

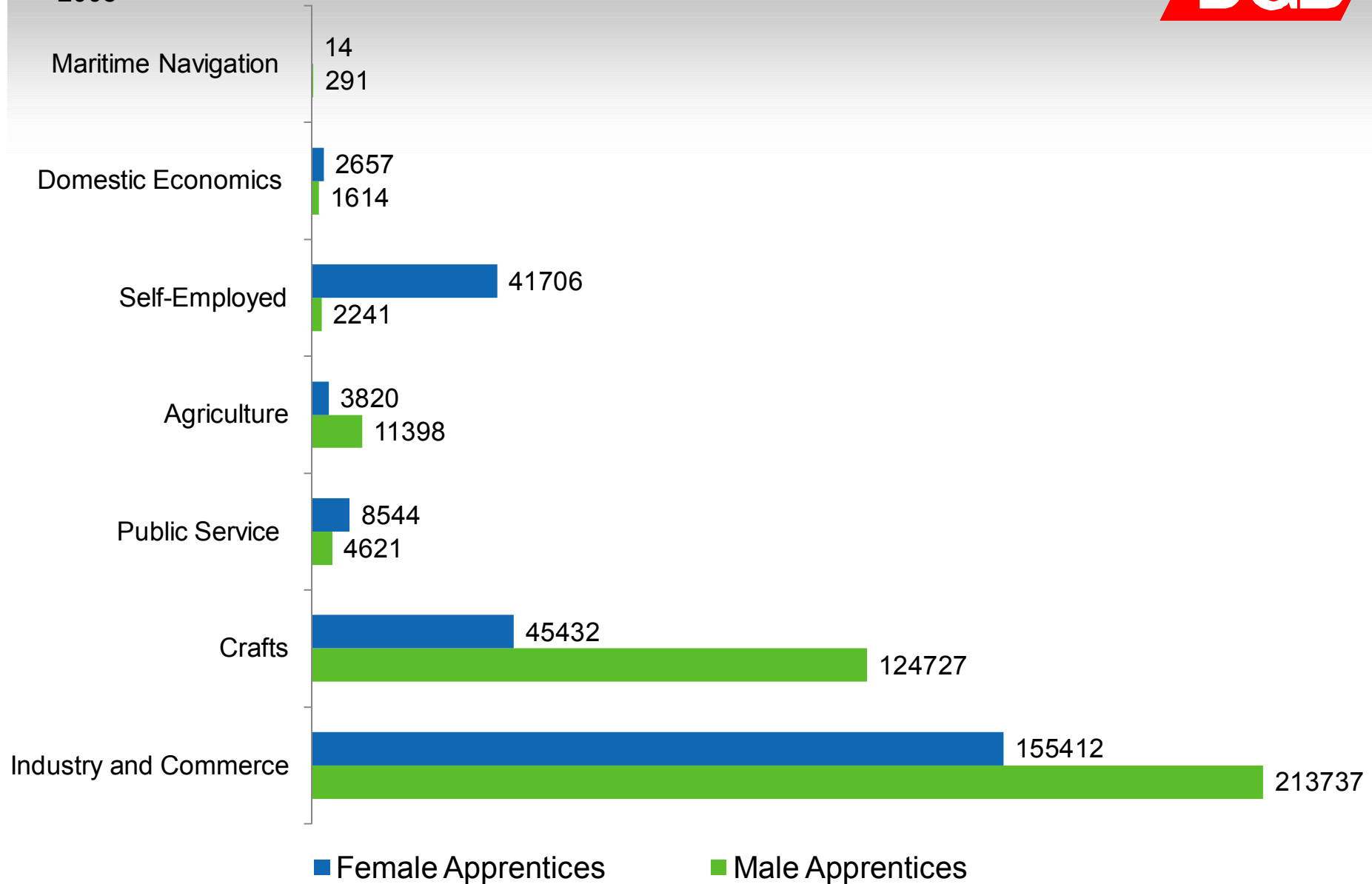
The Role of the Social Partners in Vocational Education and Training (VET)



- Responsibility shared between state and industry
- Education and training at the learning venues company and vocational school
- 350 training occupations recognised by the state
- 1.6 mill. trainees, 39 % of which are women
- 2.8 mill. students are attending vocational schools
- Approx. 2. mill. companies, 482.000 providing training (24.1 % of all companies)

