlt et al. 2007: 39).

The European unions represented by the ETUC initially adopted a sceptical attitude towards taking part in the discussions at the beginning of the forum. Muchitsch attests them a "changeable" success in negotiations, particularly because they apparently only assigned the forum to a "side stage". Other activities and fields of action were given more importance, so that they accepted CSR negotiation losses and wanted to avoid "unnecessary" conflicts with the employers' camp. Critical voices were also raised from within the union's own ranks with regard to its overall presence in the Forum: commitment would have been insufficient and its own foresight would have been lacking. After drawing up the final report of the Forum in 2004, the unions were critical of the continuation of this body, as it would henceforth only serve a political purpose in terms of legitimising the Commission and the companies, without offering the employees any scope for co-determination. Even though the unions did not officially declare their withdrawal, some of them no longer took part in the various meetings. Since then, the issue has received less attention in the ETUC. It should be remembered that CSR "has never been a classic union issue and there are priorities in other areas that are more concrete". The Commission, however, encouraged the continued participation of unions, as it considered cooperation to be fruitful. In return, the unions hoped at the same time that their participation would meet with greater acceptance (Muchitsch 2012: 23 et seq.).

4.1.3 Workshop in 2005 on CSR - "New fields of action for employee representatives"

As a consequence of the public debate on the CSR Green Paper, DGB and Hans Böckler Foundation organised a workshop in 2005 in which unionists and various representatives from science and practice spoke about the areas in which employee representatives are and can be called upon to embed CSR in their areas of responsibility (DGB 2005). The workshop was intended to achieve an initial official position of employee representatives "on CSR as a plus and addition to legal regulation" (Hexel 2005: 3). Egbringhoff and Mutz regard the

documentation of the workshop as one of the “first publications of the DGB”, which also shows that “the efforts to develop an own attitude ... have been significantly intensified” (2010: 282). DGB executive board member Hexel had proclaimed that the discussion should be “put on a broader footing” in order to be able to make a difference, otherwise the booklet of action would go solely into the hands of business associations and NGOs. However, it had to be made absolutely clear that codes of conduct could only supplement legal provisions and collective agreements and that CSR “instead of ... co-determination” was unacceptable. (2005: 3).

DGB official Marie Seyboth notes discussions about “increasing managerial pay while relocating abroad or job losses despite fabulous increases in profits”. However, this is an area in which union policy is being addressed. The emphasis on the voluntary nature of CSR would run counter to the culture of co-determination with clearly regulated legal standards. This background understanding, however, carries the danger that the unions “actually sit back comfortably in the debate and let the companies ‘do what they want’.” For this reason it is “particularly important that unions also deal with the topic of CSR”. When it comes to the chances of enforcing a binding set of rules with liability and sanctions at international or at least European level, the unions have proved to be reasonable: “As desirable as such an objective is, it is unrealistic. ... These [CSR] criteria should rather be developed in a democratic process” (Seyboth 2005: f4).

Hauser-Ditz and Wilke presented the main results of a 2004 survey of works councils in large companies on CSR relevance in business practice. In the study, works councils critically cited image cultivation as the main motive for CSR commitment, with around half of those questioned also citing investment in human and social capital to increase competitiveness as a motive. As criteria for exercising social responsibility, they prioritised points that usually do not play the main role in the debate: Securing employment and location. Overall, the study was unable to confirm a fundamental mistrust that CSR policies were being pursued against employee representatives under the guise of CSR. Theoretically, as the unions sometimes suspect, CSR measures can be deliberately “whitewashing” or strategically deliberately undermining national standards. It is also worth mentioning that they are at least not negative towards voluntary agreements and should not lose touch with the debate with other stakeholders. Hauser-Ditz and Wilke draw the conclusion from the survey that there are numerous interfaces with the activities of employee representatives, which also give them

scope for shaping their involvement. Finally, it is recommended that the unions be heard more in the public debate (Hauser-Ditz/Wilke 2005: 6 et seq.).

The speaker from Austria Angerler contributed from the positions of the Austrian Federation of Trade Unions and NGOs and presented her CSR standpoint as well as the CSR-Austria initiative, which was founded in 2003 by Austrian business associations to the Federal Ministry of Economics and Labour for the purpose of initiating debate and implementing CSR. Although the initiative and the mission statement behind it are welcomed, the employee representatives should be explicitly included in the dialogue. Angerler also emphasises that voluntary commitments must not jeopardise existing binding regulations, but should go beyond national and international minimum requirements. As a possible regulation on how binding standards can be set by law, the "Corporate Responsibility Bill" from Great Britain provides an adequate example of how information on environmental and social impacts of business activities can be disclosed in a binding manner (Angerler 2005: 11 et seq.).

Heidemann, sociologist and head of department, sheds light on the role of human resource management ("HRM") in the performance of CSR tasks. HRM concerns social responsibility internally (internal dimension). Similar to HRM, CSR can also develop as a strategic concept, which can be of great importance for the development of competitive advantages. The involvement of the works council can be found between employee protection and entrepreneurial cooperation ("co-management") mostly in human resources, so that its CSR commitment in the HRM context can take various forms (Heidemann 2005: 14 et seq.).

The product tester from Stiftung Warentest and former employee of the Federal Environmental Agency Brackemann pointed out that up to now, the manufacturing conditions have not been taken into account when carrying out product tests. These circumstances prompted Stiftung Warentest in 2004 to carry out three pilot projects to examine the socio-ecological assumption of responsibility in selected product areas (outdoor jackets, frozen salmon, heavy-duty detergents) in order to test compliance with CSR criteria and to uncover dependent buyer behaviour. The creation of transparency in a value creation or production chain with an unmanageable number of suppliers is problematic. Here, for example, it was necessary to evaluate the efforts of the respective supplier to gain clarity about these relationships. In 2006, a project of the Institut für Markt-Umwelt-Gesellschaft e.V. (Institute for Market-Environmental Society) was able to empirically prove that the above CSR test

results did not fail to have an impact on the majority of readers and can be classified as relevant to purchasing decisions: depending on the product, 50-70% of customers intend to use the CSR information in this respect. The test example of frozen salmon was used to validate that, shortly before the test was published, one in four customers actually used the results for their individual purchasing decision making (Brackemann 2005: 18 et seq.).

At the DGB workshop, works councils of large companies also spoke out in favour of CSR and enclosed documents documenting their corporate standards for compliance with social and ecological requirements both internally and externally. Rühl, who was spokesman for the Volkswagen works council at the time, summarises under CSR a series and variety of activities that are lived out in the group. The employees also make their contribution, for example through donations. Internationalisation and globalisation prompted the company to set up a European and global group works council in order to show international solidarity. The implementation of a social charter in 2002 for all locations underpins this claim. However, the limits to compliance are clear, as the application of these principles to suppliers was defined as the "next challenge" (Rühl 2005: 20 et seq.). Adidas Works Council member Bauer takes a similar view on this issue. An international company cannot avoid responsibility within the supply chain, but the Adidas Group and its suppliers "strive" to comply with responsible behaviour. This is also a challenge, he said, especially as almost all parts of production are outsourced (Bauer 2005: 23 et seq.). The Bosch works council Löckle illustrates its strict approach in applying its principles of responsible conduct with the example of a supplier clause according to which the Group companies commit themselves to categorically exclude orders to suppliers if they violate the generally applicable ILO core labour standards (Löckle 2005: 28 et seq.).

CSR consultant Beile had summarised the highlights of the workshop. In future, unions should become more actively involved in the debate, embed their own points and strands of discourse, such as reconciling work and family life, and provide definition services, otherwise "definition power" could be lost here. Another important starting point for discussion is co-determination, whose relationship to CSR is viewed critically, even though works councils have not yet been able to detect any signs of weakening. The discussion also showed that employer and employee representatives have different priorities: employers focus on commitment, especially at regional level, while their opponents focus on compliance with minimum social standards. A globally oriented perception of social responsibility inevitably

also means an expansion of interest representation structures and tasks. Moreover, the public also fulfils an important monitoring function by punishing misconduct, especially in large companies, with loss of image and turnover (Beile 2005: 32 et seq.).

Finally, DGB board member Botsch outlined areas for action and an outlook. First of all, the discussion within the own ranks had to be extended in order to develop further contents. He outlined the scope of the discussion as broadly as possible: the welfare state ("privatisation of profits with socialisation of costs on the company side"), the division of pluralistic corporate governance according to internal (employees and their representatives) and external interests (associations and NGOs), globalisation as a drastically intensified challenge for employees (especially competition between locations), and the establishment of a comprehensible reporting system. Ultimately, the consumers "as a third force" form the conclusion of the frame of reference. Botsch gives a multi-layered overview of the objectives of the union CSR debate. The debate focuses on the effects of a globalisation debate on the national level and, conversely, on global action from the national level. CSR must also be propagated "as a plus and an addition to legal regulation", not as a "substitute". CSR cannot be left exclusively to employers' associations or other actors such as NGOs, as unions are legitimate stakeholders. (Botsch 2005: 34 et seq.).

4.1.4 Position on the Commission Communication 2006

The CSR-alliance runs counter to the above-mentioned efforts of the unions not to leave the field to other actors. There is no official communication from the DGB. However, the union position on the European Commission's communication is clear from ETUC statements and other sources.

As the differences arising from the first conclusion of the Multistakeholder Forum remained unresolved, the ETUC expressed serious concerns about the unbalanced unilateral, business-only alliance. While recognising its voluntary nature, it was imperative that CSR guidelines be adopted at European level. These make demands, for example, for mandatory reporting on the social and environmental impacts of corporate activities, verification by instruments or certified agencies, cooperation with unions and NGOs in drawing up codes of conduct (ETUC 2006). The publication of the second follow-up reached its "peak" in the critical attitude of the unions. This is a "major step backwards" for the development of CSR (Muchitsch 2012: 23 et seq.). Apart from the "relapse behind what has been achieved so far", it is also

disappointing that the Commission still does not mention any generally applicable criteria in its communication on the basis of which the CSR concept is implemented in practice. “As CSR is a ‘non-proprietary label’, unions fear that companies adorn themselves with CSR because they support local associations or make charitable donations but do not fundamentally change their business practices. The Communication has also confirmed the divergent positions of stakeholders” (Heil 2006: 9 et seq.). At the time, the “weakness” of the Communication led the ETUC “to abandon the Community process in order to occupy other spaces” (EGB 2011).

4.1.5 Positions of ver.di and IG Metall on the responsibility of multi-national companies

In 2006, ver.di published a brochure on the social responsibility of international companies and the importance of international standards. It states, among other things, that economic, social and ecological goals are to be considered equally, since the free market is “blind to this balance” and therefore needs regulation. It is left to the reader to decide whether German Basic Law, which states that “property is an obligation”, is to be understood exclusively in terms of maximising profits or whether, on the contrary, “the use of property ... may at the same time serve the public good” (ver.di 2006). In general, ver.di takes a very critical stance. “Voluntariness is the greatest deficiency.” Activities can be identified, but “rather the exception.” The measures applied do not go far enough and are limited to e.g. charitable commitments. Nor should we allow ourselves to be blinded by communication - CSR as a PR and marketing instrument (Glaubitz 2007). Unions have been accused that companies are in a position to influence (“blackmail”) governments in order to survive in global competition. Competition also involves the cross-border playing off of workers. As a transnationally binding regulatory instrument, they advocate international framework agreements. Ver.di urgently draws attention to the inhumane textile production conditions prevailing in some countries. As one of the sponsors of the “Clean Clothes” campaign, founded in 1990, they are actively involved in improving working conditions worldwide (ver.di 2006).

IG Metall also published a special brochure on the use of international framework agreements in 2006. IG Metall promotes voluntary agreements, because their effectiveness increases the more companies use them - along the value chain - and the more transparent their implementation is. The compliance with core labour standards anchored in these agreements is consistently pursued by the unions. As long as companies have not yet concluded any binding agreements, IG Metall will “continue along the consensual path ... within the CSR

debate" and support companies in implementing them. The primary aim is to better guarantee working conditions and rights by achieving minimum working conditions at all sites and, as far as possible, with suppliers and contractors, "in order to … stop … the downward spiral of ever worsening working conditions" (IG Metall 2006: 7).

4.1.6 Positioning in 2009

In 2009, there is an increasing number of statements and argumentative sources from which the union position is derived. In addition to public position papers, which attracted a great deal of attention, there were also isolated contributions from functionaries.

Even before the DGB published a position paper on 10 points in dealing with CSR, six theses on the relationship between co-determination and CSR were presented immediately prior to this. In future, a voluntary CSR concept should continue to complement national, European and international legislation and collective agreements. A critical and balanced approach to the matter was called for. Thesis 1 quotes parts of the Green Paper, above all the general definition of CSR. Thesis 2 puts into perspective a danger of the suppression of legal regulations in Germany. According to thesis 3, the involvement of employee representatives in such commitments contains both opportunities and, according to thesis 4, risks (above all the suppression of company agreements through voluntary commitments). Thesis 5 again draws attention to the need to involve employee representatives in project and committee work. Thesis 6 sets out - against the background of increasing CSR intensity - rules on how their appropriate involvement in CSR processes could look in future (DGB 2009a).

With the 10-point paper, the DGB formulates recommendations and demands to companies and politicians, which are declared to be "binding rules that apply to all". The paper promotes CSR regulation and - in the sense of the German constitution "property obligates" - entrepreneurial action oriented towards the common good. In a democratic society, companies are obliged to meet this responsibility. The debate on CSR had been sparked against a background of irresponsible corporate policies. The financial and economic crisis and climate change make it clear that there must be a regulatory framework with socio-ecological-economic equality. According to 1st of the 10 points, CSR alone as a voluntary concept can never ensure the protection of workers' rights. Therefore, only an addition is useful, but not a replacement of existing regulations. Demand 2 largely corresponds in content with the above-mentioned theses 3 and 4 and addresses the opportunities and risks of involving employee

representatives. Demands 3-5 maintain the need for binding intergovernmental regulations in order to guarantee working conditions that respect human rights at all locations and also at suppliers. Through demand 6, the DGB demands liability rules if CSR measures are violated. The 7th demand indicates a possibility of liability if CSR is only practised as a "cosmetic measure". The award of public contracts should be subject to compliance with the ILO core labour standards and adherence to collective bargaining agreements, according to demand 8. Social and environmental corporate obligations are to be included in international economic agreements in order to curb the principle of free trade, according to demand 9. With its demand 10, the DGB demands the legal harmonisation of private sector standards (DIN/ISO) with existing regulations (e.g. ILO core labour standards) (DGB 2009b).

Heil had already formulated similar central union demands by IG Bau in 2006, but these were primarily politically addressed (2006: 8). The main reason for the DGB's announcement of those demands is that they are intended to limit the scope or prevent companies from opening the door to the sole determination of social responsibility. In order to be able to apply them in practice, however, they are relatively vague and "general" (Zimpelmann/Wassermann 2012: 46, 58).

The DGB speaker and co-determination expert Thannisch took up once again the opportunities and risks arising from the involvement of employee representatives. He said that a critical stance should continue to be taken. The risk/opportunity ratio must be carefully examined, e.g. the tying up of resources in CSR concepts can be to the detriment of the works council's day-to-day business or the company may intend to include them symbolically with a mere view to its image, without any actual involvement of the employee representatives in mind. The basic principle of voluntariness had to be questioned more thoroughly against the background of the increasing importance of CSR. Even if CSR and co-determination are "despite many interfaces, foreign to each other" and have an ambivalent relationship to each other, the arguments of the other side to justify voluntariness often remind of the attacks against the concept of co-determination. In conclusion, Thannisch concludes on the status quo that employee representatives "are increasingly confronted with CSR concepts". (2009: 335 et seq.).

DGB board member Hexel published an anthology in 2009, provides an insight into the discussion of union positions in the context of co-determination policy and current

developments and challenges. CSR as a future field of co-determination is explicitly included and critically evaluated. Hexel underlines the importance of co-determination, creating "the conditions for democratic control of economic power" and bringing about "a profound change in our economic and social model" (2009: 7). From this, Thannisch concludes that co-determination is "much more than CSR": "In its social impact it goes far beyond the voluntary and ultimately non-binding self-commitment. The assumption of social, ecological and societal responsibility has become a challenge for companies. This task primarily addresses CSR as a currently booming approach" (2009: 335 et seq.). The DGB co-determination expert Seyboth dealt with co-determination and the influence of the capital market in her contribution. A free market model like the one in America is not suitable for Europe, because state regulation cannot be replaced by dispositive law and reliance on the functioning of the markets. This applies equally to concepts like CSR (2009: 101). The CSR-relevant statements in Hexel's work are largely determined by an essay written by Birth, a co-determination expert from the IG BCE union. Companies, consultants, the media, scientists and politicians are now infected by "CSR fever" and a flood of publications can now be found. Arbitrariness is a major shortcoming, especially at the international level, where there is a lack of minimum standards for fair working conditions. He advises caution because there are indications of genuine and false CSR policies. Credibility can only be generated if responsibility extends externally and internally, and thus primarily in dealings with employees (2009: 176 et seq.). The publication also incorporates suggestions for a new approach to corporate governance, which sociologist Vitols discusses the concept of sustainability. He sees the old CSR debates of earlier times as a pioneer for sustainability. The reporting practices of globally operating corporations should be observed critically. According to a survey, only two-thirds of them have CSR reports with information on environmental emissions. In large companies, employee representatives are involved in the preparation of reports - if at all - through the European Works Council. There is still plenty of room for improvement in the extent of employee participation in a company's sustainability policy (2009: 179 et seq.). A further contribution in 2009 to the union view of CSR was made by DGB Executive Board member Matecki. He cited the advantages of making CSR mandatory, especially for countries without legal employee protection. The article deals with the difficulties at international level. Unions argue for binding intergovernmental regulations. The boundaries of national legislation are becoming blurred in the age of globalisation, so CSR could be a way for multinational companies to establish standards that apply worldwide; even in countries where worker protection rights do not or hardly exist. From the union

perspective, the current CSR concept “needs to be improved considerably”. Compared to CSR, the OECD Guidelines are, for various reasons, “the best model to date for advancing the social dimension of globalisation” (2009: 44 et seq.).

4.1.7 Official response to the CSR Communication of 25th October 2011

According to the DGB, “the EU has presented a first important step in the right direction”, no more and no less. The paper also contains “groundbreaking elements for the German debate on CSR. ... What remains insufficient ... is the involvement of democratically elected employee representatives in the CSR strategy and the lack of international, uniform, verifiable and binding regulations.” There are also shortcomings in the Commission’s wording, which is sometimes too abstract and non-binding. There is support for new definitions, such as the priority of responsibility over maintaining the voluntary nature of CSR. The protection of workers’ and human rights could not be guaranteed by voluntary regulations (DGB 2012). When referring to the debate at national level, it should be mentioned that this was preceded by a respectable success: in the Federal Government’s CSR Forum, business associations and unions were able to agree on a common understanding of CSR: “Companies assume social responsibility by treating, promoting and involving employees fairly, in particular. CSR is voluntary, but not arbitrary” (Bundesministerium für Arbeit und Soziales 2010: 35). The Commission statement provides “important impulses” to limit arbitrariness and can therefore also provide starting points for further work in the CSR forum, a “combination of voluntary measures and (if necessary) supplementary regulations ... and the UN guiding principles” to be taken into account in the German government’s CSR action plan (DGB 2012).

The new CSR definition is considered “helpful”, now “emphasising the requirements of compliance with applicable laws and collective agreements as a prerequisite for responsible behaviour and requiring that social, environmental, ethical, human rights and consumer interests, in close cooperation with stakeholders” be taken into account in the core business. The “intelligent combination of voluntary measures” and “supplementary regulations” is also noted with approval. However, the new role allocation is not enough for unions: they see their own role vis-à-vis companies undermined. The DGB takes up some points of the Commission’s action plan. Partly as a result of moderate success or lack of success, platforms such as the Multistakeholder Forum and CSR Awards are not recommended. The Commission’s call for more transparency meets the expectations of the unions, but they also want to be involved in this process. Transparency is necessary in order to be able to make

comparisons. The Commission's intention to use one of the three globally recognised guidelines (OECD Guidelines, Global Compact, ISO Standard 26000) as a basis for a CSR concept should also be turned into a legal obligation (DGB 2012).

The ETUC has made similar comments: The Communication shows "significant improvements" compared to 2006 and "contains welcome trends but still far too few concrete actions ... it is far from sufficient!" The ETUC wants to encourage companies to adopt "an open and proactive attitude towards the union movement", referring to the statement of the UN Special Representative on Human Rights and Business Ruggie: "The presence of unions is the best monitoring system and the most effective complaints mechanism" (EGB 2011).

According to Thannisch, the debate is influenced by a "new dynamic": the initiatives already identified in the Communication and the update of the OECD Guidelines are evidence of this. The dynamic tends towards "more transparency, more verifiability and more corporate responsibility" and "the dogma of voluntarism, which has prevailed until now, is being cautiously abandoned". The new CSR definition "goes significantly beyond the previous one", but the contents of the communication do not meet the union's expectations. A consensus is not conceivable for the differing interests between NGOs and unions on the one hand and business associations and the German government on the other. With regard to the jointly developed new understanding of CSR at national level, it is again made clear that social responsibility is to be placed in the "core business". In addition to the work in the forum, Thannisch will present other practical examples of union activities in the CSR field. The focus will be on practical projects of the DGB and its member unions to develop specific sectoral solutions, e.g. the campaign for clean clothing or the Wittenberg Process. In summary, and with reference to these initiatives, a "diverse [it]" involvement of the unions can be observed overall. This does not change the fact that CSR remains a "sometimes critically discussed term" (2012a: 309 et seq.). There is a changed awareness of values in the debate - welcomed by Thannisch as a "positive dynamic", because "it is about core union issues, we just use different terms", even if co-determination and CSR are "foreign to the essence" due to different cultural origins. Underlying differences lead to controversial discussions and tough negotiations in the CSR forum: "With the NGOs ... it is more a matter of cooperation. But with the business and employers' associations we sometimes struggle for every word in the joint decisions. These are hard-won compromises. The Commission's demands for legal transparency obligations were controversial, and no consensus could be

reached on them. In order to uphold the principle of voluntariness, intensive political lobbying was being carried out by the business associations. ... We have never been as close as now to achieving real progress in CSR" (2012b).

4.1.8 Official response from 11.04.2016 to the Directive 2014/95/EU

DGB also issued an opinion on this latest communication. In the CSR reports, which have so far often been published on a voluntary basis, management was free to decide how and on what to report. The DGB confirms this directive as a step in the direction of more binding rules (DGB 2016a: 2).

As these non-financial statements include employment and social matters those have an impact on labour relations, so as part of a project in 2016-2018 called 'DimasoLab' experts from 12 countries examined the possible impact of the Directive on industrial relations in Europe in order to contribute to a constructive debate on the role of unions and employee representatives in non-financial reporting. Unions and employee representatives concluded that non-financial reporting (NFIR) can make an important contribution to providing valuable information. In all countries it was criticised that although the NFIR contained extensive information, there was little coverage of the sensitive issues. In most cases, the data provided was unclear, excluding important information (e.g. supply chain). NFIR is rather seen as a marketing strategy. As unions and employee representatives were not involved in this process, the decision on the content and nature of the information was entirely in the hands of management. It was agreed that a binding standard was needed to improve the quality and comparability of NFIR. (Arbeit & Leben 2018: 87). Thannisch has reiterated the results: "Employee representatives on the supervisory board must be able to classify the non-financial reports ... . They can be important actors ... in verifying the accuracy of the information. The more ... detailed the reports are, the better employee representatives can ... demand social responsibility. Ideally works councils and unions should therefore be [involved] during the preparation of the reports" (2018). Any demands such as higher involvement and critics (e.g. CSR as PR instruments) have already been formulated in previous opinions (e.g. DGB 2009).

4.1.9 Conclusion and critical appraisal

In order to merge the previous contributions, which were based on a period of about 10 years, into a final result and to outline the position from this, it would be a good idea to briefly trace the entire development of union involvement depending on the framework conditions. The

position is then determined in two ways, not only in terms of content but also in terms of the course of development. In the end, these currents must be brought together and a transition must be created for further investigation or the conceptual-analytical part of the work.

4.1.9.1 Line of development and ruptures in union commitment

In the early stages, the DGB and its affiliated unions - measured by the number of publications - kept a reserved position. Several years later the DGB introduced its CSR-position a couple of times so the central positions can be identified and interpreted even more precise. Parallel to a CSR upswing, however, the number of detailed statements by the unions is actually more conspicuous over time, even if the issues around which their position is circulated are usually repeated. An inflationary effect cannot be denied. The joint work in the national CSR forum in 2009 resulted in a consensus paper that was adopted by the unions with satisfaction, which can be credited as a respectable success at national level. In the common understanding, the corridor of "voluntariness" has since then been curbed by a CSR non-randomness. The International Multistakeholder Forum did not really come to an agreement.

In the long period under consideration there were also some intermediate periods which were in the foggy area. However, the workshop at the beginning of 2005 and the forward-looking 10-point-paper in 2009 can be chiselled out as milestones, when positions were taken in detail, even after the calls - especially from within the union's own ranks (Heil 2006: 6) - became louder and the pressure greater. The initial passivity of the unions did not fail to have an effect. This largely passive attitude was increasingly criticised as the year progressed. And the relatively late timing of the positions did not go unnoticed either. Vitols, too, criticises the relatively late "concrete definition of positions ... not until 2005" (2011: 77). In the period that followed, the unions made strategic corrections as they managed to remedy their negligence, even if it took some time. In retrospect, Zimpelmann and Wassermann recognise an "increasingly differentiated approach ... to the issue of CSR" (2012: 23). The 10-point paper also attributes Vitols as an important milestone achieved: "In particular, the DGB then became active in the field of CSR in 2009" (2011: 77).

The development of union involvement must also take into account a systematisation of the framework conditions. The 2006 Communication has brought the situation to a head. The Commission has acted as the representative of the interests of companies, which has led

unions in Europe to withdraw from debate and lobbying. Prior to this, the 2004 Multistake-holder Forum had already come to a tentative end with little promise. Their veto position could subsequently no longer be claimed due to a favourable development for them. While business organisations have been up in arms, unions have largely positioned themselves for the new EU 2011 strategy. In any case, this CSR development has strengthened the position of the unions. More significant in terms of environmental conditions seems to be the financial and economic crisis that has emerged in the meantime, which has understandably encouraged the CSR debate and spurred calls for greater transparency. The DGB has not remained unaware of this link. In the course of the crisis at that time, the concept of "responsibility" has developed into a "core value". However, there is no evidence that the DGB was only prompted by the crisis in 2009 to issue the above-mentioned statement (10-point paper). This crisis certainly has an indicative effect and is another piece in the mosaic on the way to qualifying 2009 as the year of a significant DGB positioning.

4.1.9.2 Summarising position presentation

Firstly it must be pointed out that, in view of the curvy development of CSR, the approach of the European Commission in addressing its CSR concept has not made the access for employee representatives easy. Such a thematic approach probably also explains "the broad spectrum of union assessments", which "makes discussion and strategic positioning more difficult" (Zimpelmann/Wassermann 2012: 57 et seq.). The Commission's approach is unusual and therefore individual. Nevertheless, Vitols notes that there has been a lack of "clear union statements and practical recommendations for action on how company employee representatives deal with CSR" (Vitols 2011b: 269). Although the opinions are all critical, they remain abstract and general. However, some essays shed light on some aspects of the issue in some places, as some aspects have been developed in greater depth. The discussion of topics and their interpretations basically carries the danger of alienating the original material by transferring a discussion into a - more or less - context-free space. In the author's opinion, this did not happen, because the subject matter was adhered to and CSR was indeed debated.

The union statements usually focus on aspects relevant to employees, even if CSR is more than just responsibility towards employees. In this respect, Braun and Backhaus-Maul recognise that the matter is discussed from the individual actors' own perspective, "which largely corresponds to their usual orientations". Any focus, they say, is particularly noticeable in the unions, which set employee interests as the linchpin of social commitment. In terms of

content, the emphasis is on “union aspects, such as ... company co-determination. Further facets and aspects of social commitment are at best only hinted at, but not further elaborated” (2010: 110 et seq.). An empirical study conducted in 2005 showed that unions in Europe are active in the context of their well-known issues such as job security (Salzmann/Prinzhorn 2005).

The statements defining the position were made by the DGB and its officials, experts and affiliates. Some of the more frequently made statements are of a normative nature, the aim of which may be to safeguard existing relations and interests first. Their basic outlines are (esp. DGB 2009):

1. voluntariness vs. binding status: CSR could only supplement binding rules, but never replace those. This position was clearly expressed from the beginning. This general postulate of a binding CSR regulation and the resulting maxims to oblige companies to implement social responsibility and the corresponding reporting form the path of their demands.
2. CSR and codetermination: CSR cannot be a substitute for codetermination. DGB official Schneider criticizes in addition to the voluntary nature of voluntary commitments (“What is voluntary, can also voluntarily be left again. Therefore, CSR remains a fair weather event.”) a lack of benefit for participation: “Where there are conflicts, ... the CSR standards are quickly up for debate. They cannot be effective. That’s why CSR cannot be a substitute for co-determination” (2011: 58). But it may be noted that on the one hand the “either-or”-discussion has been successfully overcome. On the other hand CSR-instruments provide new scope in the work of the employee representatives that can supplement and revitalize codetermination (Zimpelmann 2011). The concern of employee representatives that CSR could include participation and/or serve as a substitute, “this goal is in Germany off the table”. Zimpelmann’s and Wassermann’s empirical study provides the opposite: “Co-determination has been used by employee representatives as a trailblazer for voluntary social corporate responsibility right up to international framework agreements. ... Co-determination is a basis for CSR in Germany - not the other way around” (2012: 207).
3. After initial restraint, CSR and its development continue to be viewed critically and sceptically, despite their approach to the issue of participation in joint and establishment of their own initiatives, as well as a more nuanced and guided debate (esp. DGB 2009). In addition, it was clarified that this should not be regarded as a basically negative or “non-

negative" attitude (Hexel 2011: 230). However, this does not suggest a complete endorsement. Such a restriction includes due caution in relation to the CSR concept.