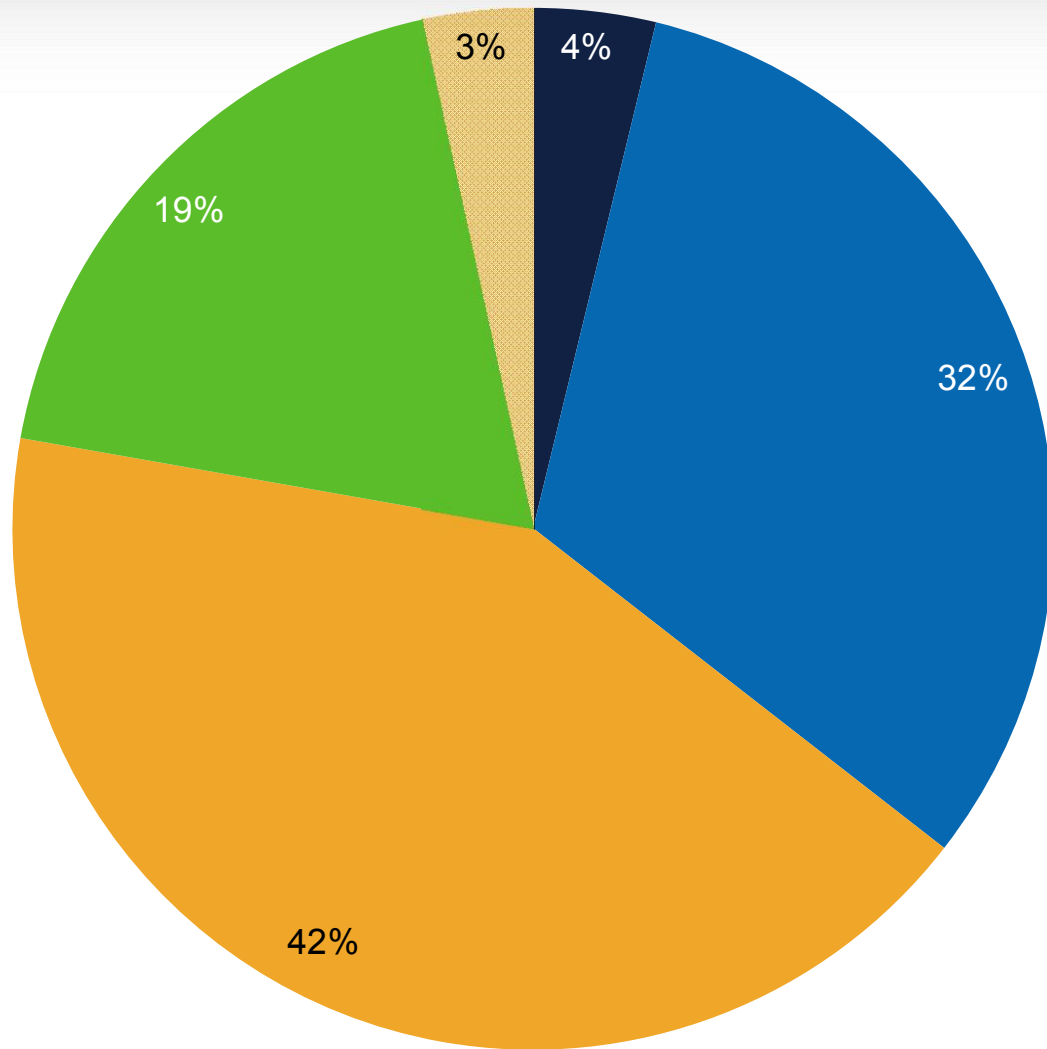
Trainees by Sectors

2008



Prior School Education of Apprentices

Prior school education of apprentices with apprenticeship contract or training contract in 2007



- without final examination of a general-education school
- lower secondary school leaving certificate
- general education school leaving certificate obtained on completion of grade 10 at secondary modern school or at other lower secondary level school types
- general higher education entrance qualification or higher education entrance qualification for a university of applied sciences
- non-German degree, not classifiable

Training occupations in the dual system

Training occupations
show different degrees
of specialization.