The unions' scepticism is formulated in terms such as "fair weather event" and framed as 'green-washing'. Due to the primarily profit-oriented motivation, this approach is viewed critically. They agree with the general critics that companies only have reputation effects in mind. But it also needs to be considered that the strategic messages that unions express are on the one hand between a "confrontational" culture of dialogue based on "naming and shaming" and on the other hand "efforts to create framework agreements should be established by dialogue structures" (Zimpelmann/Wassermann 2012: 23). The unions' statements are predominantly criticism papers, some of which conceive of stringing together similar content. The formulated criticisms focus on the voluntary nature of the debate on this position, which in accordance with the position in question constitutes the relevant resistance line. A practice-oriented study project 2013 of the University of Münster came to the conclusion that the employee representatives make the impression at that time, "still in the search for their own, unified viewpoint in the CSR discussion" (University of Münster 2013: 114).

4.2 Excursus: The unions' up-to-date-role as a societal actor and thematic integration into the research context

Another context confirms the research findings and gap of this study. This will be demonstrated by a current role of unions as societal actors and a related concept. From a strategic point of view, the concept of Porter and Kramer and 'Big Idea' exists besides CSR, called Creating Shared Value (CSV): "the principle of shared value … involves creating economic value in a way that also creates value for society by addressing its needs and challenges. … The concept … focuses on the connections between societal and economic progress" (Porter/Kramer 2011). It can be illustrated on this basis as follows:

Figure 9: Concept of Shared Value
Source: Bockstette/Stamp 2011: 4



CSR and CSV address equivalent issues or rather pursue social and economic goals. Several multinational companies have committed themselves to CSV and CSR, for instance the Swiss foodstuff Company Nestle (Nestlé 2019, Good food, good life).

As already initiated in the previous chapters above unions are an association that primarily cares about the interests of employees (tasks like intercompany collective agreements, negotiations with the employers, organization of wage disputes e.g. strikes, advice and support on employment issues). Furthermore they represent special companies' interests: well-being of workers and companies (twofold character or 'dual nature of the unions). While the CSR and unions' interrelationship has already been illustrated it must be stated that societal issues are addressed by unions as well. There are several examples they are engaged in:

- equal work equal pay (DGB 2019b),
- right to further education (DGB 2019c),
- safety at work (DGB 2016b),
- reduction of working time (DGB 2019d), and
- labour market integration (DGB 2017).

As both concepts - CSR and CSV - are related to each other the author makes a first general conclusion in this subchapter: as a consequence of Porter and Kramer's CSV it can be stated that CSR is desired societally and entrepreneurially. Unions represent special company and societal interests: enumerated issues above are partly union core issues but also address societal aspects. So the next conclusion is that unions contribute to a strong society and therefore to shared value.

A final conclusion that can be drawn from these comments: they underline the recognition that unions already initiated societal issues consistently alongside core business. As a consequence of this conclusion CSR should be more in unions' focus. But the status quo is entirely different: (in light of the above explanations and state of research) CSR is barely considered by the unions. So further research regarding the reason(s) is required.

4.3 Significance of the results for further investigation and reconciliation

Even if concrete research results to answer the main question are still outstanding, a first interim conclusion should be given: a union passive behaviour can be claimed to be empirically confirmed or at least initial assumptions can be confirmed. Hauser-Ditz and Wilke (2004) and Mutz and Egbringhoff, in particular, affirmed this empirically, stating that a timid commitment was being made by works councils, even though "it is about original topics" (2006: 27). Although the potential for discussion was high at an early stage, little was done by the unions. Passive behaviour, however, is countered by a radical tone as a striking criterion. Unions indicate they would take decisive action, but there is little sign of this at first. It is surprising that union statements were scarce at the beginning of the discussion around 2001 and if they were accompanied by scepticism and criticism. Fears of coexistence and a tension between co-determination and CSR were quickly introduced. The unions will always remain determined opponents of the course, to make co-determination rights looser. However, as early as 2004, Hauser-Ditz and Wilke produced initial empirical findings that did not indicate any intended deprivation of participation rights (2004: 8). Thannisch also points to the fact that at least no explicit possible demands were placed in the debate (2009: 335). Therefore, the impression may also be given that the DGB reflexively wanted to understand statements in the Commission's communication as an offensive on workers' rights, even if there is no danger. It cannot be ruled out that many statements are made as a reflex.

It can therefore be criticised that the first phase - if one assumes a phasing - shows a lower willingness to give evidence compared to its opponents. They have also publicly admitted that they have left the field to the business associations. If this is tactically justified, a starting advantage can be shown, since the arguments of the opposing side are now already sufficiently well known and can be better used for their own positioning. On the other hand, in order to be perceived as an influential debater, they could have contributed more, at least at the beginning of the debate. Compared to the business associations unions´ members, namely employees, are not directly, but at least indirectly, affected by CSR. It remains to be seen

whether the lower willingness to testify is due to this only indirect involvement. The DGB has spent eight years adjusting an initial official, detailed union CSR set-up. Since then, its positioning has received new impetus. The 2009 statement was the most publicity-effective document; it was both the basic framework and the driving force, because from then on unionists regularly took the floor. The 2011 statement is guided by further partial successes.

The increasing internationalization of economic activity, the environment and its relationships is relatively often addressed in the unions' contributions, not without a reason. Very early "in the run-up to the Green Paper", the German United Services Union ver.di for instance became aware of this area, after all "things are addressed ... which also follow the unions with concern" (Zimpelmann/Wassermann 2012: 51). This progressive development and its consequences are not hidden from the unions, either. In this context they must be in a position to keep an eye on the protection of workers even under such conditions. The Europeanization and globalization of union and works council work has been intensified in the wake of the rise of the CSR. Clearly a need for action was seen here. Even though the voluntary principle has been curbed over time, partly due to new guidelines from the Commission and market developments, the DGB has realistically assessed the prospects of success and scaled back its expectations at a very early stage on the question of enforcement, i.e. to override the voluntary principle. For this reason, the radical nature of their statements may be considered too hasty. And the DGB is also rather cautious about the requirements from the point of view of the capital markets and consumers with regard to the negative effects of ratings and evaluation results.

In the thematic context it is doubtful whether CSR is a classic union topic. There are disagreements in science and practice. Sometimes proximity is produced, sometimes distance. At least one principle of kinship can be expected, as original union issues are attached. In summary, it can be stated that areas are recognizable that represent union territory. However, ambiguities could be detected early in the statements. Therefore it is not surprising why "over here … the DGB deals with its topic ... rather cautiously." In this context it should be mentioned: the global age holds various political and practical challenges in the broader sense; and in the narrow sense one finds oneself in the situation of the defence of the well-tried legal co-determination model, so that on the whole a "caution ... with voluntary forms of CSR seems to be understandable" (Zimpelmann/Wassermann 2012: 46, 57). This (strategic) caution is in need of explanation.

5 ANALYSIS OF DECISIONIST RESTRICTED POSITION

In the state of research in chapter 1.2, it was explained in detail on the basis of relevant sources that unions only act hesitantly in the CSR debate. This general finding is hardly disputable even if occasionally union activities were mentioned. As already explained in the preliminary considerations especially in the chapter on the state of research, the author's and the generally held opinion in the public perception does not allow any other conclusion to be drawn, since a considerable number of sources can be presented as evidence of restraint. However, there is a general lack of the exhaustiveness of arguments. Only a few sources deal with this problem. Since empirically substantiated reasons are not available - although a deficit of theoretical expertise is also to be found - hypotheses are drawn up by the author on the basis of the previous considerations. In the course of this, the explanatory power of previous justifications is examined in the subchapters; at the same time, these justifications serve as conceptual starting points for one's own explanatory approach. Throughout the course of the debate, it became apparent that the emphasis was placed on a critical stance, apparently not without reason. It has taken on a central role in the unions' discourse on CSR. In the wider context, however, an ambivalent attitude can also be observed, which can also be understood as elementary. The author will subsequently formulate the exact direction in which these attitudes move and justify themselves. Before this, however, the structure and methodology of the scientific treatment must be clarified. This will be discussed in the following subchapter.

Evidence of this reluctance is the fact that in the early days of the CSR discussion, the unions attracted attention through a low communicative presence, not through accentuation. But why were the unions only partially prepared to fight rivalries with their opponents? Beyond their own characteristics, the author now attempts to identify specific causes that are characteristic of their behaviour in the research context. The sceptical and critical attitude, which has been emphasised from the beginning - to be described more specifically as critical-distant in the author's opinion - allows a context-sensitive approach to be identified.

5.1 Setting up a hypothesis model and discussion

The first work step includes a discipline that is important in the performance of the analyses of theoretical-conceptual approaches: the scientific methodology of hypothesis generation and its testing. Von Beyme implies: "A theory that is confirmed many times is often called a law.

A theory that requires further testing is often called only a hypothesis" (1992: 11). On the basis of pre-theoretical considerations, which include "all the processes involved in recording and setting up a problem" as well as a "clear formulation of the problem" (in this sense the central research question), the generation of hypotheses consists in "setting up certain ... plausible assumptions about the influence of certain factors on the phenomenon to be explained". If the primary goal is to transform the hypotheses into "concretely manageable empirical tools" or to "operationalize" them, relative difficulties inevitably arise, for example, when researching "attitudes". For this reason, the operationalization can also be subject to a "degree of uncertainty and distortion in relation to the original problem definition", "which must be eliminated as far as possible, for which purpose, in turn, certain 'tests' of the instruments may serve" (Berg-Schlosser/Stammen 2003: 83 et seq.). However, the step of pursuing the verification of operationalized hypotheses on concrete empirical facts is not the aim of the work, as is also conclusively expressed once again at the end of this chapter. Nevertheless, a representative character can be considered for the conducted qualitative investigation with its produced results. The hypotheses understand themselves as assumptions, in order to put connecting factors and an interpretation framework for the then following research work. The question of how the implementation of testing is designed is dealt with in more detail below.

So the first task is to make other views clear as part of one's own perception. For the conceptual development of one's own research approach, the exploration of the necessary background and basic knowledge on the one hand, and occupation with the scientifically more demanding hypotheses on the other hand, is evident, in order to interweave these two strands of information and to derive a specifically research-oriented gain in knowledge from them. The scientific knowledge must be constantly developed further in order to do justice to new currents and current developments. The intensity of the research depends again very much on the individual case structure.

The research-guiding questions are pursued by examining and interpreting hypotheses in the literature and, if necessary, searching for connections during the research process. The aim is to detect the deficits, to introduce epistemological breaks and to show comprehensible counter-arguments. With the help of the analytical interpretation work, previous findings are to be verified and in this way new knowledge is to be gained. The examination of the theoretical approaches leads to the modelling of the hypotheses, which give structure to the

further subchapters. Each of these subchapters will end with a conclusion, in order to initiate the need for further investigation.

In the literature, there are various contributions in the research context that offer explanatory approaches to the topic of unions and CSR passive behavior. The examination of the theoretical explanations that have been produced will inevitably lead to a situation in which preconceived convictions have different causes. For reasons of practicability and containment, the author has not engaged in an endless listing of the theoretical canon of interpretative approaches available to date, but has had to make a selection that counteracts this circumstance without excluding important investigative features. Thus, the compilation of the individual set pieces is merely a selection that is by no means intended to be exhaustive, but which does reflect essential meanings of possible relations between CSR and a decisionist-restricted attitude. Three explanatory models are used to illustrate the discussion. These theoretical approaches are assessed as having a tendency to explain and exonerate. In the approach to substantiate the answer to the research question, the aim is to bring together key influencing factors and determinants that are relevant to the assessment of a union function and strategy analysis. This includes the characteristic reference of their traditional field of action, which must be combined in the specific CSR context. A further examination concerns their impact in the face of supposedly new trends of the time, challenges and developments. The question of "why?" can also be posed from a different angle: for this reason, the union role is subjected to a reflection of its social counterparts from the contextualization aspect. What all three approaches have in common is that they already provide possible answers to the central question and thus avoid reconstructive detours. They will guide the further presentation. These coexisting patterns of explanation partly compete with each other and are, in the opinion of the author, not relevant and comprehensive enough to adequately explain the formulated question/s, which must be proven in the further course.

The invention of hypotheses was not necessary for this work, since science and practice have already presented qualified and substantial concepts that deal with the different points of view regarding the main question of this work. A verification of the selected hypotheses by means of an empirical investigation will hardly be possible. On the one hand, it is not fixed as a methodical goal, on the other hand it is an admittedly hardly accessible phenomenon. At this point, personal experiences of the author are mentioned, which confirm the impression of a low unions' willingness to provide information. It is not without reason that he has followed

the previous stand of the experts with regard to the finding of a passive attitude of the unions. The reflection on this work's question ("restricted") underlines, by the way, the low chances of success of such an empirical test, whose evidence would be difficult to establish. For this reason, even out of personal curiosity, the necessary theoretical efforts have not been spared in order to arrive at a well-founded answer and to supplement the current body of theory.

In the following chapter, the author now begins to illustrate and order the central research question of the selected variety of explanatory approaches through hypotheses. In the following, these hypotheses are intended to serve as a theoretical guide to exploration and transition into the author's own approach. In the context of answering the research-guiding question of unions´ decisionistic-restricted involvement in the context of the CSR debate, the following hypotheses can therefore be formulated, which are to be verified or falsified on the basis of the findings obtained from the further investigation. The hypotheses are aimed at concrete characteristics of their decision-making orientation, which should reveal a possible connection of their CSR attitude.

5.1.1 Hypothesis 1: Traditional causes

In the literature there are some views that justify union behavior as passively justified. In connection with the analysis of the relevant motives, various justifications can be identified. The study of the literature shows that the confrontation with their traditional tasks has taken a significant position. In the discourse, this view or even views that are largely similar to it have been advocated several times:

- In an interview in 2012 on the CSR debate, the business associations future e. V. and BAUM e. V. expressed their "disillusionment with unions and employee representatives ..., not least because employee representatives could be more competent and active in sustainability issues." The interviewee of future e.V. said: "I think that the unions are still struggling with their traditional image" (Zimpelmann/Wassermann 2012: 43).
- Segal, Sobczak and Triomphe came to the conclusion in a European study in 2003 that German works councils and unions play only a "marginal role in the CSR movement." In addition, CSR, along with the initiatives taken by companies, encroaches on the traditional union domain. Understanding this as a "fundamental challenge" is being pushed aside by the unions. The lack of a direct CSR "mandate" has proved particularly problematic:

"At present, German work counsels and trade unions play only a marginal role in the CSR movement. This means nothing else but companies and management succeeded to gain dominance in a field that so far was assigned to the trade unions. The competence for 'social responsibility', 'justice' and 'fairness' is a traditional domain of the trade union movement. Today companies rule the communication of this topic. For trade unions, this is a fundamental challenge which, however, does not seem to be realised. … The difficulties of work counsels and trade unions to find their share in the CSR movement seem to be based on the following structural parameters: … There core competence that is expected by employees and members lies in the field of wages and working conditions. So work counsels and trade unions would have to do educational and mobilization work in order to actually get a mandate for their CSR activities" (Segal et al. 2003: 44).

- Habisch and Wegner also establish a positive correlation - supporting the hypothesis: German unions are perceived in the CSR scene as a weak driver that does not act beyond its traditional sphere of interest:

  "Trade Unions as a Weak Driver of CSR … do not appear as a predominant player on the German CSR scene. Their support of issues … does not go beyond their traditional interest: They want work, social and environmental standards to be improved, fight for the right to form unions and to carry out collective bargaining, and against forced labour. … The lacking integration and passiveness of their approach is reflected by the fact that they do not want CSR to interfere with the 'Social Dialogue' between labour unions and employers' associations. They … do not propose active steps" (2015: 115).

- Egbringhoff and Mutz plausibilise and justify this connection as follows:

  "The reluctance to take up this topic reflects a special situation (...). Such concepts of social responsibility and corporate citizenship are initially foreign to the German model of industrial relations, and the attempt by employee representatives to view the new from the perspective of the familiar is understandable" (2010: 281).

- Friedrich and Hadasch even recognize a generally restrictive attitude in this discussion and extend the findings to all actors:

  "Rather, traditional sociopolitical actors seem to have a wait-and-see attitude, characterized by traditional role patterns and the avoidance of clear positions. ... The outlined positions of socio-political actors can be understood as an expression of routine-based patterns of interpretation of a (new) topic. The actors position themselves on the basis of proven and familiar routines, which, however, encounter changed

framework conditions. ... In the debate there are signs of a revival of a traditional understanding of engagement" (2010: 138 et seq.).

Based on this topic, the following hypothesis is formulated:

Hypothesis 1:

The more unions commit themselves to their traditional tasks, the less they are inclined to deal with CSR issues.

One thing is clearly pointed out: This "traditional" justification and approach, which has not been revised yet, is based on the assumption that CSR and union traditions do not appear to be compatible. But one thing at a time: In order to examine this hypothesis, it is first appropriate to recall the traditional tasks or classic role of unions and briefly specify them in order to develop an approach to understanding this assumption.

Union work in Germany is characterized by the following major and classical tasks and functions:

- As a protective association - originally primarily for workers - against disproportionate capitalist use of labor, they resolutely pursue labor market and compensation policies, including social policy, in negotiations with business associations on behalf of their members (principle of conflict and social partnership). The DGB formulated this as follows in 1957: "In addition, for what I would like to call the traditional tasks of the unions, i.e. for successful negotiations with the employers' associations on wages, salaries, working hours and all issues related to the collective agreement, we need strong individual unions which, if necessary, must also be able to assert their demands with a fight" (DGB 1957: 115 et seq.)
- By regulating labor relations, they influence economic policy as an "intermediary" organization and thus participate in shaping the entire economic and social system. In addition, they influence government policy through union members or members close to unions.

In the context of this chapter's investigation, it is worth mentioning, as a transition and as an introduction, an interesting question posed by Vitols, which he rightly poses from the perspective of union self-understanding: "One problem is that sustainability raises the question of the fundamental self-understanding and responsibility of unions. On the one hand,

there is the view that the scope of union responsibility should not be expanded and that the focus should remain on traditional core issues such as wages and working conditions. Another view ... believes that unions should take a broad perspective in representing the interests of workers, which goes beyond the specific issues relevant to the workplace, develops necessary skills and strives to assert interests in a wide range of areas" (2009: 186).

The author points out that even the above-mentioned traditional tasks become more flexible and intensive over time and cannot be dealt with through routines. However, the question arises as to whether there are any forces within the unions willing to reform. In any case, the traditional bundle of tasks and functions mentioned above is quite conclusive and corresponds to the general picture in science and practice that is associated with them. Nevertheless, there are current observations and arguments about their character that promise further insights.

A first opportunity to test hypothesis 1 is a comparison of the concepts and roots that form the basis for tasks. Particularly relevant for the weakening of Hypothesis 1 are the relations and "thematic intersections" pointed out by Zimpelmann and Wassermann. They "inevitably exist between the CSR arena, which has been so vague in practice, politics, and law up to now, and the classic, often standardized arena of works constitution, even though the CSR arena is accompanied by an expanded spatial and actor reference as well as changed forms of regulation and interaction. ... CSR encompasses aspects such as working hours and pay, occupational health and safety, employee rights and participation as well as training and further education, human rights, diversity and equal opportunities (especially gender equality), ecological aspects of production processes and products, but also civic engagement in the company's social environment." Their perspective supports the consideration of a convergence and interaction of both arenas, which are sufficiently present and can become interdependent: "Approaches and interrelations between the two arenas can therefore also promote a modernization or even 'globalization' of the social question and its connection with the ecological dimension as well as support processes of adaptation and change in the arena of works constitution" (2012: 26 et seq.).

Ver.di also initially gives the impression of a principle of kinship, only to finally distance itself explicitly from a core theme: "The themes ... are ... a renaissance of classical themes." Even if "genuine CSR is inconceivable without the participation of employee representatives" and "classic co-determination can also be understood as a subset of comprehensive CSR",

"CSR is not a core topic of classic union education work" (ibid.: 51 et seq.). Although the discussion in the German union landscape shares the above-mentioned aspect of Zimpelmann's and Wassermann's view, namely the existence of "many interfaces" (Thannisch 2009: 335), there is a completely different conceptual view. With their CSR concepts, the companies are already "present on the social terrain" (Mutz/Egbringhoff 2006: 27) and "thus in the core area of the unions' original tasks," but from a union perspective they are not entirely unbiased, because "despite many interfaces, CSR and co-determination are foreign to each other: CSR stems from the Anglo-Saxon understanding of industrial relations and primarily emphasizes the voluntary commitment of companies. Co-determination, on the other hand, has its roots in Northern and Central Europe and is based on clear legal regulations, often supplemented by collective and company agreements with a binding character. Beyond this structural tension, the unions fear that CSR could be played off against co-determination rights" (Thannisch 2009: 335). In this context, Mutz and Egbringhoff's assessment is affirmative, which also refers to the polarities of a structural nature: "Issues such as compliance with social standards, equal opportunities, health, anti-discrimination, compatibility of family and work, or social commitment are essentially original tasks of the unions. This could be used to derive legitimate claims to negotiate and shape policy. However, the debate is determined not by similarities in content but by structural differences: CSR and CC, which build on voluntary commitment and voluntariness, and the traditional instruments of regulation and control" (Mutz/Egbringhoff 2006: 27).

The above-mentioned arguments seem at first to be impressive. However, as the following explanations will show, Hypothesis 1 is to be criticized both theoretically and by means of empirical studies, because first fractures can be detected here. On the one hand, despite conceptual/structural differences, the functional and task aspects remain intact. On the other hand, both in the early stages of the debate and in retrospect, there are empirical studies that provide valuable insights in not only refuting the fears raised by a suppression of codetermination rights, but also in highlighting positive effects of coexistence. Vitols, for example, derives arguments for the extensibility of co-determination rights: "Improved information of the public about the dangers for the environment, society and the economy makes the necessity of an alternative concept of the economy comprehensible. Now that 'patient shareholders' are increasingly withdrawing and the capital markets are increasingly dominated by short-term investors, employees are the interest group most likely to represent the interests of society as a whole. The expansion of employee influence within the company

thus serves not only their own interests but also society as a whole" (Vitols 2009: 186). As a first interim conclusion, the two arenas are more than just intertwined, despite their conceptual/structural differences. Both arenas are interrelated, they establish a consensus and make a common union functional requirement recognizable.

Irrespective of whether CSR does not stand in the way of traditional tasks and even gives them wings, CSR also brings with it new tasks or familiar tasks in a new guise. It inevitably means additional work. In the literature it is often claimed that the introduction of CSR leads to additional work and demands that cannot be met easily. A further area covered by Hypothesis 1 is therefore the examination of whether the tasks within these guidelines exceed union competencies and resources and whether restraint can be justified on this basis. However, further consideration is complicated by the fact that in the course of the CSR debate, the prevailing opinion is that the unions were still in "their" crisis. The situation is further aggravated by the financial and economic crisis of 2008, which is running parallel to "their" crisis. Especially in times of crisis, there is always pressure to act and new demands are made.

As an example from the literature of low commitment in connection with a lack of competencies, the following can be critically evaluated: "... all ... potentials for the design, expansion or even inter- or supranationalization of CSR require organizational and strategic resources, while the 'traditional' issues of union representation of interests not only continue to exist, but are increasingly pressing. ... The unions have so far hardly taken advantage of these strategic opportunities, and it would appear that there is a multiple lack of competence here that cannot be 'pulled out of the hat' as resources dwindle and core tasks continue to increase". On top of that, they come to the conclusion that the "strategic one" does not have to exclude the "operational other" (Zimpelmann & Wassermann 2012: 46, 59). The exclusive focus on traditional tasks would be problematic in two respects: it could be accused of not being capable of change and adaptation. Although the performance of strategic tasks is not a daily business, every organization is confronted with such tasks at some point in practice. Furthermore, the remark of increasing core tasks underlines that in the course of time, requirements and framework conditions seem to change, which necessarily entails a change of traditional tasks or adaptation.

In this context, the training and qualification of union employees themselves play an important role. Vitols confirms that this is an important and determining driver for involvement in the debate: “An important influencing factor is knowledge about CSR. For example, employee representatives may not generally have the necessary information and skills to call for sustainability initiatives. The novelty of the topic, the accumulation of English terms and the generally high degree of abstraction in the CSR discussion have a negative impact on participation” (Vitols 2011: 267). Hauser-Ditz and Wilke also assume that there is a direct connection between participation and qualifications: “A prerequisite for this, however, is that the employee representatives are appropriately qualified” (2004: 24). According to Vitols, union activity in the debate could be effectively increased by acquiring the relevant expertise: “An active role for unions in sustainable management would require them to expand their knowledge, either by providing further training for their employees and members or by hiring experts or consulting firms to clarify specific issues” (2009: 185). According to the BDA, they have not appeared as experts in their field - e.g. in comparison to NGOs - in any case: “There are various institutionalized meeting places between NGOs and employers, such as the ‘Round Table Codes of Conduct’, the OECD Contact Point, the UN Global Compact, etc. Projects with NGOs tend to run at the company level; NGOs provide the expertise that foreign companies lack locally - and that cannot be obtained from unions” (Zimpelmann/Wassermann 2012: 38). The unions realized early on that this was a technically challenging topic. As early as 2001, the European Metalworkers’ Federation notified the Commission of its need to promote training not only for business representatives but also for co-management in employee representation (Hans Böckler Stiftung 2002). In 2003, the ETUC surveyed the views of the national unions in a research study. Feedback from Germany included the following: “CSR is an issue for experts” (Beaujolin 2004: 13).

Thannisch retroactively confirmed this statement in 2009, but also pointed out that it is no longer possible to close the eyes: “While CSR was only known to a few experts a few years ago, the issue has now become part of the reality of the company (and thus also the reality of union support for businesses and companies)” (2009: 334). It cannot be denied that this is a specialist topic. Nevertheless, we do not want to ignore the negative image, which is partly blamed on the unions. Müller-Jentsch described it in 2003 as follows: “Of course, the negative examples in which the unions’ lack of competence is manifested cannot be overlooked. The ... crisis of the German unions in general and the IG Metall in particular can also be read as a progressive process of decay of their competence. Many experts ask

themselves, not without good reason, whether the unions have not failed to play an active role in shaping the inevitable modernization of the welfare state. Where are their concepts for reducing non-wage labor costs? for integrating the long-term unemployed? for restructuring the social security systems? Less and less do the unions have the competence to solve urgent current and future questions; they are rather seen as blockers and no-sayers." Furthermore, there is the accusation that they are not dynamic in organizational terms: "We know from organizational sociology that organizations are only partially capable of learning. ... In the case of the unions, there is also the fact that they are, by their very nature, ill-prepared for innovations; they react primarily to facts created by others, and they protect wage earners against the rapid dynamics of the market. This is their charm, but also their limited ability to learn" (Müller-Jentsch 2003: 656).

Whether a possible transgression of competence limits triggers a corresponding passivity or may tempt to do so, is to be made accessible on the one hand briefly on the basis of the use of archival material on the DGB task self-image and on the other hand on the basis of a more recent contribution. Both contributions are suitable as outgoing discussion incentive, in order to deal with the relationship between qualification and specialized tasks off the traditional daily business. A look at the history of the DGB shows that in 1954 - in the spirit of the union reconstruction of that time - the DGB did not want to close itself off from further tasks beyond the traditional tasks: "When selecting the social affairs officer, care is taken to find a colleague who has the professional qualifications. ... We have given students the opportunity to work with us. ... In the near future many more people will be needed to work there as professionals. ... The times are over in which the unions restrict themselves to their traditional tasks" (Rosenberg 1954: 68 et seq.).

Brinkmann and Nachtwey consider qualifications and know-how for daily union work not only as necessary, but as a standard that has always been there, since "nowadays they (have to) act (more and more) on the basis of business management and economic sociological knowledge. In ... campaigns they identify weak points in supply chains, social networks or their public reputation. ... This partial scientific approach to unions is not new in Germany, however. For example, since the 1980s, when Section 116 of the Employment Promotion Act was amended to guarantee the neutrality of unemployment insurance in industrial disputes - taking into account value and supply chains - industrial action has often been complex and strategically planned." In the management levels, including staff positions, there is a high

degree of academics who are also characterized by increasing professionalization: “At the same time, it is noticeable that the leaders of the unions and their staffs have increasingly higher educational qualifications, are becoming more professional and academic. Both the ver.di chairman Frank Bsirske and the IG Metall chairman Bertold Huber have studied, and there are a number of academics in their staffs .... Members of the IG Metall board of directors lead... debates with the scientific guild or edit books on how to regain union power in Australia” (2010: 28). Vitols appeals to the well-known role of unions as advisors to works councils and clarifies the expectations: “On the other hand, it is also important that works and staff councils expand their knowledge in the area of CSR. Here, unions, which often provide advice and support in the area of co-determination, play a decisive role” (Vitols 2011b: 269).

In this context, one can therefore expect that the unions are academically positioned not only for routine activities, but that they can also fundamentally face up to unique and/or particularly demanding tasks, perform them or strive for possible new tasks. Zimpelmann and Wassermann also do not see any technical impossibility in the commitment despite some “hurdles”: “On the association level the topic sustainability is indeed afflicted with some hurdles, but can be handled by the unions in a specific way” (Zimpelmann & Wassermann 2012: 24).

Mutz and Egbringhoff bring up another interesting aspect. The confusion of terms around CSR has caused difficulties of understanding among employee representatives, partly because of modern technical terminology. Because of its inconsistent definition, it is not surprising that the topic is possibly not addressed or that different results are achieved. (Mutz/Egbringhoff 2006: 65) It is therefore hardly surprising that Gruber derives research needs from the “inadequacy of practice-oriented approaches to describing social responsibility” (Gruber 2009: 94). Vitols also draws attention to greater involvement of the employee representatives in their own interests: “For example, the employee representatives would inevitably have to demand that they be involved in the decision-making processes in the area of sustainability in their own interests. Here they can be supported ... from the politically responsible actors... by acting as promoters and encouraging a commitment to CSR with the involvement of employees” (Vitols 2011: 269).