● Specialized occupations



e. g. custom tailor
(Maßschneider/in)



e. g. biology laboratory
technician
(Biologielaborant/in)

● Specialized but
broadly employable skills



e. g. industrial clerk (Indus-
triekaufmann/kauffrau)

● Occupations cutting across
different branches



e. g. mechatronics techni-
cian (Mechatroniker/in)



e. g. office clerk
(Bürokaufmann/
kauffrau)

Training occupations in the dual system



- Uniform structure



e. g. optician
(Augenoptiker/in)

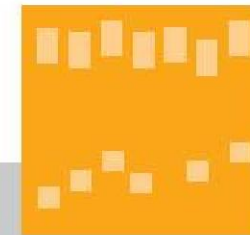
- Specialization

wholesale trade clerk (Groß-
handelskaufmann/kauffrau) ^{or} foreign trade clerk (Außen-
handelskaufmann/kauffrau)



e. g. wholesale and foreign
trade clerk (Groß- und Außen-
handelskaufmann/kauffrau)

- Different options



e. g. chemical laboratory
technician (Chemielaborant/in)

Monthly Apprenticeship Pay

The logo for DGB (Deutscher Gewerkschaftsbund) is located in the top right corner. It consists of the letters 'DGB' in a bold, white, sans-serif font, set against a red parallelogram background that is tilted to the right.

925 € Inland bargeman (IC)

873 € Mason (IC)

815 € Insurance salesperson (IC)

814 € Electronics technician for buildings (IC)

810 € Industrial mechanic (IC)

781 € Industrial clerk (IC)

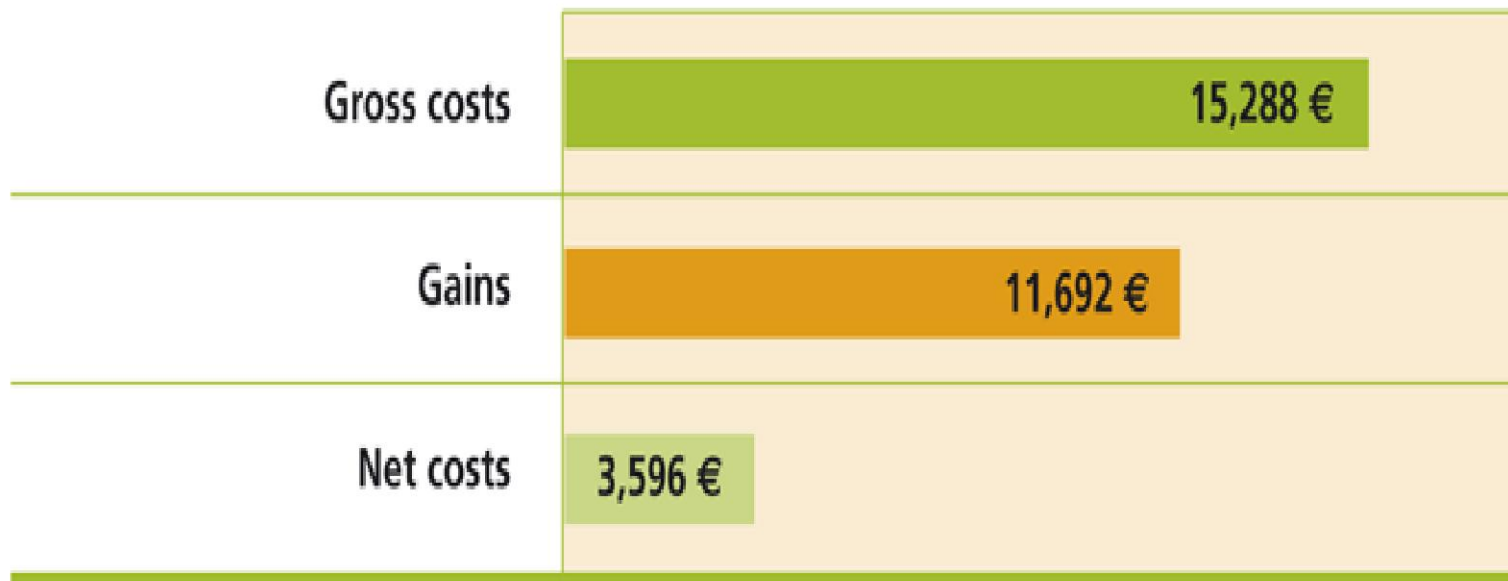
720 € Clerk in public administration (PS)

685 € Retail trader (IC)

596 € Motor bike mechatronics (IC)

567 € Office clerk (Cr)

Gross costs, gains and net costs per trainee and year



Facts and figures

Financing of dual training

Net cost
borne by the
companies:
€14.7 billion
84 %



Länder:
€2.8 billion
16 %

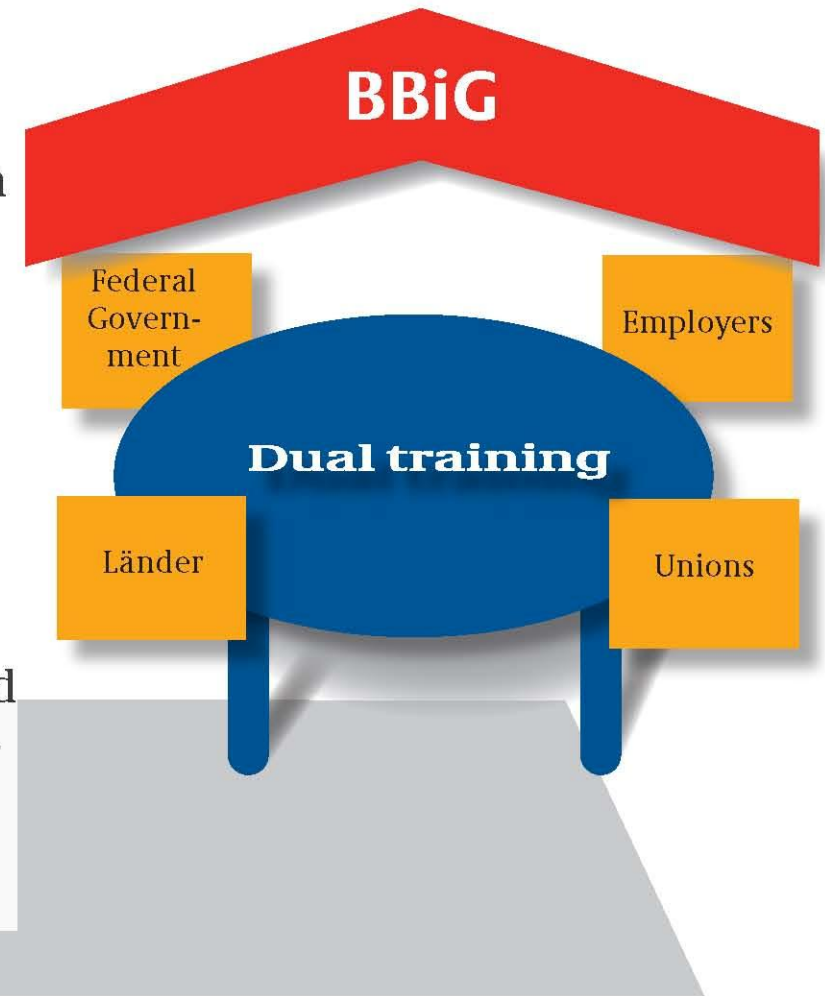


Training occupations in the dual system



Division of responsibilities in dual training

- The most important developments in dual training are discussed jointly by the Federal Government, the Länder and industry.
- Results on which a consensus can be achieved are put into practice by all stakeholders in their respective spheres of competence.
- Action by all stakeholders is governed by statutory federal framework legislation, in particular the Vocational Training Act (BBiG).



Development of training regulations

The logo for DGB (Deutscher Gewerkschaftsbund) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

- Vocational training act
- Dual System principles:
 - two sites of learning: companies and vocational schools
 - shared responsibility between government and economy
 - Shared responsibility between federal level and federal state level
- Federal level and federal states (Länder) bodies involved
- Principle of consensus between different partners
 - federal ministries,
 - federal states ministries,
 - employers,
 - trade unions

Division of responsibilities in dual training

Industry

Employers and unions

- draft proposals for the creation of new and the updating of existing training occupations
- nominate experts for participation in the drafting of training regulations
- negotiate provisions in collective agreements, for example, concerning the amount of allowance paid to trainees.



Division of responsibilities in dual training

Industry

Self-governing bodies (chambers)

- advise the stakeholders in training
- supervise training in the company
- verify the aptitude of companies and training instructors
- register training contracts
- administer examinations.