A further analysis perspective is guided by the resource question. The remarkable contribution by Kurz-Scherf and Zeuner serves as a very good point of reference for

considerations in this regard. Namely, they stated that the unions continue to orient themselves to the "normal employment relationship" of their regular clientele, which is constantly being eroded by reality, and that in this orientation the question of their future viability must be asked: "There is not only an increasingly fictitious 'normal employment relationship', but also a 'normal apparatus behavior', which is based on this fiction, which itself continues to exist in real terms, but in doing so is becoming more and more distant from the changing reality and therefore increasingly an obstacle to the future viability of the unions." Nevertheless, this result is not significant, because in the further course of the article, the contribution refers to an argumentation that makes the existence of the unions appear to be reasonably justifiable in the long run. This becomes easy to explain when one considers that they have access to other organizational resources. The effect of declining membership and open posts can be compensated for by this: "One could counter this by saying that the unions, at least in Germany, could build their future on the continuity of this 'normal apparatus' and its systemic, perhaps somewhat professionalized, fulfillment of functions, even if they continue to lose members in the process. ... Unions would therefore be less dependent on their membership numbers and their level of organization to maintain their existence, but much more on other organizational resources such as their political influence on governments ... their expertise that can be brought into public debates, their recognition as a public institution, their media presence ... its power to fill positions in a variety of regulatory and representative bodies ... Finally, and most importantly, their right to co-determination in companies and businesses through supervisory board members and works councils" (2001: 151 et seq.). Unions could have contributed to expanding their radius of action and promoting their public commitment to CSR through various opportunities for participation. Conversely, this can also lead to a very interesting side effect, which Vitols addresses: sustainability activities can be used to build relationships with new members, who can then also become involved as activists (Vitols 2009: 187).

Looking at this development, the author now puts forward the counter-thesis that, while unions are subject to traditional temptations, they have, on the whole, been heading in a dynamic direction. They are able to develop activity and not simply react. This argument is supported by Brinkmann et al., for example: "Social actors, including unions, are in principle capable of generating innovative forms of collective action that go beyond the structuring conditions" (Brinkmann et al. 2008: 45). The unions had been in crisis for some time, with the financial crisis adding to the difficulties in 2008, so Brinkmann and Nachtwey were right to

criticise: “Is this why unions are doomed to decline? How can they avoid falling into ‘strategic paralysis’?” (2010: 21 et seq.). Finding a way out of the crisis is indisputably a strategic task that cannot be easily accomplished. It requires the use of tasks of an unusual nature that go beyond “traditionalism”. Schönhoven formulates it as follows: “The question of whether the unions will come out of their defensive position cannot be answered unequivocally at present, despite some signs of stabilisation in their membership development. Organisational... the milieu-centred traditionalism, which is still strongly anchored in the unions, is no guarantee for their future. They will move forward... only if they stop wasting their time in a nostalgic search for lost time and open themselves up more to occupational groups that do not belong to the classic core clientele ... and if they develop new strategies ... that go beyond the defence of the status quo. Since the beginning of the global financial and economic crisis ... the German unions are facing challenges which they cannot overcome if they do not ... preserve. They have to find the right balance between value-orientation and adaptability” (2014: 79 et seq.). Brinkmann and Nachtwey’s contribution, however, gives new impetus to the observation of resilience even under difficult conditions: “The crisis of financial market capitalism ... increases the urgency of strategic change ... . Despite the diagnosis of the crisis ... ... they have proven to be surprisingly tough and viable” (2010: 28 et seq.).

Conclusion

Despite the described shortcomings in the context of hypothesis 1 verification, the authors of the cited contributions have succeeded in producing scientifically valuable and readable articles, but these do not convincingly substantiate the hypothesis. Taken together, the results of the analysis can be countered by the objection that traditional tasks and CSR seem to be incompatible and therefore give cause for caution that

- CSR already included traditional packages of tasks and the fears arising from conceptual differences proved to be unfounded;
- the prioritisation of traditional tasks does not identify any evidence of lack of skills and resources;
- unions are already (partially) committed to going beyond their traditional tasks.

5.1.2 Hypothesis 2: Doubts about the social essence of the concept

Another assumption which was found and seemed to influence a possible answer to the research question can be summarized in the second hypothesis. What could be more obvious

than to deal with one of the supporting pillars of the concept? This second sub-item therefore deals with the social content of the concept. The author has to revise the approach advocated by Egbringhoff and Mutz. This approach is based on the assumption which they concluded from a broadly based works council survey in 2006: “The unions have so far been largely sceptical about CSR ... They doubt that companies are concerned about the social environment or the well-being of employees; rather, they suspect that economic motives alone are the real driving force ... ... Union representatives point to numerous negative experiences in the areas of environmental protection or equality, but also to contradictions which are obvious when companies, despite high profits, dismiss employees and at the same time create a positive image for themselves through CSR/CC programmes. ... Such concerns are the reason for years of union reluctance” (2010: 280). In this study on works councils’ strategies in large companies in dealing with CSR and CC, Egbringhoff and Mutz refer to observations and statements by group works councils. Marketing tricks and credibility have a significant influence on the strategic attitude: “CSR and CC initiatives initiated by works councils are rare, however. ... Many works councils are well aware that the importance of CSR and CC activities is increasing... . Nevertheless, a situation is emerging in which orientation is sought ... . In order to find a new role, one looks for one’s own in a foreign environment. This is always the case when works councils have the impression that this is an ‘imposed’ market-oriented PR strategy. ... A group works council summarises this: It is indeed a tightrope walk: Where does a credible commitment end and where does the real satire begin? We have not blocked anything, we have accompanied it positively, but without letting the staff or the public put us off” (Mutz/Egbringhoff 2006: 28).

Although CSR even conceptually includes a social component, an opposite hypothesis is assumed:

Hypothesis 2:

If unions assume that companies are mainly concerned with profits in the pursuit of CSR, then they have legitimate reasons to withdraw from the debate.

A widespread impression of CSR-active companies is that they are not concerned with the benefits, but with image reasons. In terms of the quality of responsibility, CSR is thus either a labeling fraud or an attempt to “sell” the assumption of responsibility as a new service, which in any case already has an obligatory character. A review of the union past shows that they have only limited trust in labelling - thematically speaking, irrespective of whether CSR is

assigned a label. Egbringhoff and Mutz are basing their argument on a position that has also been taken up in other union or union-related contributions:

- In the CSR position paper of the Hans Böckler Foundation, Feuchte links the predominantly critical attitude of the unions with, among other things, the social reputation intentions of companies: “The main motive of corporate responsibility is thus to maintain or improve reputation. Despite the exchange with stakeholders, CSR - like the core business activities - is initially management-driven. ... The assessment [of the German unions] tends to be cautious to critical” (2009: 2).
- DGB department head Schneider warns against any euphoria; there is more reason for caution, he says, as the concept is rather used as a useful marketing tool: “In Germany CSR has so far played only a minor role. ... Much of what is sold as CSR can just as well be managed in marketing and PR departments. ... The companies pursue ... primarily a public-oriented strategy. ... But what is done voluntarily can also be done voluntarily. That is why CSR remains a fair-weather event” (2011: 58 et seq.).
- Heil calls for more involvement in the debate and expresses concrete fears: “Unions remain sceptical ... Unions must take a stand ... A good image is not only based on the return on sales, but also on commitment to society, the protection of employee interests and sustainable and ecological production standards. ... As CSR is a ‘non-protected seal of quality’, there is a fear that companies will adorn themselves with CSR, ... but do not fundamentally change their business practices” (2006: 6, 9).

According to Zimpelmann, the accusation of CSR as a fair-weather event, taking into account its empirical counterevidence or discovered potential for the work of employee representatives, is an astonishing assertion; such an assertion requires empirical evidence, which was not presented by Schneider (s. above), for example (2011).

In the debate itself, social issues - in comparison to the other two pillars - have played the main role from the very beginning. The 2003 study conducted by the European Foundation for the Improvement of Living and Working Conditions shows that this weighting is a good representation of the unions’ tendency to be less involved if, for example, the CSR area of the environment is addressed: “They … found that worker representative involvement is weaker when it comes to local community and the environment” (Bronchain 2003: 14). Regarding the preferred social aspect, they were equally concerned that it would be disadvantaged compared to the other dimensions: “The social dimension is the one favoured by the unions, and the area

that needs to be stressed, because it concerns the unions' deepest concerns. Some people believe that social aspects of CSR tend to be neglected or get left by the wayside" (Beaujolin 2004: 8).

In fact, there are approaches and constituted ideologies from the past which are not interested in the interaction between unions and social policy, and which do not consider their unrestrained use in this domain as compulsory. "Unions are not 'inherently' programmatic social movements - they are much more pragmatically oriented" (Hemmer 1982: 506). If one follows this thesis, Müller-Jentsch believes that this orientation means that, for example, in terms of attracting new members and retaining old ones, they primarily focus on activities in wage and collective bargaining policy as a means of elaborating programmes for changing society, even if in the past the unions were an "integral part" of larger social movements. After all, their long-term objectives and political orientation were based on those of the Social Democratic Labour Party (1997: 152). In this context, reference should be made to the work of Hyman, who distinguishes three union identities. One of these identities, called "business unionism", typifies the unions as economic actors in the labour market, whose primary aim is to negotiate collectively to advance the economic interests of workers (Hyman 2001: 8 et seq.). There are also links to the union movement "trade unionism", which Lenin addressed in 1902, according to which "the union struggle is the struggle for [the workers] themselves and for their children, not a struggle for any future generations with any future socialism" (Lenin 2012). In the context of the study, these characteristics of business and/or trade unionism pose a relevant problem area, as there is a conflict of interests: "Unions are primarily organisations representing the interests of employed workers, a function that is undermined when overarching social policy objectives are simultaneously pursued, so they must stay out of political entanglements" (Hyman 2001: 8 et seq.). Hyman also underlines the distance between the "politics of the parties and the unions", which is required and necessary for the principle of collective bargaining autonomy, and which should be "brought together at arm's length" at most (Hyman 1996: 12). The comments make it plausibly clear that the imposed character of a union struggle on social issues can be an overzealous assumption.

Nevertheless, it should be borne in mind, however, that unions have grown out of a "social movement". Social policy became an important issue for the unions under the post-war impression and at the beginning of the Weimar Republic. Their recognition as an important field of activity for them became clear when in 1917 they included numerous demands in

their social policy programme in line with the ideas of the working class and with the aim of re-establishment (Preller 1949: 48). The current DGB statutes clearly state their representation of interests and that of the affiliated members as matters "in social policy:

- the representation of the interests of employees - including the unemployed - in national, European and international labour market and social policy, in social insurance including social self-administration, in occupational health and safety and in labour and social law
- the representation of the interests of senior citizens and the safeguarding of their participation in the shaping of social life, in the safeguarding and development of their economic and social interests" (DGB 2018a).

Kurz-Scherf and Zeuner take up a powerful link between social policy and union competence and point out that their social power and thus their influence on the maintenance of social peace should not be underestimated: "Unions ... ultimately owe their positions in state and economy to only one resource ... their at least latent social power, which they can activate and mobilise in case of doubt. Why else, if not out of fear of collective resistance or the unleashing of workers' anger in spontaneous strikes, should employers engage in codetermination through workers' representatives? Why should they conclude collective agreements with unions, if not for fear of incalculable conflicts?" (2001: 152). Schnabel adds that they are generally designated and recognised as social partners and are equipped with such competences: "Unions ... play an important role in Germany not only in wage setting but also in social policy and labour law issues. ... The importance of the social partners goes far beyond the autonomy of collective bargaining and the wage-finding process. Unions ... work together in many self-governing bodies such as social security ... labour law ... labour jurisdiction" (2005: 181, 193). This shows that unions appear to have more extensive, sufficiently stronger and more necessary competences than their generally known minimum competences. In social policy terms, CSR must be understood as a holistic task which has a cross-cutting function in related areas and requires far-reaching overlaps with other union activities.

Another way to critically examine the hypothesis is to focus on the question of trust. Anyone who doubts the social promises of the concept is playing with its credibility. In recent decades, the credibility of the economy has not been at its best. One thinks of scandals like Enron or the bankruptcy of the Neuer Markt in 2001. Steger and Salzmann, for instance, have some doubts about CSR credibility. Their 2004 study concluded, among other things, that

managers perceive CSR only subordinately and some use “the issue for image correction” in a targeted manner (2006: 7). However, if the core problem is mistrust, then the behavioural approach, in the author’s view, falls far short of deliberately distancing itself from the CSR process for precisely these reasons. This circumstance should encourage more union activity, take countermeasures at an early stage or at least accompany the process in a controlled manner to refute the accusation. Hauser-Ditz and Wilke also recommend this application-related aspect: “Is there ... doubts about credibility ..., then there are at least points of attack for the employee representatives to test the seriousness of the plans and demand concrete measures. It therefore seems important to... actively accompany the CSR process and ... help shape it. This reduces the risk that something might get past the employee representatives and in the end actually be directed against them”. (2004: 24).

The trust problem can be put into relative perspective if a further perspective is taken into account: according to prevailing opinion, it is predominantly large companies that are affected by CSR reporting. As a rule, they are not only subject to audit with regard to their annual financial statements, but also to disclosure requirements. Formerly it was a pure financial reporting document, but now it is used as a “trend-setting image primer with a distinct strategic orientation” (Grüning 2011: 27 et seq.). Social commitment is summarised in the sustainability report. This report is usually part of the annual report. The increase in image communication results from an “intelligent linking [of these reports] and an almost simultaneous publication” (Hartmann 2010: 624). However, despite all this criticism of image intentions, one must not ignore the aspect of the obligation to examine, as mentioned above. The audit of the annual accounts is certified. This creates confidence if sustainability reports are part of such a work. Even if CSR and/or sustainability reports are not subject to statutory audit, the trend towards sustainability means that more and more people want to have this part of the report audited, especially since these audits are a fundamental prerequisite for rating criteria in order to be listed in sustainability indices (Gazdar/Kirchhoff 2008: 172). Not to be neglected is the increasing quality of sustainability reporting in terms of content and methodology, which even documents infringements and cases of corruption (Beiersdorf/Schwedler 2012: 52). Feuchte notes that the works councils could have contributed more to the sustainability report in practice. Instead of preparing the report in cooperation with company representatives, usually only a section was added (2008: 155) or, according to a study, the company merely joined the CSR initiatives: “The … studies

demonstrate that worker representatives tend to go along with the initiative rather than leading it" (Bronchain 2003: 14).

However, the final question is: should union involvement necessarily be made conditional on whether the underlying concept is of a dubious social nature? Just because it is not social - rebuttably presumed - does not mean it is unsocial. Even if, according to the 2003 study by Segal, Sobczak and Triomphe, German works councils and unions do not (want to) derive a direct mandate for CSR and they establish a concept of management rather than co-determination, the author sees no reason to withdraw. (Early) participation would make perfect sense. In view of the union crisis, it is advisable not to shy away from new challenges and to strive for pioneering roles.

Conclusion

The analysis has revealed a number of plausibility arguments which can be summarised to the result that doubts about the social purpose of the concept - whether they are unjustified or justified - cannot and must not impair the activity. This is the main criticism of hypothesis 2, as it can be expected that the social partners will be involved in the debate. In conclusion, the study has shown that even this hypothesis is not strong enough to survive attempts to refute it.

What the investigation of hypothesis 2 instructively showed is that

- the socio-political competence with regard to the matters covered by CSR can be explained and at least claimed historically-ideologically and also according to the current situation,
- an atmosphere of credibility and trust need not be a measure of commitment,
- incentives for activity should also be considered independently of the domain.

5.1.3 Hypothesis 3: Underestimation of Importance and Failure

In the third hypothesis there is another assumption that must be refuted. In this approach, no scientific insight but the case of an oversimplification of union action is reflected, introduced by the opponent. The BDA explains that the DGB and its members almost "overslept" the issue (Zimpelmann/Wassermann 2012: 38). The fact that this presumption is also anchored in other places and therefore does not appear to be entirely presumptuous is to be shown by means of further quotations:

- As mentioned at the beginning of Hypothesis 2, Segal, Sobczak and Triomphe concluded in 2003 that German works councils and unions play only a "marginal role in the CSR movement". Understanding CSR as a "fundamental challenge" was apparently suppressed or misunderstood by them: "At present, German work counsels and trade unions play only a marginal role in the CSR movement. This means nothing else but companies and management succeeded to gain dominance in a field that so far was assigned to the trade unions. … Today companies rule the communication of this topic. For trade unions, this is a fundamental challenge which, however, does not seem to be realised. Furthermore, on a level of everyday practice, there is emerging an area of social responsibility beyond co-determination by work counsel and trade unions. This is a considerable strategic challenge, too" (2003: 56).
- In an interview in 2012, a representative of the business association future e. V. reported on the significance of CSR for unions and employee representatives, saying that they had missed the boat: "I think the works councils could certainly do much more and demand more sustainable action from companies. If they would deal a bit more systematically with the idea of sustainability and how it can be tracked and anchored in the supply chain, and how partners abroad can be involved - the works council does not really care about that at all today" (Zimpelmann/Wassermann 2012: 43).

In view of these statements on this topic area, the following hypothesis is assumed:

Hypothesis 3:

If the unions are too busy in their day-to-day business, then there is a chance that they will completely neglect novel topics such as CSR.

This general reproach may also be undermined by other passages. It is noteworthy that this accusation is not just the usual criticism of opponents in mind but the approach suggests quite directly, the unions were recklessly withdrawn from the debate. With this hypothesis, a general criticism could rather be linked to the union attitude. From what has been said so far one can quickly get the impression that the unions are not participating in the debate or are participating only because of their symbolic importance since they may find it an annoying additional task. The unions have apparently simply failed to address corporate responsibility as a potential area of influence. This omission would make the impact of other actors acting on CSR leaders, most notably the European Commission, even more effective. However,

important aspects are overlooked. Basically, the approach is guided by the question of whether the unions consciously or unconsciously "overslept" or did not recognize the topic.

It is theoretically possible simply to oversleep a topic or trend if you are too wrapped up in day-to-day business to take on new projects. It is a general finding in essays and contributions that unions and, by extension, works councils are very busy or even too busy to deal with other issues such as CSR:

- Schäfer from the Hans Böckler Foundation noted a general overwork in his survey of works and staff councils in 2004: "Once again the ... WSI main survey ... shows how extensive, lively, intensive and demanding the work of company-based interest groups in Germany is ... . But it is also proven once again that works and staff councils (have to) act rather defensively in view of a long-standing difficult operational and macroeconomic environment, which often keeps them on edge in the form of staff cuts and restructuring" (2005: 291).
- Reflecting on this contribution, Thannisch also explains the low participation of works councils in CSR initiatives: "One reason is probably the very high workload of works councils" (2009: 336).
- A ver.di spokesperson explained that CSR is inconceivable without the participation of employee representatives. Nevertheless, many works councils rely on the work of the CSR departments in their companies, as they are usually overloaded with other issues (Zimpelmann/Wassermann 2012: 52).
- Mutz and Egbringhoff see the risk of excessive workloads when other activities, such as CSR, are added due to the constantly increasing scope of tasks. However, they are still motivated to participate: "It should be borne in mind, however, that ... the works councils are confronted with a continuous increase in tasks. The expectations addressed to works councils by a stronger participation in CSR/CC processes and an extended claim to representation must be seen in the context of their already growing and increasingly complex tasks" (2010: 175).

Before the doubts about hypothesis 3 are decidedly raised, it should only be briefly pointed out that the period since the beginning of CSR must of course not hide the fact that the unions are (still) in crisis. However, the author does not assume that they "had more important things to do" and that CSR has therefore not appeared on the to-do list. In efforts to influence

debates, an actor is forced to act and take up the fight itself on several fronts at the same time and despite the greater burden that this entails. This is the reason why he briefly and conclusively presents this as an overarching antithesis. The formation of further basic antitheses is not the aim of the further investigation of the invalidation of hypothesis 3. It is only intended to have an exemplary effect.

Testing hypothesis 3 is guided by the question of whether the unions consciously or unconsciously were blind to the CSR-issue or did not recognised it. If this assertion of the BDA representative was correct to some extent, however, it would be necessary to explain whether the unions had attached too little or no importance to the topic. The representative may find himself off the mark because the state of art is another one: one of the first empirically produced, recognized in science and often cited work on the merged topics CSR and unions in Europe is the contribution of Preuss et al. who published in 2006 a first transnational overview of the CSR role of unions. Particularly revealing in this context is that CSR was perceived as a threat in particular. Above all, the great threat arises from the conceptual point of view which could give management more power and scope for decision-making ("In many cases CSR is perceived as a threat to unions, as it transfers yet more power and discretion to managers", Preuss et al. 2006: 258). This news should have spread like wildfire through the European Union landscape and warned them to be cautious. It is hardly to be assumed, a topic with structured threatening potential, simply too oversleep.

However, hypothesis 3 may also suggest that unions have completely neglected to tackle the issue. This judgment would be very presumptuous. The approach of a complete omission confronts the facts which show that occasional activities (e.g. participation in the multi-stakeholder forum) and publications (statements, brochures, etc.) are to be found. The impression of a symbolic participation can be understood more in this respect. A final theoretical test of Hypothesis 3 is judged from an Anglicist point of view which explains its weakening as follows: CSR can initially soberly convey a modern, innovative world and an international dimension by first envisioning the term. This assumption seems to exist if one takes into account that the term is in fact only in circulation in Germany since the 2001 Green Paper. However, CSR not only reads like an innovative concept, it also has corresponding potential. Whether understood as organizational or management innovation, when introduced, change processes drag on through the organization of a business. Innovations can affect the social sphere, for example, the personal adaptation of working hours, the implementation of

(environmental) management systems for the purpose of sustainability reporting as well as technological environmentally friendly changes in the production process with the goal of "resource efficiency" (Gelbmann et al. 2013: 41). Innovations are substantial for companies, especially in industry. The corporate world is challenged by new developments and mostly prepared for new innovations. Innovative topics are not leaving their mark on the unions either. They are usually not overslept but tend not wanted if the risks seem too large or incalculable for instance the need for change for existing technologies and related massive changes in the established value chain. It would not be presumptuous to assume that representatives have a general influence on innovation introductions and therefore a reason for interest.

Conclusion

There is no accurate proof that could support hypothesis 3. The BDA representative drew the conclusion from the restraint of the unions that they had misjudged the signs or had not recognised them at all. The findings from the technical literature available and the author's own assessments do not confirm this hypothesis. The accusation is therefore unfounded: there is no evidence to support this attitude.

On the basis of the above considerations and representations, the hypothesis 3 must be rebutted unsuitable to qualify for an answer for the three reasons mentioned:

- As a matter of principle, worrying issues and developments are generally addressed and not negated.
- Occasional activities contradict general union inactivity.
- Apart from that innovative topics always stimulate curiosity and activity.

5.1.4 Hypothesis discussion and results

Finally, the results are linked back to the theoretical assumptions and hypotheses and summarised in a compact form.

Hypothesis 1:

The more unions commit themselves to their traditional tasks, the less they are inclined to deal with CSR issues.

The lines of argumentation above have shown theoretical deficits with regard to the viability of hypothesis 1: The apparently new phenomenon of CSR and its fields of action can be

justified from the traditional picture. It does not break up traditional orders and does not produce any disruptions in the structure of the association, but it rather addresses the changes which are in principle possible at any time - more or less - in a tried and tested system of organised interest representation and its conflict of interests. The unions have the task of facing up to a conceptual and practical further development. New insights from "chapters" of their traditional subject areas, which may have received less attention in the past, need to be worked out. Consequently, the author does not recognise as a solution the restriction of decisionism based on the logic of a traditional pursuit of tasks, since the two areas - traditional tasks and CSR - are obviously more closely related than has been repeatedly assumed. As a result, hypothesis 1 is excluded. This is because the reference to traditional causes allows the unions to fall back into an arch-conservative position, which the unions have just had to evade in times of crises and new strategic requirements. If, in this context, the unions are perceived only as traditional lobbyists, this inevitably leads to epistemological problems. From an overall point of view the hypothesis must be falsified. Therefore, the author switched to the next hypothesis and examined in the following chapter.

Hypothesis 2:

If unions assume that companies are mainly concerned with profits in the pursuit of CSR, then they have legitimate reasons to withdraw from the debate.

Looking into the soul of the unions, there is a real need to arouse the desire to express an opinion on CSR. The term "social" is in the terminology and makes use of self-imposed responsibilities. They have emerged from a social movement. It is part of their self-image. Hypothesis 2, however, according to the author's criticism, fails to recognise a duty of action on the part of the unions, which evidently have difficulty in adopting a preventive attitude, let alone an indispensable competence.

Further movements - not only with regard to social issues as such - which can be perceived as interest groups, would also offer the opportunity to penetrate new spheres. Thus, moving into further spheres of activity requires the stimulation of new interests and the potential acquisition of new members.

According to the impression given in their statements, a lack of union cooperation would have undesirable consequences, because a concept, which is implemented and matured without

union's assistance, would logically lose its social embedding. Their passivity therefore remains all the more questionable. The hypothesis must therefore be strictly falsified.

Hypothesis 3:

If the unions are too busy in their day-to-day business, then there is a chance that they will completely neglect novel topics such as CSR.

Issues and developments of concern in particular would have seemed to encourage more action. However, such behaviour could not be proven in the previous investigation and it also contradicts the aim of the thesis. The corresponding commitment has failed to materialise, and probably not without reason. The author is ultimately concerned that any behaviour is not unfounded and is not a coincidence. Every conscientious and sensitive interest group (including unions) is fundamentally concerned with tackling any matter that has any bearing on its remit. The last hypothesis must therefore also be falsified.

5.2 Critical appreciation, conclusion and transition into an own explanatory approach

In the previous chapter, the author discussed some aspects that are listed in the relevant literature as examples of decisionist-restricted CSR commitment. For theoretical justification, the author has on the one hand tried to verify the traditional area of responsibility, on the other hand the social reservations and finally possible omissions. The analysis in relation to hypothesis 1 came to the conclusion that the performance of traditional tasks and CSR cannot be separated from each other in terms of behaviour theory. The second hypothesis is based on the prevailing view of a lack of social intentions, which should not, however, be allowed to curb individual initiative, quite the contrary. Similarly, the correlative relationship between the first two hypothetical reference positions tends to speak against verified confirmation, because the underlying explanatory patterns might have had to lend themselves to (more) activity, because passivity favours it. The explanatory power of the first hypothesis could be refuted because the unions are quite capable, and their practice shows that they know how to handle unusual challenges. Hypothesis 2 could not be confirmed either, since the CSR debate, as a subject area integrated into social policy, is institutionally well framed and cannot be separated from the union agenda. The alternative approach of hypothesis 3 was accused of delayed participation. This assumption seemed justified if, for example, no engagements were identifiable.

The central result turned out to be that the qualification attempts of the competing explanation patterns to answer the main question failed, and refutation arguments could be presented in several exemplary ways. The hypothetical explanatory approaches are based on assumptions, in which a number of deficiencies could benoted. Overall, it is noticeable that all previous approaches are based on rather one-sided and one-dimensional ideas that are analytically negligible and can be reduced to a small number of attributes. All previous approaches do not or hardly discuss the political framework, they find their limit(s) there. An abstract logical conclusion might be that the unions' behaviour - relatively simply assumed - was illuminated only in terms of their basic characteristics. The previous work has therefore left open questions and flanks that need to be deepened. The gap left behind is interesting in several respects. The following scientific analysis of the unions' passive attitude will now try to address these different trends. First of all, the above-mentioned deficit of the lack of consideration of framework conditions is to be taken up again. As Baumgarten excellently describes, when analysing public statements by collective actors it must always be taken into account that an actor "is always embedded in a certain context. His statement is never in an empty space ... . In this work, we assume that the actor is situated in a current discourse that consists of more than just the current statements of various actors ... . A 'conception' in which the "actions of the collective actors ... would be analysed on the basis of their public (and mostly outwardly directed) communication ... would however be shortened" (2010: 77).

Just like CSR, the commitment of stakeholders is voluntary or quasi-voluntary, taking into account the CSR development context. Just as the assumption of corporate social responsibility is expected from companies, as has already been mentioned in the course of the work and will be discussed in more detail in the further explanations, the involvement of unions is also expected. However, pressure for action cannot be dismissed. Compared to works councils, the pressure under which the unions are under is particularly great, as they are in the focus of the general public: "In the vast majority of cases, works councils react to the implementation and execution of CSR/CC programmes - i.e. the initiative usually comes from the company side; only in a few cases ... such projects come from the works councils. Thus, on the one hand, works councils are under pressure to act because they have to react; on the other hand, they are relieved because they do not have to position themselves in a socio-political public sphere like the unions. The pressure to act is particularly increased when ... employees are involved and there is therefore a case for codetermination at company level" (Egbringhoff/Mutz 2010: 282).

The previous findings and analytical results of this work do not adequately take into account the economic significance of unions in the debate and what position they take and for which reason. The work basically takes up the patterns of thought anchored in the CSR actors, which, however, also have to move beyond national borders. For example, the fundamental problems and ambivalences of the nation-state perspective have not yet been fully clarified. Since there are no empirical findings to answer the question, the theoretical perspective of a more in-depth study is required here, which takes into account existing results as well as the derivation of plausible approaches and is open to further conceptual connections.

Impulses for dealing with this issue give for instance Zimpelmann and Wassermann (2012: 57). They have provided impulses from which to find own interpretations and ideas which are important for a politically oriented model of thought: “Looking at the many political and practical challenges in the ‘Global Village’ ... makes unions’ caution ... understandable.” The high international relevance of the topic requires political attention because situations arise that bring great challenges for German policy. Into this opinion is to penetrate further, because it is in the opinion of the author to choose a more comprehensive approach or an all-round view than previously worked on in the literature since the union decision-making behaviour contextually has to take into account various stakeholder interests. Mutz and Egbringhoff pointed out the feature of the dynamic constellations in the CSR landscape: “If one asks about the benefits or advantages and disadvantages ... for the employees, one often only sees the individual measures or projects and thus only isolated facets, we have been able to work out that ... it is a multi-layered field in which contradictory constellations of interests and ambivalent implications arise in some cases, and that therefore the view of the whole would be desirable” (2006: 171). We are dealing with different interests which can only be solved together, on the one hand, and which have to be contextualised together, on the other. “A ... CSR/CC understanding could aim to combine problems and new demands in the world of work and life with a civil society perspective. The processes of dissolution of boundaries on which this connection is based make it possible ... for different concerns to be mutually acknowledged. This recognition could result in fruitful cooperation between different stakeholder groups” The issues of securing employment or the future of gainful employment are ... not particular problems that can only be solved by one interest group separately from others” (ibid.: 175). To be even more specific: “The topics of securing employment or the future of gainful employment are ... not particular problems which can only be solved by one

interest group separately from others. If the diagnosis of the delimitation of economic and civil society areas is correct and CSR ... can be interpreted as an expression of this process, then it is logically imperative from a socio-political point of view that stakeholder interests are seen in context. ... Internationalisation makes access more difficult for actors organised only at the national level; rather, new modes of access, influence and participation are opening up for internationally networked actors. This raises the issue of ... the social policy mandate of the unions" (Mutz/Egbringhoff 2006: 175). Problems going beyond this and the need for action in connection with the internationalisation favoured by processes of dissolution of boundaries are often ignored in theory and practice.

Nevertheless, there are isolated activities and projects in which unions are also active at the international level. In this context, they have joined a current campaign in Germany in favour of a supply chain law to curb the violation of human rights by multinational corporations. German companies would not sufficiently meet their responsibilities. Again and again there are reports of child labour, destroyed rainforests and environmental destruction. The federal government should create a legal framework so that corporations can be held liable (Germanwatch 2019). Problems that go beyond this and internationalisation are often ignored in theory and practice. The conclusion of the following quotation from Vitols will also prove to be a very important contribution to this work, as it is important for the author's own explanatory model. Vitols summarised some highlights from an event of the Council for Sustainable Development's Multistakeholder Forum held in 2007: 'The view that employee representatives are reluctant to find their role in the area of sustainability was, for example, represented at a multi-stakeholder forum of the Council for Sustainable Development. Some participants in the forum assumed that unions would have difficulties in positioning and positioning themselves in the sustainability discourse because, on the one hand, they have different core issues and competences than those that are given high priority in CSR. In the opinion of the relevant actors, these include in particular issues in the value chain or ecological issues such as climate protection. On the other hand, the unions would have difficulties in opening up to international debates on sustainability due to their national organisational structure" (Vitols 2011: 12). This quotation also suggests that positioning in the global market is difficult and is usually described from the usual perspective, which reaches national borders. In this respect, it is precisely here that the problem and the claim seem to exist at the same time, which are in need of explanation.

Unions need to look at two aspects: looking at their organizational and external challenges. At the centre of this analysis the CSR market conditions and the motives of affiliated unions emerge, which will be the focus in the further course. The developed explanatory approach will thus follow two lines of argumentation, and accordingly, two main points of emphasis in terms of content run through the following paper. Unions need to look at two things when positioning their responsibilities: the corporate side and in their own or, more precisely, in their organization. These two points of view must be taken into account and be brought together in the further analysis. Those will show that the unions are faced with a dilemma in the decision-making process. The author's own more differentiated explanatory approach can be linked to findings such as those already hinted at in the preparatory works. On the one hand CSR is no longer completely voluntary as already summarised in the comments on the business associations and their views. Firstly, the umbrella organization DGB has difficulties responding to all its members. These two aspects are at the forefront of the problems. First of all, the focus is on the market aspect, which is considered to be one of the two centres for answering the main question. The problem of voluntariness is explained in more detail in two stages, thereby focusing on the corporate policy and membership organisation perspective of the problem.

The next step is to consolidate an argumentative basis in order to substantiate and convincingly present one's own alternative explanation. Their strategy thus involves highly complex resistance to discussion and ambivalence, which will be discussed later. The author favours an explanatory approach here which conceptualises the unions as actors with a conflict-avoiding strategy. Against the background of the above, the further investigation has yet another analytical clarification process ahead of it, which will prolong the analytical-theoretical findings presented so far.

CSR seems to have upset the economy, the unions as well. They cannot prove a clear role since CSR represents an impressive conglomeration of interests and within these interconnections a concrete positioning is difficult. The insecurity behind it can be seen as a two-component mixture: the coordination of the rather heterogeneous interests of the individual union clientele is a difficult challenge. Their function as a system support does not allow a radical confrontation with the social partners since disadvantageous consequences for the enterprises can fall back on them and their clientele. These considerations and premises need to be substantiated in a detailed investigation.

5.3 Market conditions for voluntary CSR

So far, there had already been brief occasions in the work to address market-conform behaviour or market standards. It is only because there is no legal or statutory obligation that it can no longer be assumed that CSR is completely voluntary. This aspect should first be addressed in detail, as it plays a key role and forms the starting point for further consideration. In the course of the debate and this work it has become clear that economic competition under increasingly tough international market conditions on the one hand and moral requirements on the other, e.g. with regard to transparency and information requirements, play a role. In the author's opinion, this constellation is of central importance.

In order to build up further insights into the behaviour of an actor in a debate influenced by market mechanisms, it is necessary to look not only at the unions as the observing subject of this work, but also at the key actor in the market - the companies. In the following, it is necessary to explain how companies have adapted their actions under the developed and tightening framework conditions in order to create a theoretical basis for further research from which strategic behavioural orientations of unions can be derived in a well-founded way.

It is obvious that the chances of implementing and committing to internationally oriented rules that have no legal basis are initially quite questionable. Mark-Ungericht doubts, on the one hand, the enforcement of responsibility and, on the other hand, the feasibility of the monitoring of "complex supply chains of internationally operating companies, often consisting of thousands of suppliers" by any supervisory body which has not been established yet. This "idea" becomes fragile as a basis for "global regulation" because it is degraded as "subject to an illusion of regulability" (2005: 185). In principle, the companies themselves are responsible for these controls. As Kocher describes it, they are the "most important actors in the application and control of the standards ... . As a rule, they also have control over implementation and control instruments". The pressure and demands from outside depend on "the extent to which a company itself has an interest in cooperation or at least consideration for stakeholders". Conversely, however, this means that "external actors have a certain amount of power to formulate expectations of companies and thus directly or indirectly participate in the definition, concretisation, application and monitoring of standards in a formal or informal way". What remains are influencing variables that can assume critical dimensions, as will be illustrated below. For even if CSR is voluntary, the debate has

gradually left its mark. The simultaneity of economically necessary production policy and consumer policy that maintains expectations is of crucial importance for CSR policies. In 2008, Kocher problematised “a constellation of interests that has only become perceptible in recent years. For not all companies can be influenced in the same way by public pressure. Just as the risk of becoming the subject of a public scandal is not the same for all companies, the economic significance of external pressure for companies is also unequal.” He adds that the risk of becoming the subject of a public scandal is not the same for all companies. In addition, there are ongoing suction effects which contribute to the major influencing factors of CSR policies: “CSR policies have nevertheless become increasingly widespread in recent years, independently of brand policies and the risk of scandalisation. Competition mechanisms have become a new driving force. CSR is ‘en vogue’, and suction and bandwagon effects have emerged. ... One interviewee calls this the ‘sheep herding principle’; this ... is something you simply have to have today” (2008: 200). Such suction effects can be classified as an “expanding area” into which companies are increasingly being drawn (Zimpelmann/Wassermann 2012: 63). However, it is revealing that, according to Kocher, workers’ representatives and NGOs, for example, are not among the activists behind these demands: “However, these external demands and expectations are not produced by civil society, but by economic actors and business partners. The requirements of the capital market assessed e.g. by analysts and rating agencies as well as responsible conditions in the supply chain demanded by suppliers and customers are in the foreground” (Kocher 2008: 200 et seq.).

As already explained in the paper, the results of product test work carried out by Stiftung Warentest in 2004, in which CSR criteria were included, played a role in the purchasing behaviour of customers that should not be underestimated, as was empirically established in 2006. Contrary to the prevailing opinion that information about the conditions hidden behind products and brands were not relevant to purchase, the opposite was generally proven empirically, as explained above. As a result, it becomes clear that the affirmation of the Green Paper postulate, the compatibility of CSR and increased competitiveness, can also be classified as successful. Meßmer sums up this resulting win-win situation: “CSR and long-term profit maximisation are not mutually exclusive if responsible action that goes beyond legal standards is rewarded by responsible consumers” (Meßmer 2011: 5). Not only did this series of studies from 2006, known as “CSR tests”, further stimulate the CSR debate, but they also discovered an important “differentiating feature” as an addition for customers, namely

that “in the immediate vicinity of time” a decisive purchasing effect develops and is henceforth desired by the customer. After all, 91% of those surveyed were already in favour of continuing the test in 2006 (Schoenheit/Wirthgen/Scharnhorst 2006). It cannot therefore be ignored that product test results have a direct influence on buyer demand, so that CSR-committed companies can gain competitive advantages in the case of a positive evaluation or can expect a loss of reputation in the case of a negative evaluation. Both scenarios force companies to comply with CSR, especially in the negative scenario if one assumes that alleged grievances tend to spread quickly in the press: “If one assumes that journalists tend to be interested in particularly blatant grievances, only the tip of the iceberg becomes visible in the media”. Regardless of whether or not a test takes place at all, “the very possibility of being tested by the foundation [has] a disciplinary effect on some companies” (Meßmer 2011: 4).

Meßmer mentions other aspects which increase the pressure generated by the tests and at the same time raise awareness among companies. For example, the evaluation grid of the CSR tests is not the familiar school grading system, but “morally charged statements” (e.g. “strongly committed”, “modest approaches”, “refusal to provide information”). In addition, because this background information is made publicly available, the consumer can obtain it quickly and cheaply, so the extent of his transaction costs is very low. So-called “political consumption”, in which a political component manifests itself in the purchase, e.g. following the trend of organic products, also plays a role as an expression of consumer responsibility. By buying these goods, one not only proclaims ethical values of a preferred view of life and the world, but also gives the consumer the opportunity to influence the behaviour of others. Customers are now guided by an ethics of goods which appeals to the responsibility of trade and customers with its “touchstones ... social, environmental and ethical issues” (ibid.: 5 et seq.). This trend has continued unstoppably. In 2012, for example, manager magazin wrote: “Consumers in Germany are increasingly turning to organic products. Last year, sales increased by almost ten percent ... . This means that growth also exceeded the increase in sales of conventional products (3.6 percent) by far. ... The consumer researchers conclude from the data that organically produced food is enjoying increasing consumer confidence ... According to the consumer research company, organic products still have plenty of potential for further growth” (2012). The media are doing their bit to raise awareness among customers. Backhaus-Maul and Kunze deduce that “the moral demands of consumers on the quality of

products and production processes as well as the economy and companies as a whole have increased noticeably" (2015: 107).

Even if the customers' sovereign will to buy organic products can be called into question because the reason for the purchase is also based on a stubborn interest (e.g. because it increases individual self-esteem, Meßmer 2011: 6), it does not change the situation that companies must keep an eye on the trend. Lamla also believes that consumption as a debate is encouraged by the various critical voices. This may well cause companies to become entangled in uncertainty: "The very fact that consumption is currently moving back into the centre of various critical discourse positions creates a resonance in the public, which at least makes companies feel insecure" (Lamla 2010: 273). Consumers are receptive to ethical selling points. Companies are now bound by rational decision-making in this respect, as their decision-making behaviour is significantly influenced by a development which is taking on normative features.

The findings so far are instructive for further investigation in several respects:

- The so-called CSR tests cause product tests to quickly mutate into company tests. And consumers are developing not only into powerful stakeholders, but probably the most important ones who influence the long-term or, in context-specific terms, sustainable (competitive) success of companies.
- This conclusion further weakens the voluntary character of CSR. CSR tests are a tried and tested means of obliging companies.
- In other words and from a regulatory perspective: a concept based on deregulation called CSR unfolds regulatory guidelines.

Behind this intervention in entrepreneurial corridors of action lies the pressing question of whether the associated obligations, including side effects such as increased costs, are at all acceptable to companies. The question of where corporate responsibility finds its limits must be clarified or at least discussed.

Developments are underway which indicate that buyer and consumer behaviour has changed. Organic products have arrived in the mainstream. The discounters have also adapted to this. Organic products are creeping in there, too. Ethical aspects are being considered and consumers are thinking about questions such as: "Are these eggs from free-range hens? Has

appropriate animal husbandry been guaranteed?" Sensitivity goes as far as the question: Has blood been drawn? Current developments reflect a remarkable ethical advance that demonstrates that CSR has achieved something. It may not be universal, but it is a trend-setting occurence. The increased demands of consumers will be influenced if the perspective of responsibility "links the so-called human resource ... to the perspective of sustainability". Based on the "convergence thesis" and according to surveys, consumers have a legitimate interest not only in information on the environmental friendliness of products, but also on how the company deals with its employees, which is obvious, after all, the majority of consumers are self-employed (Hildebrandt 2005: 35 et seq.).

The companies are in conflict with standards and give in to the pressure of standards. As the comments of business organisations have already indicated, the possibilities to follow the market or CSR requirements must be seen as limited. Although competition is merciless, companies are not able to fully meet a moral requirement of society. CSR implementation cannot be fully achieved by business and therefore challenges them. CSR and the economic precondition of a company are closely linked, as can be summarised, for example, from the critical reversal conclusion of researcher Fauset of the NGO Corporate Watch: "CSR does not pose any sustainable solutions. It can easily be reversed if the economic climate changes" (Corporate Watch 2006: 1). However, it is not possible to escape the market completely. In the course of a capitalist-democratic social order in a united Europe and the development of a moral awareness, pressure is building up to which companies have to bow. The capital market contributes to this suction effect. At the same time, it should be borne in mind that "turbo-capitalism" only allows a limited amount of CSR to be fully implemented (Netzwerk Soziale Verantwortung 2012: 4). It is an underestimated phenomenon: those who follow CSR lose out. On the other hand, those who do not follow CSR lose at least as much.

In order to remain competitive, detours are conceivable in a variety of ways, which extend the line of responsibility and re-sort the context of legitimacy:

- Competition forces companies to pass on the pressure, e.g. price and time pressure, to supplier companies. In this way, the risk is accepted and it is also partly responsible for the fact that unworthy working conditions in terms of wages and working hours, let alone child labour, are created at suppliers.

- Greenwashing is applied because companies would otherwise lose market share. Greenwashing would then have a liberating effect as long as it was not uncovered. This risk can be taken until CSR is fully subject to transparency rules.
- These covert mechanisms mentioned contain a useful moral: if the market forces companies to adopt CSR, then they must also accept the risks of such an approach. The market and the consumers are inciting greenwashing and inhumane working conditions. The consumer is called to (co-)responsibility, as she/he is the starting point. The public and dominant discourses on child labour must be seen in a changed light, which allows a new view on child labour. In this view, it must be assumed that child labour products and thus child labour itself are accepted by consumers.

These circumstances can be to the disadvantage of following the CSR concept only illusively or symbolically. This development makes Mark-Ungericht wonder, because with a concept of responsibility "without rules" it is difficult to establish responsibility in the face of "real and constructed constraints", the trend of "competition downwards" and "free-rider mentality" (2005: 185).

The situation from the actor's point of view can generally be assessed as follows: they are in a captive role and are confronted with a task that is not easy to solve. The above-mentioned problems are thus difficult to connect with in public discourse. CSR can be polarised as a business case on the one hand and as social benefits on the other. Various positions are conceivable in between. Irrespective of which trend is taken up, CSR aims to achieve two things: advantages for the company as well as for society. As a result, companies see themselves exposed to their own ideas about the concept on the one hand and to the expectations of society on the other. In the light of the present, the CSR concept itself sees itself as a necessity, propagates the associated opportunities in implementation in an image-effective manner and subtly seeks to convey the idea of equal opportunities. However, the starting conditions are not the same for all companies. The basic direction of the problems described above must be known or known to the actors. In such a situation they usually have no choice but to find a general consensus. In its "Common Understanding on CSR" 2009, the National CSR Forum with its representatives from business, politics, science, NGOs and unions highlighted the importance of CSR in the competitive and consumer environment not without reason. It addressed politics as an actor, asking it to ensure favourable framework conditions and a conducive environment, which are indispensable for the competitiveness of

business and CSR-practical results: “It is the task of policy makers to create a positive environment for CSR. In this way, CSR can improve the conditions of sustainably functioning markets and be profitable for society and enterprises. ... CSR is increasingly becoming a competitive factor. In particular, the visibility and credibility of CSR for consumers and also for investors is crucial” (Nationales CSR-Forum 2009). Difficulties have arisen in this respect and it would appear worrying from the Forum’s point of view if companies were to be left largely to their own devices for implementation. The transformation process of companies towards CSR can hardly be mastered on their own and cannot be successful in the long term either.

As was already evident from Kocher’s above contribution, employee representatives and NGOs are not among the driving forces behind CSR information requirements. Brackemann already made it clear in his contribution to the DGB workshop in 2005 that the companies tested were involved in the CSR investigations, among other things because they were dependent on further information with regard to the transparency of product origin and manufacture. The involvement of the companies in the coordination process, e.g. through the possibility of submitting comments before final test results are presented to the public, is a clear indication that other actors such as NGOs (here the consumer organisation Stiftung Warentest) are also aware of the scope of publishing sensitive information such as CSR test results.

5.4 Relationship between motives of the umbrella organisation and its members

The approaches and explanations in the literature so far have largely taken a holistic view of union practice and reduced it to this. Too little attention is paid to the fact that the umbrella organisation may have problems of integration within the organisation with regard to its organisational coordination work - in the relationship between the DGB and its member unions.

If matters are raised which affect and interest all members, the aim of the entire functional body should be similar to democracy, to take into account the demands of all those affected in a consensual manner. This chapter will use CSR as an example to illustrate the difficulties that this process creates for union work, if at all, only roughly and therefore only in larger contexts. Since potential inter-union conflicts in CSR matters are virtually not discussed in the literature, this chapter is already an uncharted territory in its basic outline.

5.4.1 Association conditions and limits of union clientele policy

As already mentioned in the section on the membership crisis, unions have recently had to contend with basic organisational problems, which has made it difficult for them to develop their strategic orientation and, where necessary, to reorient themselves. The literature is dominated by the division between traditional or core members (especially male workers in industry) on the one hand and few or non-organised groups on the other (e.g. service sector, precarious workers, the unemployed). The DGB membership structure is characteristic of the coexistence of different interests of specific occupational/personnel groups, with the emphasis on the male-dominated industrial production of large companies: “Their position, which is still comparatively strong internationally, is mainly due to their strong roots in the manufacturing sector among male skilled workers in large industrial structures. This strength proves to be a weakness under conditions of accelerated and, compared with other countries, delayed structural change. The pre-eminent position of male industrial workers dominates interest- and organisation-political disputes in German unions and has, among other things, a considerable influence on membership recruitment” (Fichter 2004: 22). This “backbone of the union organisations” prevented “adaptation to new labour market structures even when labour markets were already more differentiated and showed clear signs of segmentation”. Hassel speaks of a “segmented interest policy” which has developed in such a way that the “majority groups in the unions remain in the majority even after they have become a minority on the labour market”. Hassels considers the most obvious challenge to be “how the German unions are able to manage the transformation from an industrial union to a service union” (Hassel 2000: 130, 137).

A constant reduction in industrial jobs deprives union interest policy of a breeding ground. In view of the 2010 figures on the sectoral classification of workers, Dörre has to agree that there is a fear of developing into fractal interest groups in the face of sectoral change. The unions “run the risk of becoming mere representatives of pressure groups, of permanent employees in specific sectors such as the automotive, supply, chemical and pharmaceutical industries. This statement applies above all to industrial unions, which, in view of the accelerated structural change, tend to represent the interests of minority wage dependent groups”. In the wake of the global crisis, sectoral change has gained momentum: “In 2010, only 18.9% of the workforce was employed in industry (excluding construction) (1991: 29.3%); by contrast, 73.5% were already working in the services sector (1991: 59.5%)”. The

figures show impressively that “industrial workers represent only a minority perspective within the total number of wage earners - although still very important strategically. It is becoming increasingly difficult to present such a focus of interests as the perspective of ‘wage earners’. ... What is new is not so much the articulation of particular interests... . What is new is that these particular interests of minority wage earners can hardly be combined in a collective promotion perspective. This fact motivates company-based interest groups and with them the unions to protect those industries in which they have the majority of their remaining members” (Dörre 2011: 287 et seq.).

It is true that the unions have an interest policy claim which is formulated as a collective. Disagreements between the social partners are common. However, another type of disagreement is that there may also be differences within their own ranks about the policy to be adopted. The following remarks are intended to illustrate the challenge of communicating a common good, which is difficult to meet under these conditions. Temptations to represent only particular interests have to be resisted, but they remain problematic for the unions: “Due to the structural change in the labour market, this ambivalence between the uniform representation of interests in the company and their different interests is increasingly becoming a problem which can no longer be solved by a general demand in the interests of all employees if one does not want to discriminate against large groups in the labour market from the outset. In order to prevent this from turning into a fragmented and arbitrary collective bargaining policy, considerably more intra-organisational compensation mechanisms and formulas for the equivalence of different collective bargaining policy demands must be created than currently exist in the unions” (Hassel 2000: 137). However, a broad membership composition (differentiated e.g. according to sector, class, status) and a focus on specific groups of employees on the one hand, and on the other hand the compatibility with a strategically universally valid claim to representation is not a new phenomenon, because the unions “have always lived with the fact that they could - or wanted to - organise only specific groups of employees (primarily the qualified, the workers, the workplace owners, the men etc.). But this only becomes an organising problem when the political claim that unions should be a representation of the interests of all wage earners is taken seriously”. In view of the “union legitimacy”, Heiden even posed the question of the “identification and representation of reproductive interests”, which “in view of the diversity and sometimes contradictory nature of qualitative reproductive interests ... makes it almost impossible for unions to identify, take up and represent them in their breadth. This also calls into question

the mediating character of the unions." Heider relies on survey results from the Allensbach Institute for Opinion Research, which show that the population and employees are less and less convinced that unions represent the interests of the majority of employees. Between 1993 and 2003, this opinion among the population fell significantly from 58 to 38% and among union members from 71 to 59% (Köcher 2003: 5). Beyond the survey, the loss of members is a further explanation for the fact that it is becoming increasingly difficult for traditional associations to "represent relevant collective interests" (Braun/Backhaus-Maul 2010: 33). The aggregate "unions" have now reached their limits in terms of interest politics. Individual strategies can undermine collective perspectives of interest representation (Dörre/Röttger 2006: 234 et seq.).

Among the broad spectrum of organised members, "for a long time now there have been at best fragments of a union collective identity". It is also worth noting that although unions "have lost their movement character in the breadth of membership", some union activists have "up to the present day... primarily held on to class interests... and not to the particular interests of the company and enterprise communities". This "mode" was represented above all by IG Metall in the 1980s and 1990s, and at the same time was a symbol of the strength of German unions. The 35-hour week, for example, has remained in the minds of members as the enforcement of active functionaries. Individual personalities can be the bearers and mediators of ideologies and bring ideologies to their members. Depending on the company, enterprise and region, the ideological content can be developed differently. Differences may therefore exist not only between individual unions such as IG BCE and IG Metall, but also within the ranks of a union itself, let alone between an individual union and the DGB. Any disagreement aggravates the situation by bringing together competing ideological currents and different interests.

It is common knowledge that the relationship between individual unions cannot be unclouded. In 2001, for example, a conflict arose between ver.di and IG Metall, which had to be settled before the DGB arbitration court. In the specific case, IG Metall claimed organisational responsibility within the IBM group, but this could not be legally enforced. This case became representative of the fact that the DGB principle "one company - one union" does not provide a viable legal basis and that breaks have to be accepted. Since then, sectoral affiliation as a distinguishing feature has lost its relevance. It must be noted that the already eroding

legitimacy of unions as a force to support certain groups of workers in the struggle for new members is being reinforced by a "renaissance of inter-union competition" (Kreft 2006: 108).

The proper allocation of responsibilities among the individual unions is encountering implementation problems due to various influencing factors. "The restructuring of sectors, duplication of responsibilities (as in the education sector, for example) or the emergence of new industries (IT industry, solar and wind energy) has in recent years led more often than in the past to problems of demarcation and conflicts between the individual DGB unions". In essence, however, DGB unions are still organised according to the industry federation principle, whereby each individual union is responsible for one or more specific sectors. According to this principle, IG BCE represents in particular the chemical industry, pharmaceutical industry, mining and energy suppliers. IG Metall, on the other hand, represents the interests of its members from the metal and electrical industry, steel industry, textile/clothing, textile cleaning, woodworking, motor vehicle trade, electrical trade, carpentry, sanitary trade, while ver.di focuses on the public service, commerce, banks/insurance companies, health care, transport, ports, media, social and educational services, printing industry, private services, fire brigade, etc. As things stand at present, the key industrial sectors of IG Metall (from the metalworking and electrical industries, particularly the industrial sector and the car manufacturing industry) are still the main focus of union activity in Germany. They are followed by the steel industry, which is a considerable but declining sector; other sectors include energy supply, the public sector and privatised state enterprises in the postal and railway sectors. While there are differing degrees of organisation in the chemical industry, shrinking numbers of companies in the construction industry are equally reflected in the membership of IG BAU. Meanwhile, new suppliers on the market - usually small companies, usually without a works council or without much interest in setting up a works council or joining a union - are arousing the curiosity of the unions, as there are still areas of influence to be gained. IG Metall campaigns, for example in the wind and solar energy sectors, have been successful in some cases. In addition, with the liberalisation and privatisation of public service sectors, new service providers from the private sector have established themselves in competition. Organising them "remains ... the greatest challenge". These are areas where unions are under-represented and weak because they are difficult to access. These sectors include retail, banking, insurance, catering, hotels and restaurants, crafts, logistics, security and surveillance (Dribbusch/Birke 2012: 6 et seq.). The fact that the relationship between the unions and their policies is not only potentially but also in reality not

free of tensions, “ambivalences and conflicting goals” are demonstrated by the competing strategies of the three big players. While IG Metall and IG BCE promote measures in favour of the export industry, which are particularly important in times of economic crises - e.g. While IG Metall and IG BCE are promoting measures for the export industry, which has been hit particularly hard by economic crises - e.g. the financial crisis. This runs counter to the policy of ver.di, which, due to its organisational weakness in the private service sector, is increasingly calling for public investment in measures to improve the private sector’s framework conditions for employees. On the other hand, there may well be disputes between unions and works councils: the temporary work campaign was a particular point of friction, as works councils agreed to this measure as a flexible “economic buffer” (ibid.: 28).

5.4.2 Structural change and dependent developments

Relevant for the further investigation are - as already indicated thematically - industry developments in the last decades, the processes of which are illustrated in the following sections. In this context, the changes in the qualitative requirements of jobs and the restructuring of vocational competences will also be shown. In their instructive contribution in 2001, Kurz-Scherf and Zeuner analysed the state of the unions, which had to be redefined in relation to processes of social change: “The structural ‘in-between’ of the unions is, as it were, doubled and made more dynamic in the current phase of rapid and comprehensive change. In the ... ‘in-between’, the conditions under which unions operate, the challenges they face and the unions themselves are changing. Not only the unions are in a state of limbo between ‘no more’ and ‘not yet’, in which the erosion of the past crosses with great uncertainty about the future. Particularly with regard to the structural change and change in the meaning of work - i.e. the primary field of action of the unions - ... it is still far from clear ‘where the journey is heading’, what can and should take the place of industrial society, and what role unions want, can and should play in the new service, information, media, knowledge or ‘whatever’ society” (149). This state of economic structural and social change was also addressed at the time by the IG Metall members Lang and Legrand, which was to be organised as a “search process” within the framework of the IG Metall “debate on the future” in 1999: “The trade unions are currently in the most difficult phase of restructuring and upheaval since 1945. It is part of the epochal social upheaval ..., in which old value orientations and attitudes to life are no longer valid without consideration and new ones are not yet there, but are being sought intensively. It is therefore an intermediate world in which people move. This intermediate world has an enormous need for orientation.” In this context,

they also address the development of sectors and classes: “The unions face the organisational challenge of understanding the changes in the working society. Old industries are shrinking, new industries are emerging, the number of employees is increasing, new types of employment relationships are gaining in importance and new employment biographies are developing. Globally, unions are primarily established in traditional manufacturing sectors and in the public sector, and are well represented in privatised former public sector enterprises. They have to organise the growing number of white-collar workers, workers in the new areas of information, communications and media, and in biotechnology and genetic engineering. Union membership reflects the employee structure of the 1970s and 1980s. Targeted efforts to retain members and attract new ones (also using all the methods and experience of modern marketing for non-profit organisations) are therefore necessary” (Lang/Legrand 2001: 73 et seq.).

The finding that the acquis has been preserved is also made clear by an expert opinion of the Scientific Advisory Council at the Federal Ministry of Economics and Technology in 2000. Against the background of uncertain and disadvantageous prospects from globalisation effects, this attitude is understandable. The report stated: “The process of globalisation facilitates the relocation of production facilities abroad and therefore erodes the power of nationally organised associations. The structural change induced by technical progress weakens many of the sectorally organised associations. Both apply to both workers’ and employers’ organisations. ... The interest groups influential in politics today are often opposed to market-based solutions which make appropriate responses by individuals and companies to the challenges of technological change and globalisation more likely, and in many cases even possible in the first place. For they would then have to give up the assets of their members. Thus unions feel called upon to defend the ‘achievements’ of the welfare state even when they are opposed to market-based responses. ... The motivation of the associations concerned, both unions and employers’ associations, to defend the status quo by trying to stop the market process which is detrimental to them in corporatist negotiations is therefore great” (Bundesministerium für Wirtschaft und Technologie 2000: 5).

The previous remarks have outlined that the national industry-oriented society is in a state of upheaval. One direction of thrust is the move towards the service society, whereby, according to the union understanding, a coexistence can be expressed more precisely and one would have to speak of a transition “from the industrial to the industrial and service society”.

Industry will not develop as a superfluous sector in the long term either: “The economy and society of the Federal Republic ... are on the threshold of a technology-pervaded service economy with a strong and, in the long term, indispensable industrial sector” (Beckmann 2013: 141). Before proceeding with further research, it should be noted that, although the range of tasks in the service sector is quite broad, “service work” is a rather “bulky, very disparate subject area” which makes it difficult to identify overarching trends. For this reason, the further field survey is primarily only suitable as a “problem outline” (Minsen 2005: 25 et seq.). A cooperation project initiated by various individual unions (including IG Metall, IG Bau, IG BCE) concluded in 2000 that the “dividing lines between production and services” are being lost, but that these areas include activities that can be found in both industry and the service sector . Furthermore, it was concluded that the industrial unions are well positioned for this structural change and are “not out of date” (Bosch/Wagner: 2001: 5). Yet this change is creating new problems for the unions. It cannot be denied that further connections have to be recognized.

In science it can no longer be denied that the growth in services goes hand in hand with social restructuring. According to the work sociologist Minssen, the increasing and predominant employment in the tertiary or service sector, which increases with the completion of structural change, is not only due to social development processes, but also to sectoral shifting and concentration effects of activities: “This is not only due to the development in the industrial sector , in which Tayloristic-oriented mass production is supplemented, if not even replaced, by innovation-oriented activities that are often outsourced to independent companies that are then assigned to the tertiary sector. In addition, there is a tertiarization of production.” Minssen predicts that in the course of the economic and technical structural change, skilled workers will have to cope with a decline in jobs, as a typical and mostly standardized vocational training for skilled workers does not take into account the requirements that have changed due to “educational expansion”. In addition to the qualification, competencies are particularly in demand that can hardly be obtained through a job-specific qualification (2006: 141 et seq., 206). This finding is undoubtedly significant because in the past Germany had taken a pioneering role in the market for professional organization: “Up until the beginning of the 1990s, the professional organization of the labor markets was considered a central advantage of Germany as a location.” The dual system was one of the traditional strengths of the German production model. It owes its roots in “normative, cognitive and strategic terms” to the industrial society of the time. In the course of time and with the transition to the

knowledge society, the requirements change: “The educational expansion and the increase in demanding service activities favor school training and recruitment concepts” and the narrowing “of professional training and hierarchical-bureaucratic forms of organization makes the transition to learning companies more difficult. This raises the question of the future viability of dual vocational training” (Heidenreich 1998: 321 et seq.). Kern and Sabel even spoke thematically related of a crisis in the German production model in the 1990s (1994: 615). Wiesenthal and Clasen assume an increasing social spread in the Germany model, in which individual groups could fall by the wayside in terms of collective agreements: “Under the changed conditions, the social benefit of the Germany model no longer applies to all working groups” (2003: 313).

The results of the valuable study by the social researchers Vester, Teiwes-Kügler and Lange-Vester in cooperation with IG Metall 2007 provided clear indications that the “fear of globalization” also affects the broad middle class (“social middle”) well-qualified employees and is not only widespread among sections of the population with insufficient qualifications (unemployed and destitute, low and casual earners). “Even for those who are employed and integrated, social standards are becoming insecure, qualified jobs abroad are disappearing and half of the jobs that are being created in the economy are precarious.” The insecurity is thus not only affecting employees in general, but even noticed by the highly qualified employees who have to fear for their achieved social status and who are also exposed to global competition. The unions have to adjust to these developments if they want to seek new membership potential. This development goes hand in hand with a “new type of employee”, towards increasingly “highly qualified specialists”. The study also shows that changes have occurred in the area of work qualifications that are aimed at a general increase in knowledge: “The changes in work qualifications are part of a more general expansion of competencies that encompasses all areas of life.” This finding is underpinned above all by the steady decline in unskilled workers and the changed lifestyle of the younger generations as a result of increasing professional and school demands (Vester et al. 2007: 19 et seq.).

What do these findings mean for a union strategy using the example of IG Metall? In these change processes, they must take into account that the problem of alienation of their previous core clientele arises and, above all, the well-qualified skilled workers who are characterized by specialist knowledge and class awareness will be lost if IG Metall increasingly devotes itself to qualified employees. The survey results of the study suggest that the named core

clientele sees themselves as the actual industrial value creator in the company who, in contrast to the employees, produces visible results and co-finances the "water head". The norm-changing trends towards salaried employees and the relocation of production areas abroad are setting themselves as a blow to their self-confidence: "The commercial sector is so bogus, today there is only service. The old skilled work is running out. Everyone does everything, everyone can do everything. But nobody can do anything right." In the opinion of the skilled workers, structural change threatens to underestimate their role and promote social decline. In order not to lag behind the expanding number of employees, the unions will have to make organizational efforts to win over this group of people as well. From member politics it would be interesting "in which way the moderation ... and conflict regulation takes place" (ibid.: 93 et seq.).

The author already addressed the transition to the innovation-oriented world of work of tomorrow, mentioned by Minssen and Heidenreich, as a recruitment opportunity in the competition for the division of interests. The companies of the "third world", which stand out due to their high added value with a high level of innovation and comparatively more employment potential, can play an important role not only as winners of the structural change, but also in terms of interest-political gains for the unions. Because compared to the export-oriented industries, the service sector is "quasi-union-free" because of difficult access conditions. The successes hoped for when ver.di was founded in 2001 in efforts to gain a foothold in these areas were also limited ten years after it was founded (Schroeder 2014: 14).

5.4.3 Dealing with CSR at individual union level

The following studies will show whether the findings described concerning differentiation of interests and socio-economic structural change are also reflected in the logic of linking CSR and individual unions. Finally, a further chapter will attempt to confront the attitudes of the individual unions and the umbrella organisation by questioning what the consequences of implementing a position are and how they are achieved then. The differences between the individual unions will be discussed first, followed by the consequences for the DGB, which can be derived and are derived from the last chapter.

After it has already been shown that constellations of facts in union affairs can per se lead to differences of opinion between individual functional bodies, specific views on how to deal with CSR are also foreseeable here too, and this requires a coordinating solution. Differences

and insufficient exchange of information led to the first detailed CSR positioning; the discussion paper (workshop in 2005), one of the first publications of the DGB on CSR. That was not only a reaction to "socio-political pressure on the unions to position themselves", but "as a result of this, internal disputes have been significantly intensified in recent years" (Egbringhoff/Mutz 2010: 282). The different positions within the organisation need to be addressed in the further course of the project. In order to isolate the CSR discussion from a larger context and to survey it singularly or on the basis of the differentiated viewpoint of the individual unions, empirically obtained interview results from primary sources are used to highlight the specifics. A particularly good material basis with specific first-hand information on how individual unions (IG BCE, IG Metall, ver.di) deal with CSR is provided by Zimpelmann and Wassermann. Their statements are based on interviews with union representatives in 2011. Haunschild and Krause also conducted interviews with the "big" individual unions in Germany in 2012 and published their most important findings in the anthology published by the editors Preuss, Gold and Rees, who had launched a Europe-wide study on union CSR positioning (Haunschild/Krause 2015). The statements or interviews already collected will be examined as data for the own secondary analysis with regard to the discrepancies between the individual union positions and the CSR concept. To anticipate it at the outset: Zimpelmann and Wassermann confirm various union interests at individual level based on the results: "In the present interviews, the unions' polyvalent approach to CSR becomes clear". The BDA speaker who was interviewed shares this view that in terms of positioning and understanding "a distinction must be made between individual unions" (2012: 38, 47). Haunschild and Krause also noted individual and heterogeneous views among the interview partners. For example, differences are seen in the assessment of the risk that a voluntary approach can pose to existing legislation (2015: 75 et seq.).

For reasons of simplification and based on the material referred to, the three individual unions mentioned above are examined in the context of this chapter. In Germany, the DGB is the largest and politically most influential umbrella organisation. Its eight member unions represent the various sectors of industry and their employees in Germany. The legal privileges and centralised structure of union representativeness give the affiliated unions a strong position. In particular, the three largest of these are the leading unions in collective bargaining and social partnership. The above remarks suggest that the choice of these unions as interview partners for an evaluation of CSR strategies in Germany or the German union movement seems justified. It must also be anticipated that the discussion of the differing positions can

only be an analytical approach, since although differences of opinion within a mass organisation such as the unions are not a novelty; they are usually agreed and settled internally before they even or in some detail become public. The aim of the study can therefore only be to achieve an approximate understanding based on the interview results. Finally, a comparison is made to assess whether and to what extent there are tendencies in them to judge that one of the selected unions is most affected by the CSR requirements or can identify most with the concept.

In the following subchapter, firstly, the elementary CSR aspects will be recalled in order to facilitate contextualisation and to get to the thematic interfaces.

5.4.3.1 Temporal-historical and reflective contextualisation of union activities and linked CSR elements

In the corporate world CSR turns out to be an essential element for the self-image development and implementation, and it initiates learning and innovation processes and makes them relevant. Another structural determinant is the innovation potential that is tapped through CSR. Based on the previous chapter it became clear that the perspective of changes as a result of structural change particularly emphasizes innovations, knowledge and learning. The fact that CSR and innovation are not only hypothetically closely related was substantiated, for example, by a study in 2009 by CSR researcher Loew.. It was possible to establish links between CSR and an innovation-promoting corporate culture: Product and process innovations are increasingly promoted by the concept and current sustainability trends are included. A field is spanned across the core ecological dimension of CSR that was more than marginal in union work in the past: corporate environmental protection.

Companies that pursue CSR are not only related to customers, but also to organizations and people outside this sphere. In this way, innovation needs of interest groups are aroused outside of the market. CSR would then be an instrument for ascertaining innovation needs that go beyond market orientation regardless of the product. For example, creating good working conditions for employees in the company can develop innovative impulses for practical application. It can be stated that innovating for a company has to take into account the provision of “manifest through latent to future [e]” satisfactions of the entire environment, which can take on very differentiated and varied dimensions (Ruhnke 2014: 206 et seq.).

With regard to the analytical starting point for the further investigation, one should first consider that there were reservations in the past against efforts to innovate. For a long time, an innovation-averse, if not innovation-hostile, reputation preceded and followed the unions. This position has changed over the past few decades. Insightful information could be obtained from statements by the former IG Metall board member Klotz: The content-related course of the unions in relation to technical innovations was confusing for a long time. On the one hand, there were engagements in IG Metall working groups that propagated innovations in the field of energy and environmental technology, as they saw opportunities for new jobs. On the other hand, these ideas with an ecological profile met with numerous rejection, also because this ideology was on the same wavelength as the then newly formed and conflict-oriented party The Greens. According to the prevailing opinion, environmental protection was regarded as hostile to business or as a job killer. There was also resistance from within our own ranks. After all, unions organized "pro-nuclear" demonstrations in the late 1970s. In the meantime a rethink has taken place and the unions have become aware that there are opportunities in the innovative use of natural resources. What is being propagated today is something what was a no-go 25 years ago. And since the turn of the millennium there has been a richer realization "that failure to change structural changes usually has even harder consequences than structural change itself. Or that in the distribution debate, one should not only argue about the size of the cake pieces, but also about the question you have to worry about how you can make the cake bigger - and that can only be done through innovation."At that time, the unions felt it was completely superfluous: "Innovation, that's not an issue for us. That is the job of the entrepreneur, what should we worry about the entrepreneur - or the class enemy?" (Klotz/Scholl 2014: 279 et seq.).

Projects such as "Innovation and Co-determination" by the Hans-Böckler Foundation or the IG Metall campaign "Better instead of cheaper" are evidence of union innovation commitments. The first project mentioned aims to examine the importance of co-determination as a tried and tested resource in Germany and to shed light on the creative potential of employees and their representatives in the innovation process. Globalization has initiated structural change and has put German companies under pressure to adapt. As a business location, Germany has to assert itself against the competition when it comes to converting to a knowledge and service society and can counteract the risks of relocation if one relies on the "virtues of German business". As a high-tech location, Germany can also benefit from its high level of technological expertise in the area of industrial services. This has to be

used and expanded. If the employees' knowledge can be integrated into these processes via the co-determination institutions, this would be "a superior approach" that could improve the technological performance and innovative strength of German companies in the long term (Reichwald 2010: 62). The campaign "Better instead of cheaper" is a concept initiated by IG Metall NRW, which launched an offensive campaign in 2004. The campaign was directed against strategies that aimed to reduce costs and relocate ("Cheaper"). On the other hand, investments in innovations ("Better") to increase NRW's competitiveness were maintained. In its first publication, the special features and qualities of the industrial and production location of North Rhine-Westphalia and its sectors were affirmed, to which the previous success in the North Rhine-Westphalian economy is to be owed (IG Metall NRW 2004: 1 et seq.). This campaign also proves the opening of the unions to positions to which, according to the prevailing opinion, they were previously closed. Haipeter, Brettschnei-der, Bromberg and Lehndorff come to this conclusion: "In this way, the accusation of a 'blockade of modernization', which is often addressed to the unions, should be turned around and directed towards the often inadequate willingness to modernize, innovate and invest in many companies" (Haipeter 2011: 48). In this perception, reputation work seems to be necessary anyway, as demoscopic studies and surveys in 2003 showed that, from the populations' point of view, the union is an institution that "feels more committed to the past than to the present and the future, more oriented towards preservation than to change" (Köcher 2003: 5).

For a long time, protecting the environment was a controversial area of responsibility in union work. The use of voluntary commitments, which is reinforced by the corresponding understanding of CSR, comes into conflict between corporate and legally regulated environmental protection. The environmental protection debate has a long tradition: in the 1970s, both companies and unions complained about potential additional costs from environmental protection requirements, which would have harmful effects on competition and endanger jobs. Against this background, environmental protection should be transferred back as a state matter. The DGB saw another economic danger in the environmental debate. Environmental protection is highly intertwined with industry. Because of industrial environmental impacts, a theoretical exit option for the industrial society could have been considered. With its program from 1985 "Environmental Protection and Qualitative Growth", the DGB gave a "clear rejection" to all those who had such considerations in mind, because "for the DGB there is no alternative to industrial society, only alternatives in it: Only with it will the employment crisis and environmental problems be solved while at the same time

providing material and social security for employees" (Döding 1985: 16). Meanwhile, almost all individual unions have their own environmental departments. Environmental protection has arrived at the standard tasks. IG BCE was the first union to set the tone early on. While the DGB set up a department for environmental protection in 1983, IG Chemie was the first union to set up an environmental protection department in 1977 (Kulke 1986: 165). And at the end of the 1980s, IG BCE, in cooperation with the German Chemical Industry Association (VCI), concluded company agreements that aim to protect employees from exposure to health hazards and guarantee works councils extensive rights to information (Hildebrandt/Schmidt 2001: 246).

5.4.3.2 IG BCE

Figure 10: IG BCE's logo

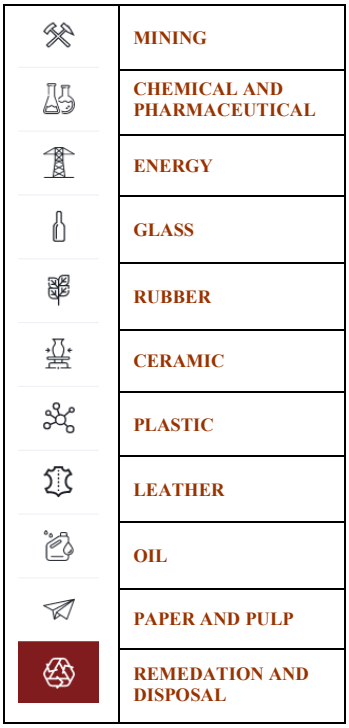
Source: IG BCE (2021a)



Although the union is named after the mining ("Bergbau"), chemical ("Chemie") and energy ("Energie") industries, its members also work in other sectors:

Figure 11: IG BCE's industries served

Source: IG BCE (2021b)



Motivated by the Wittenberg process in 2008, which proved to be an industry-specific solution for the joint promotion of social responsibility through a multi-year dialogue between the chemical social partners IG BCE and the Federal Employers' Association Chemicals BAVC, the representatives affirmed CSR as an instrument for social responsibility to be integrated into the company as a complementary addition to existing legal requirements (Zimpelmann/Wassermann 2012: 47). This point of view is also determined by the view that CSR can be quite useful as a voluntary concept as long as it is not arbitrary and of course does not undermine German labor law. As a union, emphasis is placed on statutory provisions, while CSR is based on voluntary service (Haunschild/Krause 2015: 66).

Great importance is attached to the social partnership - also fittingly under the impression of the alliance that emerged from the Wittenberg process: "As IG BCE we practice a very successful form of social partnership and have had very good experiences with it. We are very well networked in politics, in employers' associations and also maintain contacts with churches and NGOs. The company representatives, such as from BASF, are our social partners. You know each other. We know that we can achieve more together." Because, especially in the organizational area of IG BCE, industries such as the chemical industry, the energy industry, rubber, ceramic or aluminum production, with lots of opportunities to contribute to environmental protection and thus to sustainable development through innovation. A good CSR strategy in a company creates space and motivational incentives for innovation and for the products of tomorrow". The interview clearly shows that innovations are favored by a good CSR policy in the company. As advocates of nuclear power and genetic engineering, in their understanding of the implementation of sustainability they primarily emphasize the opportunities that would be lost if genetic engineering were not used. Here we are on the same wavelength as employers. At the same time, the argumentation makes it clear that rejecting genetic engineering would result in the loss of jobs, would weaken Germany as a business location and leave market shares to international competition in the world market: "We need acceptance for industrial production. For example, this massive, emotionally charged ideological resistance to biotechnology and genetic engineering is incomprehensible because the risks are placed in the foreground and the opportunities are not seen. For example ... in medical genetic engineering, there has been a genetically engineered insulin for several years. When you talk to diabetics, they say: 'This is a quality of life that we have obtained that was previously unthinkable.' Another example: BASF has researched a genetically modified potato that has a very high starch content. The approval process for 'Amflora' has been

running for ten years. (...) If this mood continues in the country, this research and development work will end up abroad at some point, and with it the jobs and training positions too. Of course there are also risks and you have to keep an eye on them and take them seriously, but opportunities are also missed" (Zimpelmann/Wassermann 2012: 47 et seq.).

Even if CSR can prove to be a competitive advantage for large companies, IG BCE positions itself with its own demands: "This includes fair treatment, opportunities for qualification and further training, employee participation .... There are a number of other topics that relate to a sustainable, long-term corporate policy and not just short-term return targets. But also ecological issues such as energy and raw material efficiency and the innovations required for this. Our requirement is that we want to have further development. So we say, 'This is an attempt, we're going to get into it. And we will check that CSR does not become arbitrary. Voluntarily yes, but not arbitrarily!" When asked about NGOs, the relationship is diplomatically judged as "peaceful coexistence". There can be no question of a competitive situation. The different characteristics (membership structure and tasks) of the two allow cooperation to be optional, but not mandatory: "Often it only works if you don't get into ideological trenches. (...) We are not a partner for action alliances, but as a union, first of all, we represent the interests of our members and, secondly, of course, a political actor with clear ideas about the social market economy. As a union, we have completely different tasks and interests .... We have great recognition as IG BCE and our political advice is gladly heard and accepted. This shows e.g. the great interest in the IG BCE in the CSR forum" (ibid.: 48 et seq.).

IG BCE's CSR commitment is particularly evident in the fact that it systematically takes on activities through a number of projects. So far there have been only a few explicitly CSR-related projects with unions as project partners. The IG BCE project "CaeSaR" (Activities for Ethical and Social Solutions for the Creation of an Innovative Working Environment and for the Sustainable Use of Resources), which was aimed at supporting SMEs in the chemical, glass, paper, plastics, rubber and energy industries by developing strategies tailored to SME needs, is considered to be outstanding for the union area. It was financed by the Federal Ministry of Labour and Social Affairs (BMAS) and the European Social Fund. In this context, the IG BCE speaker recognizes the opportunity - since CSR strategies usually lack the consideration of the internal dimension, which primarily concerns socially responsible

behavior towards employees - to generate more attention for the situation and demands of employees. This gap could be closed by recruiting in-house CSR experts who would then help companies develop a credible CSR strategy. In order to implement this idea, IG BCE is working on the development of CSR training programs to train works councils (Haunschild/Krause 2015: 76).

5.4.3.3 IG Metall

Figure 12: IG Metall's logo
Source: IG Metall (2021c)



IG Metall is often reduced to the metal, steel and electrical industries, as if they were only responsible for "assembly line workers and welders". However, engineers, technicians, and office workers are also included in the occupational groups (IG Metall 2021b). Furthermore, other industries are looked after in which future-oriented innovations are to be shaped. Here is an overview of these industries:

Figure 13: IG Metall's industries served

Source: IG Metall (2021c)

Industries	Specification
MOBILITY INDUSTRY	Automotive industry Railway industry Aerospace industry Ship and boat building
MECHANICAL AND PLANT ENGINEERING	
ELECTRICAL INDUSTRY	
STEEL	
WOOD AND PLASTICS	
TEXTILE	
HANDICRAFT	
	Work in the industries mentioned above:
	INDUSTRY-RELATED SERVICES
	CONTRACT LOGISTICS
	TEMPORARY WORK

A representative of IG Metall sees CSR under-represented in the corporate world, so to speak, and a learning process is still underway in society as a whole. For given reasons, CSR should flow more into the work of the works council. There are also sustainability projects that are initiated from the "Better not Cheaper" campaign. In practice, this work is often supplemented by operational approaches ("innovations and sustainability") via the supervisory board. The financial and economic crisis has shown that companies have not backed off in assuming social responsibility, but rather that "a more intense debate about sustainability (...) and thus CSR" is taking place in many companies more than before. The short-time work regulation is viewed as an expression of CSR performance in times of crisis (Zimpelmann/Wassermann 2012: 48 et seq.).

Just like the IG BCE, projects are pursued that have their starting point effectively in the company and are not operated by the unions at a higher level ("bottom-up strategies"). While the IG BCE want to achieve ways of approximating points of view with the employers, IG

Metall refrains from the positions of the employer side. This became evident in the difficult negotiations about a common understanding of CSR in the CSR forum as well as in the case of differences of opinion in corporate CSR implementation. When it comes to implementation, the union is rather concerned with pragmatic best-practice approaches that also take into account the international view of working conditions, environmental standards, human rights, etc. into account. IG Metall also points to the location competition ("location poker") of the companies as a union challenge, with which internal and external effective relationships of CSR generally become clear. European works councils would take active action against this by agreeing with the national states on harmonized environmental and social standards (ibid.: 49 et seq.).

The cooperation with the NGOs is addressed as the IG BCE representative initially assesses the opportunities and weaknesses: "My subjective impression is that we often have the same headings and could often be more allies than we really are , but there is still a kind of rivalry, in some areas there is also a reluctance or lack of understanding in the debates - very subjective now, which employer representatives like to use. For example, in certain debates they involve the NGOs to drive past us. They know that first of all there is no great or visible solidarity." The differences are argued in a similar way, as quoted again from the interview: "Perhaps it is the focus on one's own stakeholders. Of course, first of all I am a representative of the interests of the employees, who are of course also consumers - but first of all I have the interest that the income side and the working conditions are in order. While many NGOs perhaps have a different perspective on people, which is also legitimate. They say: 'First we need good products, socially acceptable products.' Just a different perspective, maybe that we are circling around the same mountain" (ibid.: 50).

5.4.3.4 ver.di

Figure 14: ver.di's logo

Source: ver.di (2021a)



Figure 15: ver.di's industries served

Source: ver.di (2021b)

Industries
Special services
Education, Science and Research
Federal and state government
Financial services
Municipalities
Health, social services, welfare and churches
Commerce
Media, arts and industry
Postal services, forwarding agencies and logistics
Social security
Telecommunications, Information Technology
Transport
Supply and disposal

A ver.di speaker shares the objectives associated with CSR, but criticizes the methodology used, which is lack of regulation or voluntariness. The European Commission is applying a concept here that is unsuitable for operational practice. The advancing internationalization of economic relations is not exactly observed as relaxed. It is not for nothing that people advocate shaping the globalization of economic relations, human rights, supply chains, international labor and social standards and represent their interests - like the aforementioned unions - in the CSR forum. For the first time, however, inter-union controversies between ver.di and IG BCE are revealed, which found their expression in energy policy. There is again a common ground in the shared criticism with the representative of IG Metall when it comes to the actual CSR implementation. The experience of the works councils shows that a distinction must still be made between aspiration and reality. The ver.di consultant also reports similar assessments as the IG Metall representatives regarding the inadequate involvement of employee representatives. It is noticeable that the management deliberately makes unauthorized decisions in the implementation of CSR activities. Supervisory and works councils are not included in these processes; in the best case, they are merely informed (Zimpelmann/Wassermann 2012: 51).

Furthermore, difficulties of parallel compliance with CSR dimensions are explained, for example when tourism companies want to commit themselves to ecological protection by means of sustainable tourism, but neglect the social dimension (e.g. international solidarity, (child) prostitution). In this context, the discussion about the dissemination of international social standards is considered unsatisfactory, which is why ver.di organizes information events in this regard, in which participants (e.g. trading companies and textile workers from Asia) are brought into contact with one another and sensitized for the topic will (ibid.: 51 et seq.).

With reference to the general legal regulations (Works Constitution Act and Third Party Participation Act), the ver.di speaker believes that the principle of cooperation based on trust should also be applied as a benchmark in relation to “classic co-determination” and “new CSR”. This inevitably implies that CSR without the participation of employee representatives runs counter to the purpose of co-determination and is therefore not justifiable. This line of argument justifies CSR as a supplement to legal participation. According to this derivation, codetermination is a “subset” of CSR, even if it is not a classic core topic of union work. It arises from industry-specific or operational conditions. Due to the high workload of the works

councils, there is often not much left than to rely on the work of the CSR departments located in the company. Their work, however, must be viewed critically, since the focus is on building an image and in individual projects and not on integrating the CSR philosophy into the core business. The retail sector in particular suffers from the contradiction between elegant words and deeds, where behind externally fair trade there is precarious employment (ibid.: 52).

A position is also taken on the relationship between the other actors. CSR initially remains primarily the domain of the business associations, as the conceptual weaknesses in terms of content and method play into their cards. In view of these circumstances, unions acting "specifically and concentrated" dedicate their work to, for example, the implementation of decent work, social standards, minimum wages. There was inter-functional cooperation with NGOs in individual cases, especially when it was in the interest of specific intentions of both actors, e.g. in the support of the international campaign for better working conditions in the textile and garment industry ("Clean Clothes Campaign"). The cooperation is seen as fruitful for various reasons. On the one hand, you can fall back on their know-how, because as a works council you cannot be fit in all topics, especially in times of declining membership numbers. On the other hand, one can effectively represent a point of view together when foreign addressees are involved. In addition, they also cooperate with employers, which is nothing new, however. Unions and employers already have experience of working together, as the past shows. Joint measures for health and safety at work (e.g. initiatives to reduce hazardous substances such as solvents in the printing industry) were agreed upon (ibid.: 52 et seq.).

5.4.3.5 Analysis of union differences and interim conclusion

In view of the interview results it can be stated that CSR can divide the interests of the unions. It should not be overlooked that the comparison not only shows differences, but also essential similarities:

- The CSR policy of the individual unions takes place at the industry level: all interviewees use the opportunity to draw attention to currently relevant industry-specific peculiarities and problems in their environment and to find suitable performance examples of a partially successful application. IG BCE emphasizes a necessary commitment to nuclear power and genetic engineering, IG Metall praises short-time working as a suitable means

of CSR in times of crisis, ver.di critically points to precarious employment in its industries in the area of tension between CSR marketing and implementation weaknesses.

- As practice shows, the operationalization of the internal CSR dimension (essentially concerns the way employees are dealt with) needs to be improved. CSR learning needs are recognized and acted accordingly, on the one hand by training works councils and, if necessary, companies. On the other hand, strategies that start in the company are developed.
- They provide important impetus for the public dissemination of the CSR concept in various ways (events, practical projects, etc.). The work in the CSR forums is considered sensible to increase awareness and to further develop the concept.
- Their attitude does not stand in the way of a general open-mindedness and readiness for alliances with other actors. Alliances with NGOs take place occasionally.
- For the future design and security of the local industry, IG BCE and IG Metall highlight the benefits that innovations can have for sustainable development. From the statements it can be interpreted at least in agreement that innovations and new technologies are not demonized.
- All three unions intervene decisively in the discussion about the competitive conditions in Germany as a location. IG Metall and ver.di are countering this tougher global competition with attempts to agree on the introduction of uniform environmental and social standards.

The results of the analysis cannot hide the fact that the individual unions are sometimes tempted to create their own CSR profile independently of one another. The factor influencing the differences in interests is in particular the industry reference, the divergences of which must be clarified. First of all, however, it is noticeable that IG BCE can appear broad-minded, as pioneering roles have been claimed (agreed industry initiative between the social partners and the handling of important projects). Their approach to CSR implementation, which is comparatively close to the employer and is reflected in close cooperation with the employers, is striking. Advantages are seen and realized here, but in order to put this impression into perspective, one also uses the opportunity to clarify one's own position, which would like to clearly differentiate itself from management or return targets. The institutional involvement of unions in CSR strategies of companies is sometimes patchy or even non-existent, while IG BCE can report positive involvement, which is not surprising in view of the above. Thanks to

the jointly coordinated Wittenberg process, the potential for conflict in the CSR issue has been largely minimized in advance. Due to the inadequate participation by ver.di and IG Metall, one would suspect that companies only symbolically engage in sustainable commitment through CSR. Either of the unionists do not use the term “greenwashing”, but it is meant in the same way.

IG Metall and ver.di also largely differentiate themselves from the positions that companies advocate for the CSR concept. ver.di is very critical here, but not with regard to the CSR content, but rather the conceptual methodology that the companies use in the implementation in their favor and which, because of the voluntary nature, would know how to work around it. ver.di’s stance is indicative, because they typically position themselves publicly against a policy of deregulation. After all, they are aware of the consequences of deregulation and privatization of public services. Although there is more competition, which the public providers must now join, the labor market is part of this competition. After all, ver.di represents industries that, compared to industrial representatives (IG Metall, IG BCE), have many precarious employment relationships. Since the privatization of former state-owned companies, the decline in secure jobs has continued and the era of precarious wage labor began its course. The branches that ver.di supports intensively and that require support (textile and retail) are obviously not named here by chance. In order to point out the imbalance in the industries, they allied themselves with NGOs. Examples from the past show that despite the distance to employers, partnerships are still potentially possible, in which employers have proven themselves socially in terms of occupational safety. Any intensity of cooperation between the social partners is practiced by IG BCE, as shown above. When interpreting the finding of a culture of intensive cooperation, it should not be neglected that partnerships can also be established out of uncertainties. CSR as a concept with global aspirations has to take into account the dynamic and strongly global challenges of the business world. Precisely because of the concern, an exorbitant need for skills can emerge, which should be covered by consulting partners. Using the knowledge of others or learning from others, because one is affected by changes in a similar way and possibly faced with common problems, requires willingness, which is obviously recognized by IG BCE and its social partners. A high level of commitment does not allow any conclusions to be drawn about a high level of identification with the underlying content concept, because IG BCE sees itself as being squeezed into a corner by CSR factors. In their industries, the inseparability of two CSR dimensions quickly becomes noticeable: corporate environmental protection and occupational safety go hand in

hand with their protection goals in a variety of ways, which is why IG BCE was intensely concerned with a union position in this matter (Zimpelmann/Wassermann 2012: 17).

IG BCE, as a conservative advocate and critic of the energy transition, cannot keep up with the developments that CSR favors with its ecological dimension. The location conditions for energy companies in Germany are in any case less favorable than in other countries. Differences in energy policy have already been mentioned in the ver.di interview. Ecological innovations should create a mixed mood among industrial representatives from IG Metall and IG BCE. On the one hand, they do not want to stand in the way of the CSR goals of economic, social and ecological equal treatment; on the other hand, there are uncertainties in the industries they represent about the employment consequences should large power plants gradually go offline. ver.di certainly plays this development more into the cards. CSR is not limited to specific industries. For ver.di there are theoretically opportunities in the union / works council-free companies in the tertiary sector, which stand out through growth and innovative services. Here the unions - above all ver.di - could turn previously remote sectors (compared to the industrial sectors where their core clientele is based) from the service-oriented knowledge and innovation society with its many start-ups of specialized companies to a comprehensive topic. Using the example of the growth sector of renewable energies, however, opportunities for all of the aforementioned unions can also be identified. The categorical differentiation according to the first, second, third world or primary, secondary and tertiary sector is insufficient and the boundaries are permeable. New opportunities arise for IG Metall, as steel is at the beginning of the value chain for wind power operators and drives production. In this respect, it would be presumptuous to associate the energy transition per se with exclusive risks for industry. Innovative capacity and technical progress are therefore not only relevant to sustainability, but also provide incentives for the industrial sectors to develop further, e.g. the production of electric vehicles (“electromobility”) as a challenge for the automotive industry and its suppliers. This development, in turn, benefits energy companies because of new electricity requirements, provided they rely on renewable energies in the future. According to the above, to weaken the theoretical chances of ver.di’s in the tertiary sector, considerable difficulties must be stated in practice. As already mentioned, sensitive dampers had to be found with regard to the status quo after 10 years. The breakthrough is still a long way off. The gain in these areas, in which, according to the union’s understanding, CSR-averse behavior (e.g. precarious working conditions) is widespread, means a great challenge for a collective actor. However, disappointments are also

inevitable with regard to the quality of a service society: “The hopes and expectations often associated with the development towards a service society have been disappointed: service work is neither more valuable, more humane and more qualified than industrial work, nor has the quality of life in the service society improved. On the contrary: nowhere is the transition from Rhenish to neoliberal capitalism as clear as in the German service policy of the past decades, albeit in the context of the completion of the European internal market: liberalization. Deregulation and privatization of services and labor markets went hand in hand. Only where it was possible to mobilize strong unions and intact company interest groups, this process could be slowed down and partially socially cushioned” (Beckmann/Uellenberg 2013: 141).

The constellations of facts and causal chains shown as examples may be sufficient for the moment to reach a conclusion. The importance of the CSR concept for the individual unions should be worked out through the comparative analysis. The conclusion can only be that from the point of view of the respective functionaries - on behalf of their supporters - the concept is burdened with specific uncertainties: in terms of content for the “lawyers” of industrial production IG BCE and IG Metall and methodically for ver.di. Since different priorities are recognized, the assessment of the impact and/or identification cannot be predicted. Rather, the CSR concept is based on a case that comes closest to an even distribution due to individual concerns, because a development is underway that affects individual areas of influence, but ultimately primarily affects the entire business location as a deficit. The interviews made it clear as the first focus that, in addition to the stability of their industries, it is also about power and influence in coming relatively closest to their individual interests. When speaking about development, it cannot be said that the occupational groups and classes are affected equally, but in the worst case asymmetrically. There are indications that the second focus would be found and it refers to the view on international competition being more intense than e.g. conflicts between industries and occupational groups.

5.4.4 CSR coordination at umbrella association level

With regard to its positioning, the DGB faces two strategic problems in the examined and interdisciplinary field of CSR. Firstly, the interviews revealed differences in understanding of content. Zimpelmann and Wassermann explain “the broad spectrum of union assessments” in particular with the “diverse political and practical challenges in the ‘Global Village’”, which are a hindrance to discussion and positioning. Since the terms such as CSR, CC and

sustainability are often thrown into one pot alternately and indiscriminately and offer an understanding of the individual measures from "jersey donation to energy policy", it is not surprising that the German unions "hardly work together operationally position on the topic, its actual potential and risks" (2012: 58). It is precisely this "thematic diversification of different objects and instruments" that complicates the efforts "to gain strategic access to the CSR approach. Many departments and departments are somehow affected. CSR is a typical cross-cutting issue and is therefore difficult to control" (Hauser-Ditz/Wilke 2004: 26).

Secondly, the well-known obstacles affect the DGB, namely that differences in problem perception are identified and provoked between the individual unions, which make the internal and inter-union conditions of cooperation and coordination more difficult. The fragmentation of vertical interests is now hitting the DGB back. With the claim to be positioned in such an ambivalent topic, an explosive situation arises: the DGB is likely to be unclear how to act in order to do justice to the demands for positioning when its members are heterogeneous. As already shown, there is a tension between the particular interests. The umbrella association cannot completely eliminate this well-known tension, but only try to find a balance between the individual claims. An umbrella organization can also be said to act as a collecting basin for various union movements. This conflict of interest is not new, but is taking shape again in a relatively new area such as CSR. If the individual union positions in the CSR spectrum prove to be "polyvalent", the DGB must strive for a common position, analogous to its coordinating function. The implementation sequence can only be the usual balance of interests, which has a cross-sector coordination of the main union CSR matters. From the point of view of Zimpelmann and Wassermann, the interview results make it clear that the matter is "an increasingly important but ambivalent topic" for the German unions. It is therefore not surprising that "the DGB is rather cautious when it comes to addressing CSR" (2012: 46).

The ten-point paper from 2009 is therefore a logical consequence of the fragmentation; it is to be appreciated as the first consensus - even if it was not officially confirmed as the first consensus, but rather speculated in the literature. It "had to be general as well as politically and strategically oriented, so it can only serve as a basis for the company discourse on site." This purpose can be confirmed from practical knowledge, because the ten-point paper did not fail to have its effect. According to Haunschild and Krause, all interview partners use it as a reference or guide, as the basic CSR union policy is laid down in it. The interviewees insisted

on setting their own accents despite this frame of reference, which is sometimes very characteristic. After all, individual associations can also have different views on things: this can range “from unholy stuff’ or 'some label, people want to show off with' to 'a field we can use for our own interests'. The drivers of these differences might be variations in past experiences with voluntary agreements or co-operation with management” (Haunschild/Krause 2015: 77).

The aim of the DGB must be to convey the aims of the individual unions in such a modified and abstract way that their strategies of action are in harmony with the organizational structure desired by the umbrella organization. A DGB statement therefore usually corresponds to the dialogue processes in which you have to move as much as possible. In this respect, it is no coincidence that their statements are predominantly general. The DGB will want to avoid introducing several competing directions in its statement. But also different streams of interest find overlaps and intersections. Thus, the policy of the DGB is mostly determined by compromises and commonalities on which the individual positions can be agreed, even if the DGB could definitely and beyond set its own political accents, as Hensche put it: “The DGB must be a politically assertive actor more than the sum of the individual unions and the delegates and board members sent by them, which inevitably leads to the policy of the lowest common denominator.” Admittedly, the external circumstances do not make it easy for the DGB to make a political claim: “Increased competitive conditions combined with growing social polarization place increased demands on the political generalization ability. It carries e.g. does not exactly contribute to the ability to reform if the intervening corporations and business associations try to involve the responsible unions in the defense of industry interests in questions of ecology, energy policy or tax reform. ... Unemployment and fear for one’s own future will increase the pressure. There are not only conflicts between general and industry interests, but also between individual groups of employees” (Hensche 1999: 476).

The DGB’s CSR position is not very clear or practical. The demands are deliberately kept generally abstract. The umbrella organization has no other option than to limit itself to the postulate of general requirements. In a similar way, the paper should bring the individual items together and create a common identity. Since the DGB has to take a conglomerate of interests into account, it is precisely for this reason that the paper has been given a high degree of vagueness, because the DGB knowingly does not want to commit itself too strongly

for the individual case or for an industry. On the other side there are similar problems, as Strünck writes using the example of the BDI: “But the positions of interest that they represent are expanding ever more widely. A central association like ... BDI is now hardly in a position to formulate a common position on energy policy. After all, both energy giants such as RWE or EON and companies from the renewable energy sector are members of the BDI” (Strünck 2013: 303 et seq.).

The external effect plays an important role in the joint positioning. A relationship / rule conflict between the individual clientele classes and their responsible unions becomes a DGB leadership conflict on how the topic is to be introduced in public. Differences are carefully not discussed. It is possible that a passive attitude is only due to the DGB, but not to individual unions. For reasons of risk, particular interests have little or no chance of being made public. The articulation of demands must therefore be carefully prepared before it is placed. In order for the unions to be able to represent their position as a relevant stakeholder and collective actor effectively and credibly to the outside world, they must not only act decisively, but also appear united. In his opening speech at the first union congress in Halberstadt in 1892, the former union leader Legien, who focused on centralization, shaped the importance of consensual collective action: “Every disagreement in our ranks gives the opponent greater power, and only through our unanimity will we remain resistant to the economically superior opponent” (Legien 1892: 472)

5.5 Interim conclusion

So far, the unions have not completely ignored the CSR matter, but have also not made it a focus of their interest representation. A claim to participation or as a relevant stakeholder is justified, but is met with particular ambivalences with regard to the prevailing industry-specific clientele policy of individual unions. The interim conclusion has drawn a balance sheet according to which the individual unions have different attitudes towards the concept. In this way, each union proves to be more moderate towards the other when it comes to asserting specific interests. The differentiation according to the three “big” unions is a good example of how interests are formed individually. The DGB was only able to establish a sector-independent CSR strategy with simplifying guidelines and that prioritises social security for employees, which is viewed as an absolute condition for the exercise of corporate social responsibility. The lowest common denominator of the DGB policy - the ten-point paper - is aimed at preventing the supposedly most unfavorable from a union point of view. At first

glance, the unions have succeeded in closing ranks among themselves. The points are designed for industry-independent applicability - regardless of whether it is an industrial or service company. On the other hand, CSR is not defined for specific industries anyway. Since this concept can be applied universally, i.e. by all companies regardless of sector and size, CSR as a field of action also concerns all unions.

This provides a good starting point for specific considerations in a superordinate context in two respects. First, the comments in the interim summary point to the relevant importance of the CSR concept for all companies in general, i.e. in all sectors and of all sizes, thus establishing a systematic connection with the debate on Germany as a business location. Second, the positioning of the unions wears a garment that is generally formulated politically. The disadvantage of such approaches, in which one strives for gray tones in order not to make black and white visible, is that these are rarely solution-oriented. Usually an umbrella organization has to strive for a common position so that its demands clearly reach the political addressees. It remains to be seen whether this is the case. The following chapters will also take this into account while dealing with the interpretation of previous results. For further investigation, the two central aspects of the conclusion will turn out to be groundbreaking findings.

5.6 Conceptualisation of constellations and conflicts of interest

The following chapter systematically analyses how the tensions of various interests - companies and associations - are composed. The key points of interest of the unions should be made explicit in the CSR environment. Egbringhoff and Mutz have already rightly noted “that overall it is a multi-layered field in which contradicting constellations of interests and ambivalent implications arise, and that it would therefore be desirable to look at the entire process” (2010: 295). The analysis risk in multi-layered fields consists in insufficient consideration of the dependencies of the actors and their interests. The individual constellations of interests must first be problematized more strongly. A critical interpretation of the unions’ ability and scope to act are the focus of this consideration. To show the lines of conflict between the opponents intensely runs the risk of neglecting other dimensions. The following explanations will therefore show a conflict of interest that aims to prevent conflicting short circuits. From a functional point of view, the constellations of interests and at the same time areas of influence can be categorized according to three points, which give a structure to further explanations.

5.6.1 Coexistence of different interests under one roof

The main features of the DGB internal tensions between individual unions were made visible in the previous chapter. This internal conflict is representative of a differentiated economic development in the individual sectors in Germany. Through these different developments that have come to light, a common positioning and articulation of interests is consumed. The problems addressed at the individual union level, however, are increasingly moving from industry problems to the perspective of the entire economic landscape in Germany, which is confronted on an international level.

5.6.2 Collective representative vs. collective representative

In addition to the focal points of interest within or between the unions, which differed in the previous chapter, there is a tension that needs to be demonstrated between the company and the unions. How are the interests of the unions to be assessed, what is derived from their fundamental double function of order factor and at the same time countervailing power? The further statements ask whether and how intensively interests can be pursued in accordance with this corridor of action. The existing primal conflict of interests between unions and employees on the one hand and companies and their associations on the other is far from enough to determine the respective framework for action. The two functional poles mentioned at the beginning represent decisive touchstones of the determination of interests. The relationship between unions and business associations is known to exist in the social partnership. Their special relationship to one another, also thematized as a conflict partnership, however, illustrates an ambivalent partner relationship.

The demand for regulation is mentioned as a direct and formulated CSR interest of the unions. A waiver of this requirement, which is at the same time a burden for the company, would serve the interests of the company. A related negotiation and/or the waiver of this demand is based on how dependent the unions are on the result. Those who stand up for the interests of regulation reduce the influence of shareholders and investors by interfering with their property rights. This pursuit of interests is difficult to justify economic reasons in its argumentation, but it is absolutely necessary if the economic stability of the company is to be ensured. Ultimately, ensuring social standards and avoiding problems in this area are associated with costs and, synonymous with compromises in the financial returns on the capital employed (Krieger 2009: 111). The CSR researchers Clausen and Loew have also

addressed the relevance of costs and income and, in an expanded interpretation, the right to intervene in the corporate sphere from a capitalist perspective: “Neoliberal economists see CSR as a potential violation of shareholder rights. Because if CSR activities cause unnecessary costs or expenses, the profit and thus the dividend distributed are reduced. Often the criticism implicitly assumes that CSR is also used by companies to take up activities that have no or only a very weak business case” (Clausen/Loew 2009: 12). In the view of Krieger from the Hans Böckler Foundation, according to which the interests of shareholder-value-oriented corporate management and those of workers can hardly be compatible against this background. When promoting regulation, one decides when pushing for regulation to give preference to certain values such as working conditions over the economic success of companies: “Anyone who still acts like this, makes a value decision: Regulation is desirable, even if it is at the expense of the economic interests of the company owners, because it affects the equal interests of employees in a company protects sustainable corporate development” (Krieger 2009: 111).

Nevertheless, unions can also justify contestability for an interest in regulation. The discussion about the voluntary nature of CSR engagement can be singled out, which turns out to be a pseudo-controversy after combining the oppositely polarizing positioning of the union and business association. Despite the different clientele, the interests of the interaction partners overlap in maintaining operations. In a conflict, the umbrella organizations combine common, closely bequeathed interests when CSR with excessively strict regulations becomes clear as a cost factor that is difficult to compensate for for companies. Then the unions face particular obstacles in asserting their CSR interests. The high level of dependency between unions and companies makes a thorough assessment of the economic impact of their actions necessary. Unions will also be vulnerable to the adverse effects of market changes. In their role as lobbyists, the unions are bound by the interests of the employees.

Companies and their associations have made it clear that CSR requirements drive them into a corner, as they drive up costs. It would be presumptuous to claim that the unions are not aware of market conditions and chain effects and therefore run the risk of not being able to properly classify the companies’ “pain thresholds” if they are not informed. If CSR enforcement is negatively related to general economic interests, including job preservation, contrasting these two positions puts unions in a bind. This tension presents itself as a conflict of goals and moves the interests between oneself and the business associations into balance. A

communal representative criticized the cohesion between the two, which would then be at the expense of sustainable goals: “From my point of view, unions should look at the whole thing a little more holistically; they should see that an employee not only works but also wants to live in this region. Sometimes the unions get lost very quickly, and they very quickly take the side of the company management and are very quick to take on the arguments. (...) The issue of safeguarding the workplace is mercilessly in the foreground, and everything that is left and right is masked out by union representatives - that’s how I sometimes have the feeling, which in my opinion is ultimately wrong” (Zimpelmann/Wassermann 2012: 140). A union compromise would bind the social partners together rather than separating the two. A speaker from the business association BAUM (Federal German Working Group Environmentally Friendly Management) reminds the unions of the common interest in considering the sustainable economic viability of a company: “So for BAUM as a whole, they (the employee representatives) do not play a major role. ... And employee representatives should also be interested in the fact that a company is fit for the future because you want to keep jobs or create new ones. ... I would say that the commitment of the employee representatives is also important” (ibid.: 43).

However, this hint does not apply to all stakeholders in the CSR environment. NGOs, for example, act independently of companies, market developments or the state. Despite some cooperation, one of their representatives sums up the crucial difference to unions. Despite some cooperation, one of her representatives sums up the crucial difference to the unions: “We don’t necessarily need economic growth. And that is relatively difficult for many unions because they say that jobs can only be retained with economic growth. And that is an unresolved issue. We are there e.g. willing to forego jobs if we can prevent an airport or a large distribution center behind a port. But if jobs can be created, regardless of any environmental conditions, the unions are mostly for it. There are simply conflicts (...) because they have to serve their clientele” (ibid.: 55). So it is not surprising that there are hardly any contacts between the two. Between the two there are divergent organizational structures (“hierarchy vs. grassroots democracy”), statuses (“legally and financially secured vs. unsecured”), and interests (social vs. ecological). This results in different logic of action, goals and target groups. Even if different interests stand out - which are manifested in the “temporary industrial society [n] contradiction” between socially and ecologically guided goals - there is potential for cooperation. It is advisable to enter into alliances with NGOs, but

taking into account the extent to which the points of view differ from one another (e.g. ideological NGO demands vs. job security) (ibid.: 55, 216).

The main explanatory basis for the development of the German unions into shapers of a balance of interests between capital and labour is the thesis that they are intermediary organisations. However, compared to the works councils, which by virtue of the law are "intermediary", they have matured to such a character. More recent developments and systemic constraints have caused them to a largely extent to tend towards "mediatization" (Müller-Jentsch 1997: 197). These strategic renewals or new forms of union policy have arisen from a common learning process, as Dörre and Röttger write: "The rapprochement of the opponents, as it appears when managers act as mediators of employee interests and works councils act as co-managers, is consequently the result of a learning process, in the course of which the intermediary logic of institutions and interest organizations continues to develop." Using the example of the structural problem of the regional labor market, they illustrate how interests develop more consensually over time in order to develop more effect together. The intermediary position of the unions is further expanded in this context: "In parallel to the development of competitive business partnerships, the unions are now acting in alliances with companies, business associations, chambers and the local state as advocates of regional economic interests" (2006: 230 et seq.).

In the CSR context, the unions are confronted with issues that are not entirely new. Some of the considerations surrounding these constellations and coalitions of interests are known. In the past, these were also discussed in relation to other issues. Reister provides an explanation in a crisis context, based on the important empirical study by Kudera et al. from 1979 on the logic of wage labor. This addresses the phenomenon of breaking down operational interdependencies down to the employee level. If the connection is decentralized to the employee level, their interests are linked to those of their employers. For the employee, this identity of interests also means the willingness to accept disadvantages in the form of financial losses: "The competition between workers and employers is double-edged for workers. If you try to enforce your interest in the highest possible wages, you endanger the profitability and competitiveness of the company. If they include profitability as a condition of realizing their own interests in the considerations, they are forced to voluntarily limit their wage expectations ... high wages versus secured wages, the level of which is also determined

by the type of compromise they make with themselves." The connection is recognized and accepted by employees, as early surveys at the end of the 1970s showed (1984: 80).

Due to the connection of interests, employees even enter an adjustment process that makes it clear that entrepreneurs and employees share responsibility. In response to the new demands of the markets, new, flexible ways are sometimes called for, especially in terms of flexible working hours and organization. The former union leader Hensche draws attention to an approach that focuses on more work performance, initiative and personal responsibility of the employees as well as less involvement of the employee representatives: "In this context, individual choices and scope for company solutions are rightly claimed, for example in questions of working time and Work organization. Anyone who works in a results-oriented manner does not stop in the middle of the work process because the plant siren rings in the end of the day ... In other words, the change in working conditions in individual sectors can go so far that the traditional and decades-proven instruments to protect against health deterioration and are no longer effective in defending their own free time, namely the daily or weekly specified and measurable working hours and the legally installed guardians of these standards: works and staff councils n so-called 'modernizers' - pointed out that certain set pieces of collective, here and there caring protection must be reformed in favor of greater personal responsibility" (Hensche 1999: 477).

It is not the opposing interests, but above all coalitions of interests that have come into focus in the preceding analysis. The consideration of the risks from CSR implementation consistently contains a solidarity factor: not only the interests of the own clientele, but also the interests and the situation of the clientele of the opponent is considered. The unions can sometimes exert a direct influence on the business of the German economy through an activity in the CSR debate. This sub-chapter should take up ideas that are then used as a link to the following chapter. Effects on existing structures and processes from the implementation of CSR must be viewed with skepticism internationally for the competitiveness of the German economy as a whole in view of previous analysis. This should serve as a small introduction for the further course of investigation, in which the national interest is taken up as the leitmotif of a previously underdeveloped discussion.

5.6.3 National CSR interest in the international context

Based on a number of self-contained individual interest contexts, an overall context can be formed. “Often the national interest is only a combination of the special interests of all the interests of the individuals who make up the nation.” The philosopher Rosenkranz had already said it correctly in his 1853 lecture (1853: 38). In the state, self-interests aggregate and bundle with the goal of the common good to form an overall interest after they have been grouped together beforehand. The conflict researcher Ruf summarizes the conflicting interests’ process in the state as follows: “The state is rather the place where conflicts of interests are resolved, be it in economic and social policy or in the question of war and peace” (Ruf 2010).

Even if the general market conditions under which the voluntary nature of CSR measures arise should not be unknown to the social partners, the specific context needs to be explained. The compatibility of the introduction of this concept must be in the interest of the international competitiveness of the German economy as a whole. This chapter will clarify the turbulence of social interests in which the unions get caught in the debate. The functional separation of the constellations of interests mentioned at the beginning finally reaches the third area of influence of the national unions to be discussed, which is analysed as a conflict area of competition in the domestic economy in an international comparison.

5.6.3.1 Unbounded responsibility and pursuit of interests?

As already mentioned in the current state of research, Egbringhoff and Mutz have derived conditions that are relevant for union CSR positioning: the mutual recognition of spheres of interest and the cooperation that can be shaped from this. These are all part of CSR procedures, since the problem areas identified, such as job security or the future of gainful employment, are not individual problems. CSR also forces the stakeholders to think in contexts, since this concept is based on the essential phenomenon of processes of demarcation which are taking place in the context of globalisation and which make it necessary to open up and think together about separate spheres of work and civil society. At the same time, Egbringhoff and Mutz make it clear that new union scope for action and decision-making is opening up new ways of accessing and understanding knowledge. Particular attention is paid to the perspective of nation-state actors, who are challenged by a new dimension in national society and in the course of international socio-economic development structures: “The challenge for the unions is to relate CSR ... to the social debate on the development of the working society and to anchor their own socio-political concerns in it. This view should be

immediately obvious if the global problems of economic, social and ecological structural change are interpreted as a form of spatial delimitation: Internationalisation makes it more difficult for actors organised only at the national level to gain access; on the contrary, new modes of access, influence and participation are opening up for internationally networked actors. This raises the issue of the works councils' claim to representation and the unions' socio-political mandate". Although extended union access is optional, it restricts the increasing day-to-day business and the nationally characteristic representation mandate at company and enterprise level: "If the mandate is understood as a 'double mandate', namely to regard people as employees in the enterprise and as citizens of civil society, then the claim to representation must go beyond the interests of direct job security and the shaping of working conditions. ... The characteristic principle of dual representation of interests in Germany is also affected by this and a possibly currently unredeemable 'borderless' participation" (2006: 174 et seq.).

If one agrees with the criticism of the CSR definition from 2011, questions will arise as to whether the object of responsibility "society" only needs to be understood nationally, or whether it also affects global society beyond this framework. In case of doubt, both dimensions are relevant and the CSR user would be confused between specifically national and international interests. In the debate itself, however, there are no limitations, so that the perception of social responsibility is not limited to the national level. It is also evident to the unions that the potential for discussion of social benefits is predominantly at the international level: "At the national level, where we have comparatively strong and binding legal safeguards, collective agreements and works agreements to secure workers' rights and minimum standards, the CSR approach based on the principle of voluntariness can nevertheless usefully complement this protection. The international dimension of CSR seems far more important" (Matecki 2007: 1). There is no question that the two overlapping levels of responsibility - national vs. international - can and will come into competition if the German unions are careful to respect their national claim to represent their interests.

Just as in the discussion of interests between unions and companies, a moment of solidarity is reached at this point of analysis: from a union perspective, not only the situation of their own clientele or employees is to be assessed, but also the employment conditions in poor countries, especially in supplier companies. However, what is envisaged for the scope of responsibility as defined does not necessarily apply to solidarity. Kurz-Scherf and Zeuner

have pointed out that unions do have the right to choose which political path they will take. Therefore, they can determine the scope and limits of their solidarity themselves and do not necessarily have to show solidarity with the whole world: “Unions are not simply helpless and rudderless, driven by ideological winds and global waves, but they can certainly determine their own political course. In this context, self-assurance about their own goals and basic values is indispensable. There is nothing to be said against revisiting and updating the classic guiding values of the ‘bourgeois’ ... revolutions: Freedom, equality - and of course not: fraternity, but - including solidarity. (...) Union solidarity is not all-encompassing either. (...) Solidarity theorists ... quite rightly say that no one can be in solidarity with all humanity” (Kurz-Scherf/Zeuner 2001: 155 et seq.). Even if Kurz-Scherf and Zeuner in their contribution define employers in an exemplary negative way (“It is rather limited to certain interests and a certain population group, and thus excludes other interests and other population groups, e.g. the employers”, ibid.: 155) in the author’s analysis they are the chosen ones with whom the unions show solidarity. This explanatory approach of the author is somewhat at odds with the strategic efforts of the unions to form alliances (“mobilisation” and “concept alliances”) with civil society actors, organisations and other movements (“coalition-building”), e.g. with churches and welfare associations, in order to work together on the solidary modernisation of our society, as mentioned by unionist Urban (2003). The results of the work so far have shown that opportunities for cooperation with other social actors, e.g. NGOs, are seen but little use is made of them.

Impressions from the field underline that international solidarity is sometimes half-hearted. The impression that supply chains abroad are observed less closely, e.g. by works councils, and that they do not deal with the issue in a committed manner, is supported by Speakers of the Working Group for Environmentally Conscious Management (BAUM): “I think that the works councils could certainly do much more and demand more sustainable action from companies. If they were to deal more systematically with the idea of sustainability and how it can be pursued and anchored in the supply chain, as well as how partners abroad can be involved - the works council is not really concerned with this today” (Zimpelmann/Wassermann 2012: 43).

As has been shown, processes of demarcation can be observed which are promoted by nationally comprehensive social responsibility concepts such as CSR. However, Europeanisation and globalisation are not only linked to the breaking down of borders in

social terms. Europe and the world have moved ever closer together in business terms, so that borders are also becoming increasingly permeable in economic terms. The unions are equally affected by the processes of upheaval of an increasingly open market, the globalisation of value-added structures and a globalising society. Against this background, these interdependencies make it necessary to take up the CSR interests and options of the unions as actors in state economic policy.

5.6.3.2 CSR policy as a factor of influence in international competition

It is obvious that the German economy is in competition with other locations. A threat or weakening, as could be illustrated, for example, by strict and cost-driving CSR regulations or expectations, constitutes a risk that could weaken the competitiveness of companies in international competition. In the global marketplace, German companies may encounter competitors who have cost advantages. German business must therefore strive to be competitive in an international comparison. When identifying potential opportunities for Germany to improve its international competitiveness through economic policy measures, it is important to refrain from new binding concepts and frameworks of a regulatory nature, such as those which are associated with CSR as a soft law norm.

CSR cannot be reduced to a management approach aimed at profitability, which finds its limits at the level of the company. In terms of responsibility, it is directed at society and therefore establishes links with the political system. From an economic point of view, under the banner of social responsibility, the sphere of business administration is broken up and transferred to the sphere of the national economy. Since a country's policies are determined by economic conditions, the causal chain is quickly sketched out: a process of adjustment, which is just as costly in economic terms, develops in its entirety from standards that are complicated and costly in business terms, and must therefore be regarded as an eminently politically significant matter (Schroeder et al. 2011: 43).

For some time now, under the pressure of changed conditions in the course of globalisation, problems have been attributed to the performance of the German model, which originated in labour and industrial relations. This discussion raises the question of whether the "German way" to date is capable of coping with the risks of Europeanisation and globalisation on the international level "by contributing to Germany's prosperity-securing position in the world economy" (Schroeder 2000: 11). The performance of the German model is inevitably linked

to the institutional capacity and power of the unions. The number of companies of all sizes with international operations is increasing, and with it the competition between subsidiaries and their employees with regard to management decisions by the investors. There are limits to union influence here, since threats of exit can reduce their "capacity to act". The "economic reality" includes "extended scope for action, which has therefore left behind or is dissolving the closed spaces of 'social closure' to which union policy is referred. ... In a European perspective, these structural changes in labour relations are the decisive changes for the parameters of action of unions brought about by the processes of internationalisation" (Hoffmann 2007: 20 et seq.) With threat potential behind them, companies and their employees feel a sword of Damocles over their heads in this situation. Fears are spreading even among highly qualified employees. Subjectively felt, there are hardly any areas that are resistant to relocation abroad. With a view to the future of the German economy as a whole, this reveals a disturbing finding of particular explosiveness, which must be understood as an economic policy challenge and countered.

The unions must face up to these developments and back them up with economic policy concepts. In a broader sense, they are becoming an actor in a general economic interest which they claim to represent. At the same time, they are fulfilling their claim to be the pillar of democracy. Moreover, they "often have a major influence on the attitude of their government" (Krekeler 1965: 72). In the context of CSR, the defence of national economic interests, especially in dealing with human rights, is mostly reflected in demands for internationally uniform social standards. Contexts outlined along this study show that their efforts are primarily closely linked to economic intentions. It is obvious that the pursuit of harmonised social standards is not only related to the promotion of human rights in low-wage countries, but above all to protectionist approaches that respond to the developments in EU policy from deregulated and liberalised markets. However, the scope for protectionist action is limited. The European Commission aims to promote competition within and between countries through market liberalisation. Payne had already critically pointed out a variety of motives for demanding international standards: the analysis of a framework does not yet allow any conclusions to be drawn about causal relationships in norm-building processes. The background can sometimes be controversial. To propagate social justice and human rights has proved to be an effective noise amplifier in principle. This circumstance should therefore not hide the fact that the justification of a normative claim is often used under strategic aspects (Payne 2001: 51 et seq.). The unions are also aware of possible areas of tension against the

background of international competition between locations, especially the dilemma of cross-border competitive relations between employees. A sounding out of global solidarity and counteraction must now also be combined in the context of strategic union work. Situated between “global solidarity or protectionism against will”, Mückenberger recommends the development of international minimum standards as a guide for current practical union work, but this cannot be implemented in developing countries without the active and financial support of the industrialised countries. As a first step, unions must also push for implementation in their own countries before they can credibly push this process forward at the international level (2011). Solidarity with the poorer countries can also take on paradoxical forms, which Reister called “competition-related solidarity” (1984: 472). In this context, in competition, the own competitive position or the company in the country is upgraded if the demands of the workers in the competing country and thus the costs of his employer increase (Schumann et al. 1982: 509).

5.6.3.3 Partnership approaches in CSR practice

Tensions between homogeneous individual and collective overall interests based on competition and conflict, but also cooperation and compromise between groups, determine Germany’s culture and system. These interrelationships are challenged by international transformation processes that are characteristic of CSR and are linked to permanent developments. If this transformation process is taken into account in the political system, then the observations of the underlying material of this work and the results of its analysis also become clearer: the situation surrounding the defence of a unified national interest to the outside world brings the stakeholders closer together. If the German unions want to defend and/or improve the German competitive position, they depend on coalition and close cooperation with the business associations and vice versa. The customary conflict between these associations and its rituals of demands and (counter)arguments conceal the fact that there is a stable balance of interests between these two actors.

Unions depend on partnership approaches. And that is why they are trying to stabilise the situation with new concepts, for example by entering into cooperation with companies and their associations. There is a potential for consensus here which must be exploited. For example, interdependencies can arise in policy areas such as education policy: “The ... immanent parallelism of micro- and macroeconomic effects creates an interdependence between the antagonistic group interests represented by unions and business associations in

the policy area of education, which makes it absolutely necessary to establish them jointly as education policy actors" (Kreft 2006: 18). IG BCE has proven that it is possible to find fruitful solutions to the CSR crisis together. They have recognised the threat potential, especially from relocations, and have found common ways to position themselves together with the companies. Incidentally, the Wittenberg Process was also a good opportunity to recommend itself for higher and further recognition.

An undisputed role of the associations as indispensable information providers for national and supranational governments is made clear by Strünck. They can therefore be said to have special knowledge in the "aggregation of interests" (Strünck 2013: 303); knowledge which European institutions such as the Commission and Parliament need in order to define Community policy (Bouwen 2002: 369).

The cooperation partners, e.g. from the Wittenberg Process, can effectively use the threat potential from possible relocations to put pressure on the state. Why the German government has taken a pro-business position and based its policy on this can be justified in view of the explosive situation. Above all, it is a question of not additionally hindering the German economy, which faces tough international competition, and of protecting it from disadvantages. CSR is proving to be a problematic indicator. The orientation of the German government's course towards the interests of German business cannot be justified out of consideration for special interests. Rather, their attachment lies in the general interest of the domestic financial situation and society, which is particularly dependent on the dominant German economy: "In the eyes of the state administration, representatives of business therefore do not simply appear as representatives of special interests like other representatives of interest groups. They appear as functionaries who carry out tasks which the government regards as indispensable. When a government official considers whether the business community needs tax relief, he knows that it is a question of the welfare of society as a whole and not just a favour for a section of the population .... He is guided only by two obvious ones: first, that in market systems, public affairs are in the hands of two leadership groups - government and business - who must work together, and second, that government concessions to business are often necessary if the system is to work" (Lindblom 1980: 277 et seq.).

In the field of CSR, the potential for legitimacy and control of national action is - by the way - debatable, if not paradoxical. This insight emerges from the associations' views on the

distribution of roles in the debate: “It is true that NPOs and unions reflect the new framework conditions and the new role of the economy, civil society and the state in society. At the same time, however, they locate the management and regulation of corporate social engagement primarily in the hands of nation-state institutions, following traditional patterns. Nevertheless, they point out that the commitment and responsibility of companies increasingly extends beyond the boundaries of the nation state. ... In this respect the positioning of NPOs and unions is paradoxical: On the one hand, in their view, nation-state institutions are losing their potential for control, while at the same time these institutions should fundamentally regulate the actions of companies” (Friedrich/Hadasch 2010: 137).

5.7 Conclusion

The evaluations of the various interests raised the need for analysis to translate them into a common reference framework. Against the background of the fact that CSR has so far only been addressed from the perspective of specific actors and interests, the analysis has been guided and intensified from a societal perspective. A central result of the previous analyses is that the unions - situated in a seemingly controversial position in relation to companies and their associations - can make a contribution to ensuring the economic stability of the Federal Republic of Germany in the CSR debate on a cooperative influence at national level. The described constellations of interests try to defend their international competitive position through coalition. CSR has become a politically highly charged topic, which is why its consequences and implementation were in principle also to be explained at international level. Under these conditions, the aim must be to assert national economic interests at European level. In the political discussion about Germany as a business location, requirements such as those resulting from CSR regulations can be extremely explosive, if not alarming, from a macroeconomic perspective, with devastating consequences for traditional sectors and industries. In international competition, it is increasingly important to identify and counteract trends that are aimed at undercutting German industry. The summary allows the conclusion that CSR is of systemic importance, which should not be overlooked in the debate.

The chapter should show possible alternatives for union decision-making in order to clarify ambivalent options for action. On the one hand, within the framework of their assigned dual role and tasks, they endeavour to stand out as persistent employee representatives (“countervailing power”) and, on the other hand, to fulfil their responsibility as the pillar of the system (“order factor”), to make a contribution to the system stability in general and the

economic stability in particular. At the supranational level it is indeed difficult to balance national and European interests satisfactorily. In the case of conflicting goals, international solidarity must take a back seat if it is in competition with national interests. On the one hand, moral violations are tolerated if value chains are not (or cannot be) tracked and CSR commitment is only half-heartedly accompanied in the debate. On the other hand, one accompanies the implementation of human rights in poorer countries, which can be propagated for economic reasons. Internationally, German unions show solidarity by proclaiming human rights worldwide, but they primarily represent German labour interests. By directly representing workers' interests, they ultimately and implicitly do so for German employers' interests in international competition. In a broader sense, they also represent specific German interests in a bundled manner, as these are neglected in an international debate on CSR.

The latter observations can be seen as a characteristic of a challenging globalisation in the CSR field with regard to changing dimensions; however, it is noticeable that the unions do not openly discuss these interest coalitions, and in particular the union adaptation processes and strategies in this respect.

Situated in a swirl of interests resulting from the synthesis of national interests on the one hand, and the proclamation of a worldwide enforcement of human rights on the other hand, the unions can no longer be denied a restricted capacity to act. Consequently, a political actor, as well as the unions, would withdraw from an international debate if the consequences of its implementation were no longer reasonable from a domestic political perspective. Just as embarrassing for an association like the DGB are the adversities arising from intra-association differences of opinion. For the further discussion, these two aspects should be noted, which consequently form the basic framework for the final considerations about a restrained willingness to make decisions in the CSR debate.

6 DISCUSSION AND CONCLUSIONS

In this chapter the previous central results of the work are first classified and further analyzed in order to regard and discuss the main questioning comprehensively, and to interpret them in the total context. The initial thesis was the general accusation that the German unions (DGB and its individual associations, which organize over six million members) are not aggressively seeking to speak out in the ongoing CSR debate. Market conditions and the various constellations of interests are binding starting points for further investigation.

The much-discussed results of the reform efforts in the wake of the membership and organizational crisis have not been up for discussion here because their responses are of secondary relevance. However, this is not to suggest that the CSR debate took place in a vacuum or in theoretical models. The subject matter can obviously tie in with existing interests and discussions of the associations, as Braun and Backhaus-Maul, for example, stated: “Ultimately, the concept of corporate social responsibility ensures that all those involved can connect their actor-specific communication and the interests and ideas on which they are based to a large extent” (2010: 124).

The union positioning is determined by a considerable range of factors, as has been shown so far. Their role in the debate is certainly ambivalent. This ambivalence was not directly apparent from the statements. Now that the analysis of the constellations of interests has confirmed this view, this insight will be taken up as an overarching point of discussion from the last chapter and will also prove important for the further explanations. Finally, it will be shown against which practical and theoretical background the own explanatory approach was developed and why the own line of argumentation is relevant.

6.1 Classification of the research results in the research context

The author has been able to work out that the companies and thus also the unions basically face problems that are difficult to solve. The opportunities offered by the implementation of CSR in business processes (e.g. innovations) can lead to the displacement of existing forms of production and services and change value chains. This would affect jobs and the way they are designed, since technological innovations offer opportunities but can also entail incalculable risks. However, there are also disagreements or differences of opinion within the association that restrict conceptual action and joint positioning. Internal organizational discussions of the

DGB usually do not come to light. However, the long waiting time for CSR statements suggests that there was no lack of differences of opinion between the unions or of general thematic reservations. Officially, there was no thought process. If one adheres to the official discourse, they initially view CSR with distance. However, it can be said on the whole: The unions are caught in the grip of conflicts of interest from their own ranks and from economy.

Under conditions of reduced capacity to shape and act, it is helpful to enter into cooperation with other social actors. Usually, one does not want to be instrumentalized by the opponents. However, companies have proven to be not only CSR best practice partners, but also stakeholders with whom cooperation is necessary in the interests of Germany's economy. In the spirit of the traditional "conflict partnership", unions and business associations are also fighting against and together in the CSR arena. Since the problems described above affect the entire German economy, the two conflict partners are even dependent on partnerships. Deregulation is seen as a competitive factor in international competition, so any opposing efforts such as CSR - without voluntary character - run counter to this.

Once the sham controversies between the two parties were resolved, the actual lines of confrontation could be determined. These condensed into a common interest in the defense of the German economy in order to avoid a weakening of its position in international competition. According to a broader assessment and insight, there are consequently overriding interests that fall by the wayside in the debate. The German economy is incorporated as a common political association and as a political counterweight for the development in Europe. This dichotomous transition process from individual-specific to collective-abstract national thinking is a logical consequence of the analytical process of knowledge resulting from the debates in the international environment. The approach of embedding the CSR debate and positioning in a larger context has been underexposed in the debate to date. Given the political significance of the CSR concept, this is overdue. Apparently, the results show that the issue is politically charged and that the unions have increasingly recognized its mandate and accepted it as a challenge. However, this message is not directly or barely discernible in the German CSR debate or in the union statements.

The discussion caused alarm among companies early on, not only for cost reasons. After all, there is empirical evidence of CSR-related purchasing behavior (derived from quality assessments by German consumer association "Stiftung Warentest"). CSR has an

instructional character, even if it is voluntary. However, this perceived obligation must be put into perspective, because as a company you cannot avoid the market, nor can you demand CSR from them in full. However, there is a serious side to responsible corporate governance - the discussion about compliance with human rights - which can be seen in the word CSR. In this way, the CSR discussion can be sharpened to the problems of possible fields and can be used as a further reason for the increasing relevance of a political debate. This makes the role of companies even clearer, because social pressure has been built up to assert this claim to the observance and enforcement of human rights. This claim has to do - not difficult to understand - with the fact that competition regularly goes hand in hand with their violation. Human rights are ideologies from which one cannot escape. Although CSR is conceived as a corresponding voluntary self-commitment, the question must be asked whether it is not rather a burden: have these imposed norms (especially human rights) become a handicap? Adherence to CSR places a sustained burden on companies. Turbo-capitalism does not allow the full implementation of voluntary self-commitments. CSR proves to be more of a (heavy) burden than a pathos of a new revolutionary concept. The Western democracies, with their capitalist economic system as one of their basic characteristics, must be confronted. This criticism cannot hide the fact that a question of political correctness is being raised. This aspect has indeed not been addressed in the public debate on CSR so far, because such an expression or regulation of a debate would have to be defined outside of political correctness in democracy.

6.2 Conditions and comparison of union strategies

The level of commitment with which a debate is or is not conducted inevitably leads to pressure on the unions' options for action. And whether and how far-reaching their own accents are set depends on the chosen strategy. Various options for action thus lead to strategic competition at the tactical level. Hyman, who polarized the use of collision rules into two extreme types, reported on strategic aspects worth thinking about in union positioning: "Within the contradictory whole of antagonistic cooperation, unions can influence the importance of each element. A union that is ready for conflict can create a culture of antagonism; a union that is intent on cooperation will be expected to do the opposite" (1996: 10). And so, as a union, you are faced with the alternative of either pursuing your own or your members' goals radically or abandoning this radical course.

In order to comprehend an entrepreneurial concession, it must be understood immediately that this direction of thrust now represents one of the fundamental strategies of the German union movement. Dribbusch and Birke provide an overview of the strategic development; it is clear from this that the maintenance of the company's location and, as a result of negotiations, location agreements have become the linchpin of union policy and the object of a number of concessions. After the reunification boom in 1992, Germany had fallen deep into recession, while the processes of international economic development continued to increase. The system of industrial relations was confronted with new framework conditions and the negotiating position for workers and unions deteriorated. The "basic feature of the union response" and weakened negotiating power crystallized into "the cost offensive of the companies ... securing the future of locations in the tension between employment, income and competitive interests". And in some sectors, e.g. the metal industry, the highly organized and assertive unions had to put their conflict behaviour on hold - with few exceptions. These exceptions included work stoppages, fierce protests and strikes in the context of the dispute over the maintenance of locations (2014: 15 et seq.). There are behavioral structures that have become widespread, and even more so in the crisis. These conditions had to be accepted, and thus, under the impact of the financial and economic crisis of 2008, the willingness to exercise wage restraint combined with job security continued to determine the unions' strategy (ibid.: 16 et seq.). This reversal of behavior and ascribed habits in the light of new developments was already made clear by Röttger, who, in contrast to representatives of institutionalist approaches, concedes a change in function. Their "fundamental error ... is to continue to assume continuity where change actually prevails. Indeed, the coagulated institutional systems of industrial relations are no longer able to determine the framework of conflict between capital and labor and the corridors of action in which political-economic development takes place. ... The enforcement and generalization of these individual company rationalities in the sense of individual company competitiveness ('economization') threatens to increasingly undermine the union-preferred organization of conflict-supported co-determination in companies and a model of inter-company solidarity." (2003: 16). Röttger generally sees it as proven that the unions were forced into a defensive position in the face of the processes of change in their environment: "Today there is no longer any doubt that the unions in the developed capitalist societies are in a pronounced position of defensiveness as a result of advanced globalization and the political denunciation of the Fordist class compromise" (ibid.: 8).

The individual unions have thus gained practical experience with confrontational approaches. It is not unknown to them to heat up atmospheres, but these are not always crowned with success. Social partnership policy can have its limits here. Accordingly, the compatibility of "guerrilla tactics", as they have been successfully used by the U.S. unions in their attempts at revitalization, is not necessarily appropriate for the German unions. Particularly unions where the social partnership is intensively cultivated avoid a militant style of behavior - as is practiced in organizing, for example. Rehder uses this approach to symptomatically demonstrate that it is difficult to agree on the role that is intended for them: "The IG Bergbau, Chemie, Energie (Mining, Chemical and Energy Industrial Union) is accordingly reserved towards the organizing approach. ... At Lidl, ver.di had to learn that bad press and damage to its reputation were by no means sufficient to persuade the company to change its strategy. The train drivers' union GDL also had to learn that the first strike still generated a lot of attention, but the third one no longer did, at least not in the union's interest. In addition, confrontational practices in one case may well worsen functioning wage relations in other cases. While the Stuttgart 'anger citizens', but also the US-American Janitors, had to fight for access to the political decision-making system in the first place via a conflict-oriented strategy and in this respect did not have much to lose, the German unions are still sitting at the negotiating table in many places. This is especially true of IG Metall, which, in its already outlined characteristic of multiple identity, interacts not only with companies in the temporary work industry, which have suddenly discovered their passion for competing Christian unions, but also with the automotive industry, which continues to be the functioning cradle of the German system of industrial relations. It is not easier to maintain a balance between counter- and regulatory power, corporatism and campaign, cooperation and conflict under escalation-related organizing conditions" (2014: 256).

The spectrum of different strategies is determined by how to react to the signs of a crisis, economic downturn or other aggravation of the framework conditions of industrial relations. Dribbusch and Birke explain the use of the strategic room for maneuver as follows and see the clear classification of the above-mentioned binary strategy structure as largely lost: "Whether unions tend more in a social partnership or more in a conflict-oriented direction depends on the respective circumstances. All in all, both concepts are implemented in the company and collective bargaining reality, so that they are never 'pure', but are negotiated in an intra-union conflict. Of crucial importance for the practice of industrial relations is the assertiveness of employees and unions. Where employees and unions are able to represent their interests

effectively in the conflict in case of doubt, there is a better chance of compromises that also require substantial concessions on the part of capital. To the same extent that since the 1990s the framework conditions on the world markets, but also the global economic situation, have changed, the relationship between employees and unions in relation to companies and employers' associations has also changed. A high base of unemployment, but also changed possibilities for outsourcing and relocation of production shifted the balance of power in favor of the companies" (Dribbusch & Birke 2014: 7).

In the CSR context, too, the unions are sticking to the change in function described above. The tension between regulatory factor and countervailing power is proving to be a tension between clientele interests and ultimately legitimate societal demands with limited enforceability. This is reflected in the social partners' joint efforts to take account of economically perceived national threats through functional willingness to adapt and cooperative interest policies, while at the same time setting high thresholds for the identification of this strategy. An example of this is the protracted and tenacious process surrounding the drafting of an initial position paper by the DGB. The CSR arena itself thus became a venue for tensions. In a controversial debate on the conditions for assuming social responsibility, the unions are trying to defuse tensions and conflicts as much as possible, and, as in other struggles and actions, they are apparently cooperating with companies while adhering to the principle of proportionality.

6.3 Conflicts of interest as a well-tried part of union decision-making dilemmas

When it comes to enforcing workers' rights, the unions are always in conflict. It is true that they appear with a broad chest, because after all employee representation is a power factor and as such can always be used in negotiations. Those in power are characterized by stubbornness, but they also know the limits when compromises are appropriate. That is why the unions must also reconcile themselves with their own limits for action. Therefore, weakening lines of conflict are no surprise in the current discourse. This repeats specific observations that have already been made in the past. For further investigation, it is evident that aspects of the past should be explored. It is generally known that similar issues have already been observed in the area of conflict between union and corporate interests. The observation that the problems that have arisen in such a debate with its front lines are not entirely new will be briefly examined. CSR is therefore not a niche event. It evokes memories, for example, of the luddites, which was also an ambivalent topic for them: on the

one hand, they were supposed to embrace the developments of technical progress (humanization of work through more pleasant conditions), and on the other hand, they were supposed to deal with its consequences (substitution of human labor by machines). One should also bear in mind the critical statement of the social ethicist Klüber in 1957 in the age of automation: “If the path of deproletarization is to be successfully completed, it is high time that the other side of the problem, the educational task of the unions vis-à-vis the workforce, is perceived with the same intensity” (1957: 26).

As a logical - and further to be proven - conclusion in two respects is therefore allowed: firstly, following the processes of de-limitation discussed by Egbringhoff and Mutz, such processes also take place in the interest positions of the unions, and secondly, the representatives of interests actually open up more and more to positions, to which they once shut themselves off. If one wants to appear as a political actor, they are not spared this opening anyway. Finally, politics include the ability to find compromises and build bridges. These processes are inevitably linked to learning processes. Looking at the stakeholders, comparisons can be made with the willingness of parties to reform. One recalls The Green Party, which in its early days became known as a protest party, but has since been largely domesticated. The Left Party is now also liberal. The past has already shown on several occasions that the unions have had to open up positions that were originally contrary to them. For example, their attitude toward innovation within the DGB has changed over the decades. Their culture was long considered hostile to innovation. Since links can be established between CSR and innovation, their relationship to innovation is of relevant importance for the current debate. They are now open-minded about innovations and want to make them accessible to their influence.

Müller-Jentsch has in further cases taken up this evidence and offered quite impressive examples of union learning processes from Germany and abroad in the course of processes of adjustment of their positioning: “It took quite a while until the German unions, ... abandoned their fight against the computer as a job killer as a hopeless undertaking. Their resistance to the European Economic and Monetary Union and to globalization was more half-hearted. The British unions offered an extreme example of pathological learning processes in the recent past: they defended lead type against the emerging photosetting and the shipping of stackable and loadable general cargo against container transport. It was only the brute treatment à la Thatcher that drove them into painful learning processes. We find positive examples, on the

other hand, in the Scandinavian unions, which actively supported the restructuring and modernization concepts of their governments' welfare state, although they implied sensitive cuts in their clientele's possessions" (Müller-Jentsch 2003: 656).

But there are also other recent examples of the DGB that are remarkable. According to a demand in the 1981 basic program, temporary work should be banned. Even possible collective agreements were not permitted by the unions for a long time, in order not to give this method of employment any chance to establish itself. Over time, it became apparent that their intention to ban the practice was not politically viable, so that it was no longer mentioned as a demand in the 1996 Policy Statement (Dribbusch/Birke 2014: 21). Particularly relevant in the context of CSR is, for example, the energy turnaround, which was partially torn apart even between the unions. The discussion about environmental protection is familiar to them all. They encountered the issue decades before the CSR debate. As a rule, legacy issues come up in every case of conflict. But one must separate the current conflict from the (possibly unresolved) old conflict. When the DGB first took up its position on environmental protection in 1985, it had no other chance than to speak out fully in favor of industrial society because there was no alternative. It was a different time, in which one could develop little alternative. Particularly in light of the DGB's recent development, it is clear that CSR development has brought some innovative practices to the association's work since the organization began to devote more attention to environmental issues. This is particularly noteworthy in light of the fact that the DGB had previously neither placed environmental concerns on its own agenda nor qualified them as an integral part of CSR. This position is now obsolete, as they have both recognized environmental issues as part of their work as associations and, in accordance with their 2009 Ten-Point Paper, have made them a requirement (Delbard 2011: 269).

In conclusion, however, it should be noted, in line with the title and interpretation of this chapter, that when uncertainties of the kind that can be derived from the CSR concept arise, a weakening of opportunism on the part of various stakeholder groups must be understood as consistent: Representatives with conflicting interests join forces to form a common cause. These alliances emerge without necessarily being noticed from outside. Even if the debate is carried out in the wording about sometimes radical demands, memories that unions go into the arena for every occasion become weaker in the light of this development. How the absence of a confrontational course in the CSR debate can be justified and how it can be

deciphered will be discussed in detail in the last chapter and, on this basis, transferred to the thematic management of the research task.

6.4 Decisionistic-restricted attitude as an instrument of union positioning

The establishment of a step-by-step structured procedure model serves the goal of systematically working towards the answer of the underlying research question and, following on from this, of providing further justified evidence that rounds off the overall view as theoretically justifiable proof.

6.4.1 Lead to answering the initial question

A debate was initiated in 2001 with CSR, which gradually turned out to be an explosive area. Although unions are generally known as a militant organization, they do not enter an arena for every issue. The beginning of every debate requires the participant to decide which path to take. Passive participation also finds its justification if it is guided by appropriate considerations. Every action or non-action follows its own logic. Characteristic of the external impact of associations or their effectiveness is, however, as the political and social scientist Claus Offe correctly describes it, “that from the point of view of organizational effectiveness they must ... engage in bureaucratic representation and administration of interests, while on the other hand the interests that are to be represented, as well as the power resources with which they can be represented, can only be generated in a non-bureaucratic way, namely through communication and collective identity formation of the members” (1979: 78). A lack of communication or non-communication is also communication, but therefore fundamentally atypical with regard to effective association communication. As an external evaluator, one is therefore required to make profound and far-reaching observations in order to recognize the politics of the subject under observation. The abstention does not necessarily have to be a policy of the cold shoulder, but can be justified by a heavy burden on the shoulders.

After a first statement that was made in 2001 in response to the Green Paper, things had become quiet around the unions. On the whole, it can therefore be stated early on that a union wall tactic was discernible in the early days of the CSR debate, as a tangible reality certainly stemming from a sense of insecurity: On the one hand, such an approach makes sense for exploring the subject matter and, on the other hand, from an ambivalent position, as has become clear from the study. “As is well known, ambivalences create uncertainty and challenge the development of new forms of action. Acting in ‘fluid’ fields is not arbitrary, but

is both historically and culturally conditioned (as one has always done) and shaped (searching, groping, trying out). Which actions and which structures will prevail in the long term is a question of power: it depends on which actors can prevail in these fluid fields and in what way." (Mutz/Egbringhoff 2006: 7).

The unions struggled to find a balance between commitment and defense. As a result, their wait-and-see attitude became apparent early on, opening up scope for criticism. A wall tactic seems to make sense when the unions could find it significantly more difficult to shift the burden of an aggressive and offensive CSR policy (e.g., demanding a legal CSR obligation while at the same time waiving voluntary action) onto companies. It is the ambivalence of this issue that reveals discrepancies within the circle of actors, but also undoubtedly commonalities in the way the problem is perceived. It is the proverbial squaring of the circle to want to satisfy all CSR concerns of common stakeholder interests in a comprehensive way. Of course, any cybernetic idleness does not pass the unions by: for one thing, they do not have the greatest interest in unnecessarily burdening companies, which after all pay the wages and salaries of their members. On the other hand, they do not want to completely evade the issue, demand transparent information and action for consumers - around one in ten of whom are union members - and thus influence their purchasing decisions, nor do they want to stand out in the debate as lateral thinkers who want to inhibit CSR development at national and international level. These correlations had to be recognized first before the own interpretation patterns could be enforced. The union stance is a reaction to difficulties that are perceived as urgent in each case, which makes it difficult to find political solutions in the debate because competing ideologies also exist within their own ranks. The more one's own activities are intensified in only one direction and problems are dealt with separately, the more difficult it will be to achieve an overall arrangement. And the unions often run after the problems. The unions' chosen course of action on CSR is individual, but not entirely unusual. The above-mentioned phenomena, such as the machine storm or the energy revolution, are cases in which they find their role in the regulatory system ambiguous or difficult to define and have therefore found it difficult to position themselves. In this sense, given the great importance of CSR, it is appropriate and important to give it a special status.

From a functional point of view, there is a link to the stability regulations in the capitalist economic system. Here, one of the two "typical modes of reaction" of "cooperative" union policy according to Bergmann/Jacobi/Müller-Jentsch, based on the well-known "ordering

factor or counter-power" function, provides an explanatory framework (1976: 28 et seq.). They have made use of this, because CSR has caused unrest. In order to avoid further discomfort, they have withdrawn. Their work is market-oriented, which distinguishes them from the NGOs. Their regulatory and empowerment function balances the market, which they can both promote and weaken. The concept of co-determination makes it clear that they participate in corporate processes and (economically) co-decide ("co-management", Klitzke/Betz/Möreke 2000). An analytical separation of the spheres - the relationship between the market and the company in the CSR context on the one hand and the internal relationship of the unions on the other - was initially necessary in the course of the study in order to shed light on the interrelationships of interests that call for unconditional commitment to open debate within the unions. At the political level, this attitude plays an important role, because there is little point in a political polarization that will continue to escalate. It would do harm, which is why a lenient course of confrontation was pursued.

If we apply this observation to the situation, we can conclude that unions must be open to change in the face of the times. The obstacle to a radical union policy is that it would harm its own clientele. For the unions, this means that they must become more liberal. This change in attitudes, which has been a theme of the work, did not only affect one or the other party, but also the unions. Overall, changes in the framework conditions ensure that, according to the opinion poll at the beginning of 2000, the unions should not be broken up, but at least domesticated: "It is not the weakening or even the abolition of unions that most of them are striving for - despite the critical assessment of the current union course. Rather, the population hopes that the unions will reflect and reorient themselves, that they will adopt a more moderate and forward-looking course. At the end of the 1990s, support for a tougher, more radical course of action by the unions still prevailed; today this is the position of a minority: Only 22 % (1999: 41 %) call on the unions to represent their goals more radically and resolutely, while 57 % (1999: 30 %) want a more moderate and restrained course. This position is supported across all political camps; only a majority of PDS (German Party of Democratic Socialism) supporters advocate a more radical line" (Köcher 2003: 5). In this context, indications that their clientele has also joined this development should be taken into account. Empirically, the above-mentioned expectations are also confirmed from an employee perspective, because, as IDW (Institut der deutschen Wirtschaft, Institute for German Economic Research) researchers Biebeler and Lesch concluded from population surveys using data from 1980-2004, "employees have become more liberal in economic terms and

have thus moved away from the unions ideologically. ... A strategy for stabilizing membership growth would therefore have to start out from the existing union milieus in companies, but it would also have to critically examine the public perception of unions and thus ultimately their ideology. (...) The unions are dependent on close and smooth cooperation in company alliances" (2007: 149).

In moral terms, as a union, you are moving into a stalemate. The presentation of human rights arguments has been primarily an attempt to convince the alleged opponent of the correctness of its own arguments. But the ideological veiling behind them needed to be recognized in the broader context in order to be linked to the attempt to rationally justify their statements and to break out of a purely descriptive presentation of their statements. From his theoretical point of view, the author therefore concludes that the juxtaposition of these two positions - functionally vs. morally - pushed the unions into an awkward and tricky situation. This dilemma makes a decision more difficult and may sometimes explain why participation in the debate was ultimately largely subdued and a restrictive willingness to criticize became apparent.

6.4.2 Central conclusion and result

One can recognize the German unions in an attitude of thematic caution and only slow unblocking. Although this is not formulated explicitly, it can be traced in the process of successively and specifically elaborating their position. The correlations outlined above have outlined how difficult it is to achieve internationally compatible solutions and advise caution before intervening too quickly and giving advice. The underlying economic policy interests and ambivalences are too different. Union policy does not manifest itself in a vacuum of responsibility. The derived chain of effects impressively demonstrated the need for effective strategic coordination. Its strategy is based on a process of adaptation to current social and economic conditions and stands in ideological and traditional contrast to union dispositions, but is rooted in the compulsion of the age of global challenges that produce international connections and chain effects. In the system of interest representation, CSR turns out to be a policy field with neo-corporatist effects; this policy presents a "system of social and industrial relations in which social actors voluntarily suspend their conflicts in favor of stable cooperative relationships and negotiate wage and working conditions in recognition of overriding economic and sociopolitical interests" (Kißler 1992: 34). The unions feel compelled to respond to the increased CSR pressure by making concessions in their

commitment to companies. This gives rise to the suspicion that they are trying to close ranks with the companies. This view is at the height of trying to turn the defense of traditional work into a defense strategy for the national economy, including its pillars of social partnership.

At this and the final point in the investigation, the author arrives at the following conclusion after critically reviewing the debate and reconstructing the union arguments: In the overall result, the critical examination of the union reaction to the debate shows that it should not be misunderstood as indifference to the concept, but that a restrictive decision-making behaviour has emerged that reflects the complex and contradictory dilemmas of interests. The general criticism of their passive attitude must therefore not be induced by accusations of lack of concern or resignation. *The decisive explanatory contribution to clarifying the unions' decisionist-restricted participation in the CSR debate is made by their attitude: unnoticed, they want to give in to the increasing pressure of CSR norms by neglecting their own commitment and thus seek to minimize risks for Germany as a business location in international competition that are difficult to assess in the long term.*

Because even if there is not the same degree of "pressure" on all sides, unions are affected by the pressure of CSR-implementation in almost the same proportion as their apparent counterparts. The fact that a German union is only cautious about CSR engagement can therefore only come as a surprise at first glance. By refraining from actively participating in a debate, they have chosen a way to free themselves from this ambivalent responsibility that falls back on them. The withholding decision-making behavior can be identified as a decisive factor for the passive behavior, not wanting to take responsibility for the risky consequences of too courageous commitment and the associated obligations for the company.

This explanatory approach has so far gone silently in the literature, although some findings have already been reflected, through the synthesis of which this overall picture could be developed.

6.4.3 Additional findings and evidence indicators

The central result includes two lines of argumentation that have opened up further space for this theoretical insight.

The first is about the language or formulation of the DGB and its members in the debate. What is striking is the quite strict tonality that can be read in their statements. This is a peculiarity in the perspective, which should not be concealed in the author's analytical work. There are some statements, some of which are strongly colored by emotions and follow the example of a union ready to fight. Strictly formulated demands can prove to be reputation-promoting. For the time being, there is nothing to be said against the declaration of a sovereign position. It could be reproached if members feel that they are not sufficiently represented by the unions. But formulating demands in eloquent and media-rich language does not necessarily reflect the course that has been decided upon, if it is defined at all. The chosen approach via demanding speeches in their statements and position papers is obvious, since unions and companies cannot push each other courtesies around. For a long time, the union position on CSR presented the need for legal regulation, but the concrete level of implementation, e.g. in the form of concrete proposals, was not addressed further. Their view in the first statement in 2001 was expressed with regard to necessary CSR regulation. A reflex was quickly awakened to take action against the companies and their associations, but without action being taken. At this point, the now somewhat older contribution by the historian Grebing can be used. Taking into account the union's dual task ("order factor or countervailing power") and in the course of a reorientation of the union policy at the time, she posed the question that, an old question figure takes on a new dimension in the CSR context:: "Or will they show consideration, hold back, limit themselves to making demands, e.g., postulate the 'right to a humane environment' and not immediately take up the tasks of improving the environment in a combative manner themselves?" (1981: 60). Hauser-Ditz and Wilke also recognize that the DGB is not actively committed to CSR implementation: "In its response to the EU Commission's 2001 Green Paper, the DGB welcomed the goals pursued with the CSR approach in principle, but also expressed doubts about the suitability of the instruments used (voluntary nature, promotion by market forces). Individual CSR instruments, such as social reporting or the voluntary commitment of companies to social codes of conduct, were advocated without developing their own operational measures or initiatives that would be visible for others" (Hauser-Ditz & Wilke 2004: 4) .

The first line of argumentation is also supported by an empirical finding. In an ETUC study from 2004 on the positions of national unions, one of the individual unions surveyed expressed the following opinion: "If unions engage in softer CSR-style agreements they may unintentionally erode their ability to claim binding regulations in the future. This fear of

‘softening’ the unions’ power must be viewed in the context of the political dispute on the future of collective bargaining” (Beaujolin 2004). This quote makes it clear that a serious will to engage in CSR efforts was lacking and ultimately served only as a means to an end for other matters. Admittedly, a few isolated pinpricks were made, for example, cooperation with NGOs was mentioned (see Workshop Paper 2005), with the aim of providing the buyer market with sensitive information. However, these cooperations hardly developed in the further course of the project.

The missing implementations are not surprising indeed. After all, the unions themselves determined at an early stage (workshop 2005) that it is impossible to enforce regulation. This may also explain why presentations on implementation were discussed little or not at all. In addition to the transport of strict demands, a picture can be created that may go beyond what is necessary. Nevertheless, the unions have no other choice for the time being; they must position themselves politically and strategically in such a way that they cannot deviate from this position to the outside world. However, it would also be presumptuous to claim that the literal formulation of the demand misses the point. After all, there are obvious indications of the inappropriateness of the CSR concept, as demonstrated by the unions’ relationship with experience in voluntary models, the consequences of the financial crisis and constitutional provisions on the responsibility of owners. The unions are thus already signalling that they are prepared to defend the correctness of their position by means of argumentation; especially since their verbal attacks are primarily aimed at the perpetrators, the greenwashers or child labor companies, and are less to be understood as a major backlash and general suspicion of the entire business community. The author’s interpretation is therefore not intended to invite to take the union demands not literally, but rather as primarily intended indications if corporate social responsibility is to be fully developed. In conclusion, however, it must be stated that there is a difference between aspirations and political efforts, because radical conflicts and intensified disputes did not materialize in retrospect. On the contrary, the findings of the analysis show that the unions have implemented a strategy to adapt to the needs of a changed environment.

The second line of argumentation deals with a decisive and fundamental strategic turnaround in positioning. From the voluntariness principle as the central point of criticism of the concept, which was declared from the beginning, the debate has relaxed in the course of the debate, since the recommendation of regulation was not further insisted upon. This clearly

demonstrates an attempt to open up to the encounter of the other side of the argument, which subsequently calls into question their originally based justification for CSR regulation. Even though the German unions remained cautious about the advantages of a CSR concept based on a voluntary foundation (Zimpelmann/Wassermann 2012: 58), the ETUC has also taken advantage of the concept of voluntary commitments and recognizes it as a "first step in the right direction" (Egbringhoff/Mutz 2010: 281). The open-mindedness of the German unions was evident from the results of their joint work in the National CSR Forum (development of the National CSR Strategy: "CSR is voluntary, but not arbitrary"), which amounts to a general acceptance of voluntariness. Against the backdrop of the originally radically formulated demand, the turnaround now makes sense. The results of the interviews with Haunschild and Krause make it clear that the German unions no longer subscribe to a demand for commitment, but can live with a voluntary solution as long as it is not overstretched and takes place under the cooperative condition that they are included in CSR activities: "Our interviewees generally stated that CSR could be useful if it is 'voluntary, but not arbitrary'. To ensure meaningful CSR activities, the democratically elected workers' representatives should, according to the DGB, be involved in designing and executing CSR strategies" (2015: 75). This attitude is thus not only shared from joint work in the National CSR Forum, but can also be quoted and explained at individual functionary level.

6.4.4 The "golden mean" as a determinable core statement?

The author would like to conclude his central conclusion succinctly in reference to Aristotle's famous quote from his theory of decision making in the case of (significantly) different behavioral alternatives:

"So a virtue is a disposition to choose certain things; it lies in a middle state (middle relative to us) as determined by reason, ... It's a 'middle' state both because it's between two ways of being bad – {two vices} – one caused by going too far and one caused by falling short, and also in the other sense that vices either make us fall short of or go beyond what's required in our feelings and our actions, while the [relevant] virtue finds and chooses the mid-point.
That means that [we can think of virtues in two different ways]: in essence, and by the definition stating what it fundamentally is, a virtue is a middle state. But in terms of being optimal, and as well [set as it can be], it's also a high point" (Beresford 2020/Aristotle: 1107a 5-9).

According to a general and traditional interpretation of this view by Aristotle, it is known that the named “middle” is not to be understood as an adjusted average value of action extremes of a range, but that the choice between decision alternatives of different significance of the situation must be suitable or reasonable; partly also understood as “optimum”. In terms of the context of the unions’ commitment to CSR, the limited participation in the debate does indeed appear to follow rational considerations. Whether this is the optimum behavior is not to be discussed further at this point and the reader may decide for himself.

In the end, we must free ourselves from looking for orders that will lead us to fall into categories of closure, even if we are always guided by this aspiration. To be caught in this own logic, which determines a beginning and looks for an end, would claim the finiteness of every analysis. But there has always been a dynamic in possible debates that gradually uncovers new spectra. Therefore, the union approach in this debate will not be limited to a finite decision path. In fact, following the title of this sub-chapter, it would be difficult for the unions as intermediaries to find a middle ground. Indeed, the range is as follows: one extreme position (burden on companies) would be a systematic attrition policy and comprehensive CSR regulation, while the other position in favor of companies would reject the concept altogether. The dilemma cannot be resolved at all, because from a union perspective it can be said that if we are too radical, we will harm our clients. If we are too lenient, we will not contribute to the further development of the concept... But this dilemma is analogous to the concept per se: if CSR is too strict, it harms the economy. If it is too lax, it does not benefit anyone...

7 CONCLUSION

The first part of the chapter contains a summary of the main results and interpretations of this work. The questions posed at the beginning of the chapter - main research question and sub-questions - are answered in this section. In the second part, the research findings will be used to draw conclusions regarding their reasoned relevance and their usefulness for the scientific discussion. In addition, suggestions for further research will be given.

The CSR debate initiated by the European Commission in 2001, in which the German unions in the form of the DGB and its members participated with remarkable caution, was taken up as a starting point for the study. In this context, the question of the causes quickly arose. This finding called for a reappraisal. The CSR concept covers a broad spectrum that inevitably includes employee-relevant aspects. An association such as the unions cannot remain indifferent to this. Therefore there must have been reasons why they acted or did not act in this way.

7.1 Summary of the results

A dedicated study of the restricted unions' attitude in the context of CSR has been relatively unexplored in terms of its causes. Some premature assumptions have already been written. It is hardly surprising that this attitude spread like wildfire in the debate in a very short space of time. What the material examined has in common is that employee representatives are shown to be in a predominantly defensive position. Essential examples of their assumptions have been taken up in the present work and formed the starting point of the scientific investigation. What followed in the passage illustrates the path of recognition as follows: Collection and comparison of the approaches, criticism and the partial dismantling of existing views. However, one by one. The outlined course is chronologically shown in the following.

The unions are known as organisations that signal a willingness to struggle: a quality that was put to the test when they came into contact with CSR. Consequently, it was important in the study to trace the reasons for their passivity. And because the author's approach to the subject also includes the analysis of traditional patterns of the German union movement, few historical aspects were also recalled which the author considered important for a fundamental explanation of the union policy orientation. In addition to the essential characteristics, the author has identified other characteristics that are important for strategic behaviour. For example, the explanations made it clear that in shrinking and/or stagnating industries, unions

are not in a position to fully counteract negative membership trends. Their CSR positioning consistently shows that a critical-sceptical attitude is appropriate. Voluntariness forms the central knot in the debate, which cannot be unleashed, but which has been loosened up in the course of time.

The exemplary answers found to the research question were presented as hypotheses, based on the behavioural findings in the literature. The exemplary answers found to the research questions were presented as hypotheses. Based on the behavioral findings in the literature, three of them have been established. The hypothesis model was analysed, evaluated, partially dismantled and critically appreciated. The explanatory power of the three approaches was different. What is striking is that the causes cited in the literature, which led to the hypotheses, all disregard the ambivalent constellations of interests of the unions and thus could not provide any relevant results on the author's explanatory approach.

In the further course of the scientific core work, the perspective was also taken up by deepening the relationship between companies and the market in the CSR context. In addition, a further change of perspective was made by looking at the union's internal view. Both parts were intended to substantiate the finding that the unions had legitimate reasons to refrain from radical enforcement in the debate. The strategic function of the union was determined by means of a structured analysis and thus a spectrum of behavior was obtained that is sometimes very characteristic after its CSR strategy has been brightened up.

In the following, the main findings and results of the study are summarized by comparing them with the main question and the sub-questions. The following questions should guide the investigation:

Main research question:

What are the causes of the unions' decisionistic-restricted attitude, when CSR is being debated?

An imposition of the debate with little self-motivation was evident in the beginning. It could be shown that the unions were left behind in the engagement debate. By bringing together the decentralised analytical results of this work, a central picture can be inferred and a covert attitude discovered that significantly distances itself from the type of confrontational union. However, a hard fact emerged from the soft engagement. The author's observations have

provided sufficient evidence to suggest that there is a different core behind the decisionistic-restricted behaviour than would normally be assumed. The study has provided a picture of a union strategy in dealing with CSR that is incompatible with the widespread perception of the public and counterparts. For this reason, we should always be warned against premature false conclusions. With their demands, CSR has given economy and politics an explosive debate. One characteristic of this debate was the resulting demands on companies, which were argued by economy set too high. The unions occasionally countered the reservations of companies and their associations with references to a quasi legal claim to CSR, but largely left it up to the formulation of demands. And the strict and demanding tone it contains can therefore only be conveyed symbolically in order to consider the underlying goals of the CSR concept to be meaningful.

Finally, one chapter was devoted to examining how the unions assess CSR from the perspective of corporate obligations. Although the current CSR framework is not shaped by legal provisions, it tends to have unpredictable effects at the expense of companies as a result of quasi-obligatory requirements. As a result, it is not surprising that unions are so restrictive in their decision-making that they have for a long time neglected CSR issues.

The role of unions and CSR can be associated with sensitivities such as insecurity and contemplation, which is why it is assumed that they took a position at a very late stage. The DGB could neither react at short notice nor take a radical course because it was aware of the scope. CSR is obviously a rather hot topic. And if the ground gets too hot for companies, the union's tone must weaken, because after all, they are united by common interests. It is therefore justifiably difficult to detect any intensification of disputes at the union conflict level. It has also been shown that their positions based on statements of an abstract nature were provided by the condition that they could cover a broad spectrum of interests and did not allow individual interests to conflict with overall interests. The unions' requirement and role as a pillar of the system is being put to a test in the context of CSR. Against this background, the strategic direction and its work have indeed been underestimated in public perception. Under these circumstances, unions find themselves in an otherwise quite large room for maneuver, but this room for maneuver is being destroyed or narrowed because of corporate and at the same time national political backing. According to a well-founded view, the union's approach turns out to be entirely in the spirit of cooperative politics.

Subquestion 1:

In light of the conflicts of interest between unions and companies, what discrepancies arise when the topic of CSR is addressed or debated?

In the debate, unions are allowed to "share the ring" with affected actors; after all, CSR presents itself as hard-fought area. In this environment, diverse stakeholders participate and articulate individual interests. Networked thinking is required from the unions. CSR has been politically upgraded at an early stage; after all, all stakeholders - including the German federal government - have become aware of it and have dealt with it. In the pendulum between regulatory factor and countervailing power in business and society, the unions are basically in an ambivalent position on decision-making issues concerning aspects of interest representation. As the closest alliance partners, companies are more suitable for joint CSR measures, as their interests are more closely linked than those with NGOs. This synthesis of interests is characterized above all by its sector orientation. CSR can be a driver for innovation. This development is problematic for the unions, because the industrial structure of Germany as a business location is hit particularly hard by structural change. The pace of innovation in these sectors cannot therefore be set very high. The unions are trying to slow things down and calm them down by only half-heartedly participating in the debate. Basically, the well-known discrepancies between the social partners, which arise from everyday representation of interests (especially wage issues), play a subordinate role. The common interest, the defense of Germany as a business location, comes to the fore. This situation brings the interest representatives closer together rather than separating them. Due to the existing ambivalences, there are indeed discrepancies within the circle of actors, but there is no doubt that the similarities in the perception of the problem outweigh the differences.

The question of what can be expected of employers without the unions having to carry the can for it has therefore actually always arisen in any issues and discussions related to the workforce. This also applies equally to classic CSR fields of action such as corporate environmental protection, employee interests and even responsibility for supply chains. The interests of the unions are interwoven here. If employers are expected to do too much environmental protection, or if the technical progress required by CSR is demanded for innovations, companies may be forced to look for alternatives for competitive reasons or may even find themselves forced to relocate operations abroad, for example.

Subquestion 2:

Why are the unions hesitant in the debate, even though "social" is part of the CSR term?

The perspective on actors can be adopted among various scientific disciplines. This work focuses on a view that has been built up step by step and has finally found its final expression in the conceptualized conflict of interests. Following this path of knowledge, processes of abstraction took place, that began with the DGB and its member unions - under the umbrella term unions - as a collective and concluded with the defense of the national interests of Germany in European relations. This opens up new perspectives and interpretations of global issues such as disregard for human rights and child labor. It is fundamentally correct that the demands for the protection of human and workers' rights are proclaimed. It is also fundamentally correct that these demands cannot be tied to national borders. It is of course also right that international politics and things that move our world should not be ignored. It is in our nature that we quickly show solidarity with those who are weaker and those in need. However, we must always contextualize our international solidarity and break down its consequences nationally. This reads like an open secret, but in the expression of political opinion it will rarely be possible to reveal an all-encompassing truth. In order to get closer to this, even unspoken aspects must flow into a holistic assessment. Unions are no more exempt from this foresight than any other grouping. They, as well, must not close their minds to becoming globalization-critical organizations. That is not to say that CSR should be perceived as a marginal sociopolitical task. But showing global solidarity has its price. The processes to keep an eye on the controls of the supplier companies are limited. Incidentally, the unions' demand for internationally harmonized social standards can be understood in terms of solidarity. The protectionist value proposition of further restricting competition between locations in favor of Germany in this respect must not be ignored.

Subquestion 3:

Why do they have difficulty finding their role?

CSR seems to have thrown the economy out of balance and the unions, too. They cannot prove a clear role, since CSR represents an impressive conglomeration of interests and it is difficult to position it within these interrelationships. The uncertainty behind this can be seen as a two-component mix: the coordination of the quite heterogeneous interests of the individual union clientele is a difficult challenge; furthermore, the decisionist-restricted attitude has clarified the contradiction in which they function as a countervailing power and regulatory factor at the national level due to their dual character. Their function as a pillar of

the system does not allow for a radical confrontation with the social partners, since negative consequences for the companies can fall back on them and their clientele.

Nevertheless, the development of the debate shows that unions are concerned about representing interests and cannot resist temptations to engage only in general demands of workers' interests, as they have to face internal and external adversities that make their role in the debate questionable. In order to avoid or at least reduce further and new tensions in the context of an already existing state of tension, the DGB accepts specific gaps in representation. According to theoretical derivation, the nation-state was brought to bear as the superordinate representative. In addition, criticism can arise from a transnational perspective: if the unions focus too much on national workers' interests, they could be accused of neglecting the working conditions of suppliers. There are positions that can be communicated. But there are also positions that are not. The fact that the focus on supply chains is less in the union practice of national employee representatives is not surprising, but certainly difficult to accept for the ignorant.

The analysis of the past and aspects related to attitudes towards old phenomena such as the luddites and the environmental debate have provided important theoretical impulses for the current study, as occasional memories of past experiences with union strategies have been awakened. The CSR issue is very complex and can therefore tie in with previous topics and discussions in which it was also difficult to determine the position of the unions. Back then, too, the unions held back with clear positions. And, as already described, the constellations of interests are not entirely new, but are experiencing a new upswing through CSR. CSR awakens old and sets new stimuli that an intermediary organization like the unions is confronted with.

In conclusion, it can be said that social change is addressing increased expectations of companies, which is leading to a change in the tasks and functions of unions. If the unions were historically known as a persistent support force for employees, this function must be "updated" in accordance with current conditions, in such a way that they are not confronted with a complete but with signs of loss of function or a change in function. In view of the currently highly charged social issues on the agenda, such as sustainability and environmental pollution, they must familiarize themselves with a change in function or expansion to meet new requirements. In doing so, they would have to break away from traditional class and

conflict lines by initiating processes of delimitation and building up common interests of different - and also supposedly oppositional - stakeholders. They do justice to the functional expansions by having to position themselves on topics that are defined from the classic field of employee vs. employer or wage labor vs. capital.

7.2 Final consideration

The CSR discussion allows the systematization and evaluation of a broad economic policy debate that appears in a new light. The strategic approach of the German unions also appears in a new light now that the core of their passivity has been uncovered. To reflect on this briefly at this point: unions and CSR meet in 2001. What could one expected from the unions? A radical tour without ulterior motives or prudence? Certainly, every stakeholder first has his or her clientele in mind. Unions usually have a role to play. A role always involves external expectations. The role owner is confronted with it. He or she can see himself or herself in a different role. The role of unions is characterized by employee representation, which is a power factor. The discourse was particularly dominated by questions of power. CSR issues also call for the power of interests. Although interests can be verbalized from union ideology, hidden interests have also emerged. Furthermore, it should be pointed out methodically: with regard to own possible empirical surveys, one would have had to assume a high willingness to communicate on the part of union participants in order to also bring up these hidden motives. However, based on author´s own initial personal experience, a certain distance and/or deliberate suppression of any relevant information should be assumed.

Standards in the areas of human rights and environmental protection have been propagated through CSR. Effective communication took place through the controversial debate. The unions did not become too categorical or ideologically entrenched, and ideally, despite assigned employee representation, they put themselves in the position of national representation, i.e., they thought in larger contexts.

<u>Relevance of the study</u>

The thesis is relevant in several respects:

- It presents an expanded view of corporate social responsibility in the field of CSR research and union engagement, going beyond current understanding and traditional models of thought:

- Using the example of the stakeholder discussion around unions, CSR is elevated to a higher level and their behavior in this regard is analyzed in depth. It is the stakeholders who should be first on the "battle line" for social responsibility and their behavior has been very little studied in this regard. There is an answer as to why they behave restrictively. In this research, the conceptual framework and background for this new view has been explained and the CSR mode of action has been illustrated through the constellations of conflicts of interest.
- In general, the author can state that the work strengthens the back of unions by debunking a common accusation: all in all, this work contributes to an advancement of knowledge in the field of engagement in policy debates with its analysis of defensive CSR strategies. Its explanatory approach adds a stimulating new perspective to the existing and possibly usual suspect explanatory patterns with regard to the problems described. Whether his approach would be confirmed by those concerned is - literally - another matter. Based on empirical testing and confirmation, which is difficult to realize, perhaps on none. Due to the already described problem regarding hidden interests, an empirical testing is hardly possible.

- Another theoretical relevance of the results is also to be seen against the background of the "conflict partnership":
  - Even in the contested CSR arena, the conflict partners are mostly perceived as competing actors. One gets the impression that no matter how often they compete against each other, they can „step into the arena" as often they like. The concrete outcome is never predictable and holds one or two surprises. But this seems to be the basis for a healthy rivalry. Certainly, the next "battles" between the two will be instructive for science and practice alike. It resembles the "battle" with the eternal partner.
  - Rather, it underscores the importance of the role of unions as partners rather than counterparts: in order to contribute to preventing escalation tendencies at the macroeconomic level, it could be shown that unions can take on the role of supporting counterpart or partner actively or via opportunistic passive behavior.

In addition to the development of the scientific knowledge shown, implications for practice can also be derived from this at the same time. In business administration, CSR is often seen as a business case that is based on quantitative analyses and is supposed to achieve economic

success. In contrast, this work contributes to theoretically based indications of the risk potential of CSR in the overall aspect based on qualitative assessments:

- The authors approach was to understand CSR in a national and international context. Attention was to be located towards international competition and to address the related challenges faced by stakeholders:
    - This is about contributing to responsible leadership in a global context. Poor working conditions at suppliers are now significant for management not only from an ethical point of view, but have increasingly developed into a direct field of action for the company in the course of CSR development as a result of competition. Nevertheless: even if the control of humane working conditions in the supply chain is a direct field of action for the management, arguments could be shown according to which these supposed implementation obligations are only reasonable to a limited extent.
    - Furthermore, a targeted contribution for the major CSR challenges in the global context, which the national economy is facing, was elaborated. As interest in CSR is expected to grow, management obligations are expected to increase.
- To emphasize the further practical relevance of the work, the explanations were enriched by presenting the respective CSR industry impact. CSR is groundbreaking for many industries. The analyses contribute to a better transparency of the impacts for CSR-relevant industries.

Further need for research

In order to derive further research needs, the author again takes up the question asked at the beginning of this chapter and takes a different perspective when answering it: unions and CSR meet in 2001: What can we expect from this meeting? Not necessarily that the unions are pioneers in the debate, but at least not the opposite. As an open flank of the low level of commitment, it can be stated that CSR is far from having arrived in the mainstream of union' activities. Difficulties in the thematic access and their further connection are a logical consequence, making it difficult to put one's own stamp on. Pioneering roles can be seen in other areas, but not in CSR. Nevertheless, the unions' actions are not reduced to a lack of opportunities. With a courageous commitment, however, new problems can arise that require a condition check. In this case, they must show a good hand in selecting measures. The key question is how the companies can go along without the burden of CSR measures being completely one-sided and then possibly being rolled over like a boomerang on the unions. It

therefore remains uncertain whether they want to develop scope for shaping and acting in the future or whether they will remain trapped in their abstinent patterns of action and interpretation. This is identified and left behind as a need for further research.

Against the background of a “give and take” mentality, the following aspect should also be considered in need of research: unions do not show the last ounce of courage to demand CSR regulation because they want to relieve the burden on companies in a policy of cooperation. Whether in return German business can be expected to make concessions - in other words, to assume more responsibility towards its union clientele, i.e., employees in Germany - in order to make their dealings with each other more socially responsible from now on, is also on a different sheet of paper. This need for research could preferably take place via empirical validation.

The author would like to end his study with an excursion into the past, an excerpt from a speech by German unionist Otto Brenner at an information conference of the IG Metall union on September 22 1969. For Brenner it is evident that in public opinion it is impossible to look at the unions without prejudice and that one can hardly avoid this impression: “As unions we will never be able to please everyone.” The yardstick of the own work is and remains therefore the acceptance of political demands at all levels concerned and the package of homework - following the own mission statement - to be done solidly to the best of knowledge and belief: “It is also much more important to us whether we can also answer for the policy we have decided on and whether we are also able to make it clear to the public that this is a logically constructed consistent policy which we as unions have pursued for years and not only at the present moment. Nevertheless, we should deal with the criticism - especially from within our own ranks - in order to come to the right conclusions and learn the right lessons. None of those present must believe that they are exempt from this when it is stated in bullet and sweep that the union movement is nothing more than a bureaucratic apparatus” (Brenner 1969: 308). A valued self-critical reflection - on an ultimately old and new prejudice.

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Change/The Responsibility of Business". An enquiry by the author regarding the timing of the project was answered by Friedrich with the period 2004.

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Statutory Declaration

I, Nataniel ZEMLA (ID 1819001104), **PhD Candidate at International Joint Cross-Border PhD Programme in International Economic Relations and Management**, led by the Academic and Scientific Consortium in Collaboration with the University of Applied Sciences Burgenland (Austria), the Juraj Dobrila University of Pula (Croatia), the University of Economics in Bratislava (Slovakia), the University of Sopron (Hungary), the University North, Varaždin (Croatia), the University of Mostar (Bosnia and Herzegovina) and the Czech University of Life Sciences Prague (Czech Republic); hereby declare that I have completed and submitted PhD thesis to **Juraj Dobrila University of Pula, Faculty of Economics and Tourism "Dr. Mijo Mirković"** with the title **"*Unions and Decisionistic-Restricted Involvement in the CSR Debate – An Explanation to a Cooperative Approach*"** as result of my own work, that is based on my research and relies on published literature, as used bibliography shows. I declare that no part of the thesis is written in an unauthorized manner violating copyright, without using any sources or resources other than those stated. I declare that I haven't submitted my PhD thesis to any other academic institution, beside Juraj Dobrila University of Pula, which will be shared with other Consortium members in accordance with copyright law, good academic practice, to promote access to scientific information.

Pula, 26th October 2021

Nataniel Zemla

(Signature)