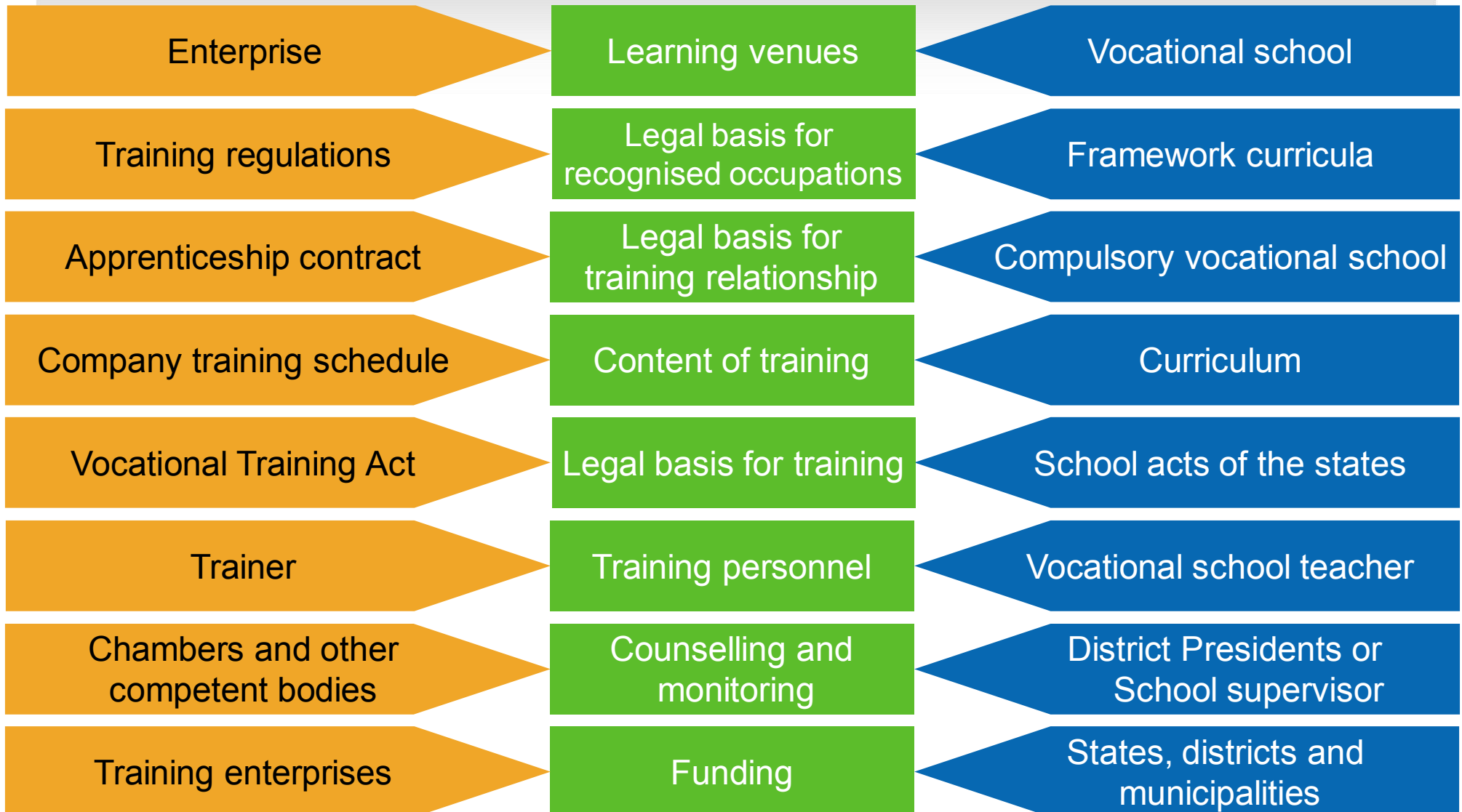


Basic Elements of the Dual System

DGB

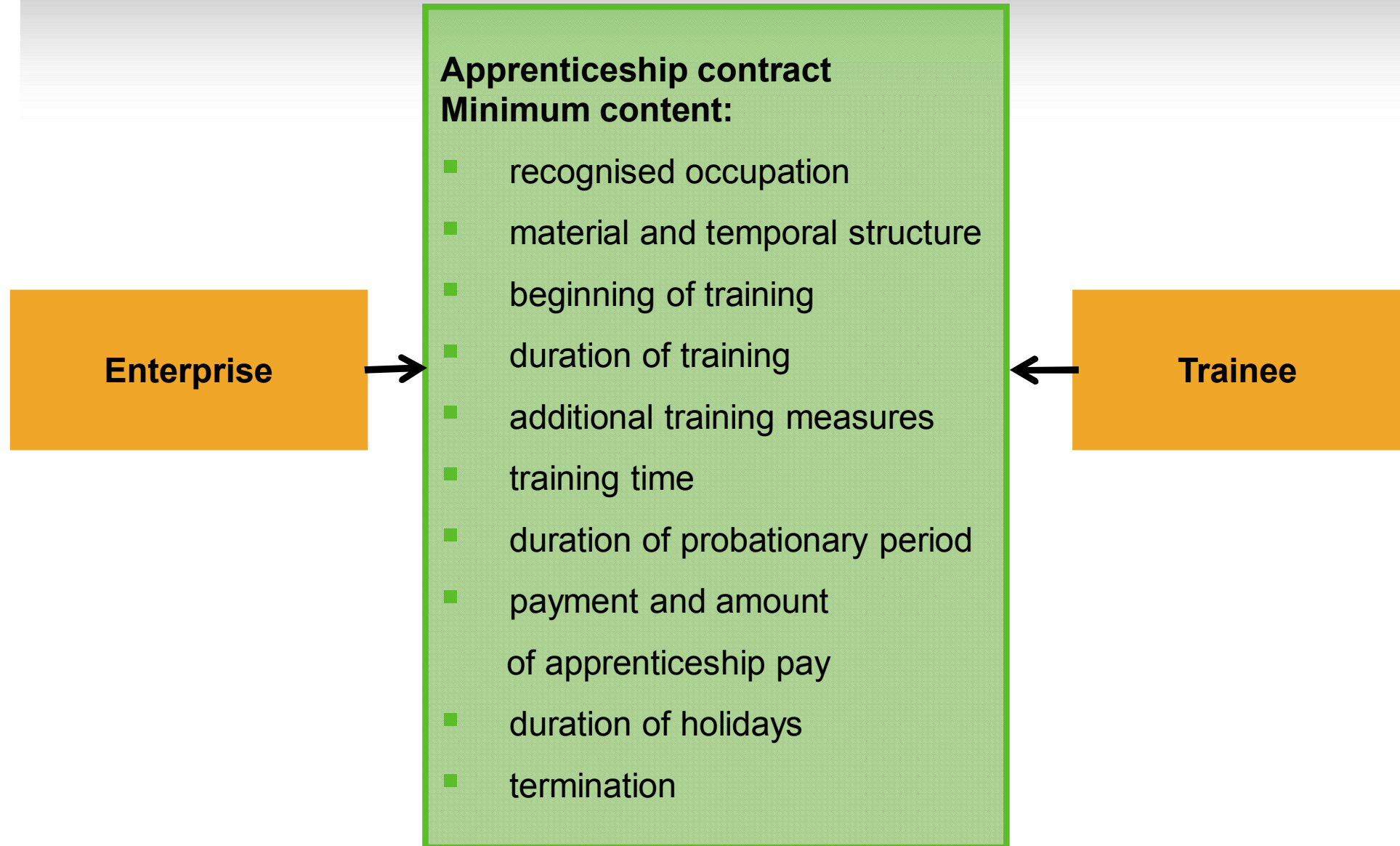
School Training

In-Company Training

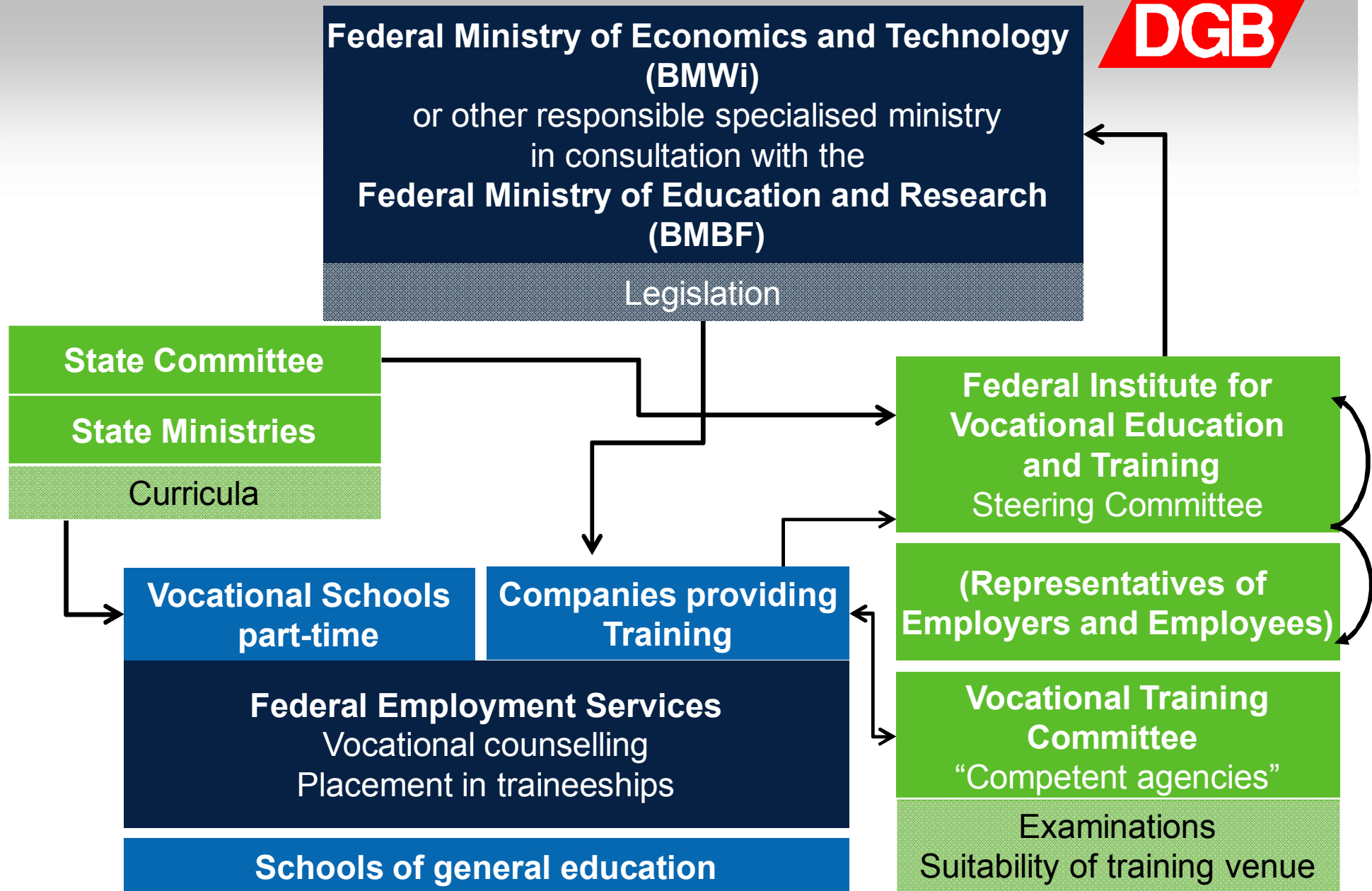


Apprenticeship Contract

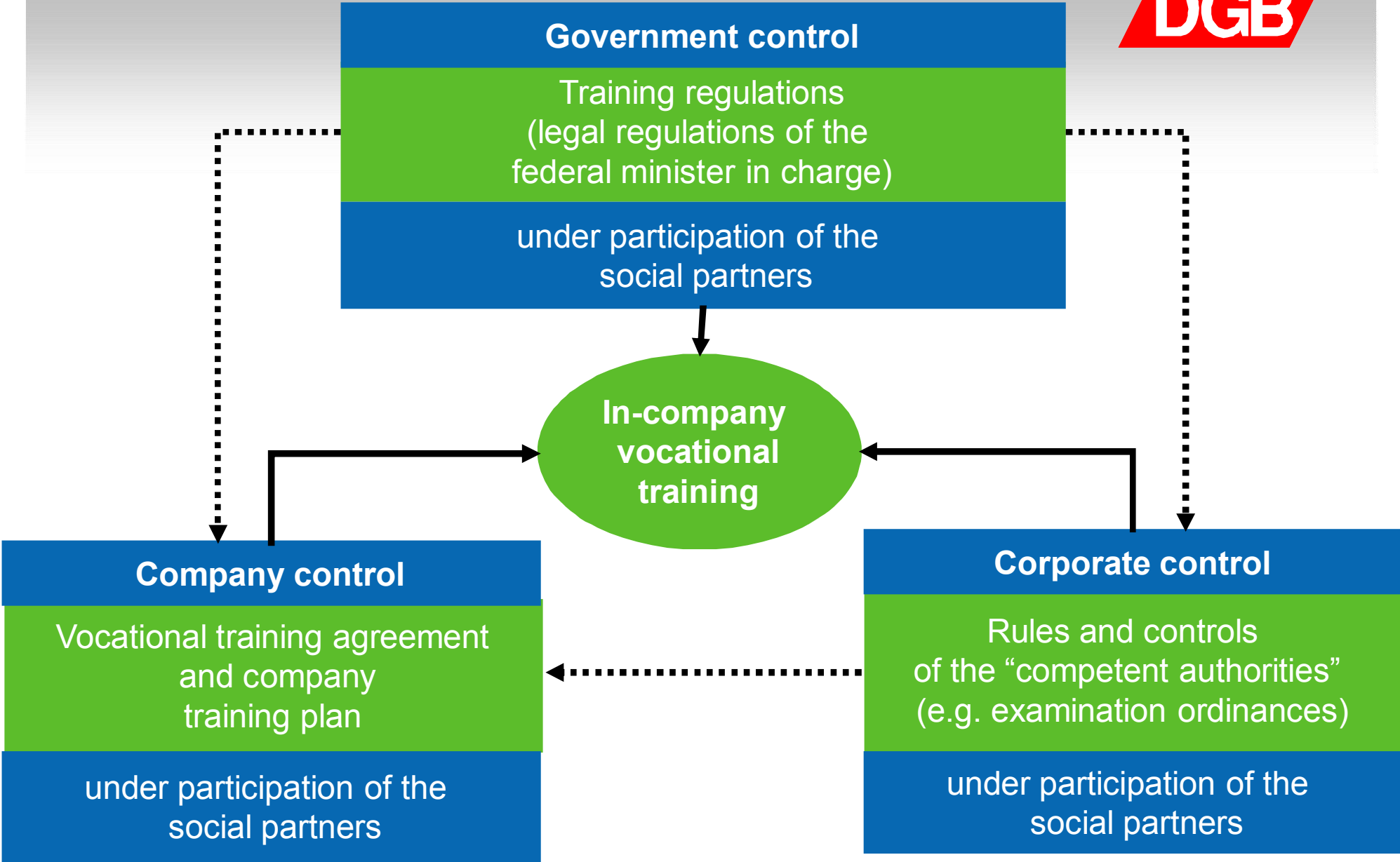
DGB



Responsibilities in Vocational Education + Training



Steering of In-company Vocational Education and Training



Development of occupations

Trends and influencing factors in development and updating of occupations:

- Technical and organisational developments
- Economic developments
- Internationalization
- Legal developments (i. e. federal training act)
- Process orientation
- Hybrid qualifications (Combination of qualifications from different fields)
- Soft skills
- Structure of training ordinances / occupational standards

Development of Training Regulations

Problem analyses

- collecting of data on technical, economic and social developments
- presentation of work and training situations
- formulation of working hypotheses



Job analyses

- examination of representative workplaces
- amendment of working hypotheses
- provision of database for job analyses



Case studies

- preparation of a questionnaire
- pre-test
- regional or sectoral survey
- evaluation
- definition of job requirements



Preparation of a draft

- designation of occupation
- occupational description
- structuring of training content
- formulation of examination requirements

System of training standards development

1. Pre-phase

- Research (sector development, technology, labour, skills required), pilot schemes, pre-studies)
- Proposal and request (Ministries, representatives from employers organisations, trade unions and federal states involved)

2. Phase of elaboration

- Expert meetings
- federal experts: curriculum for practical in-company training
- Federal states (“Länder”) experts: framework curriculum for vocational schools

3. Decree phase

- Coordination, agreement procedure and decree (bodies from BiBB, KMK, federal ministries)

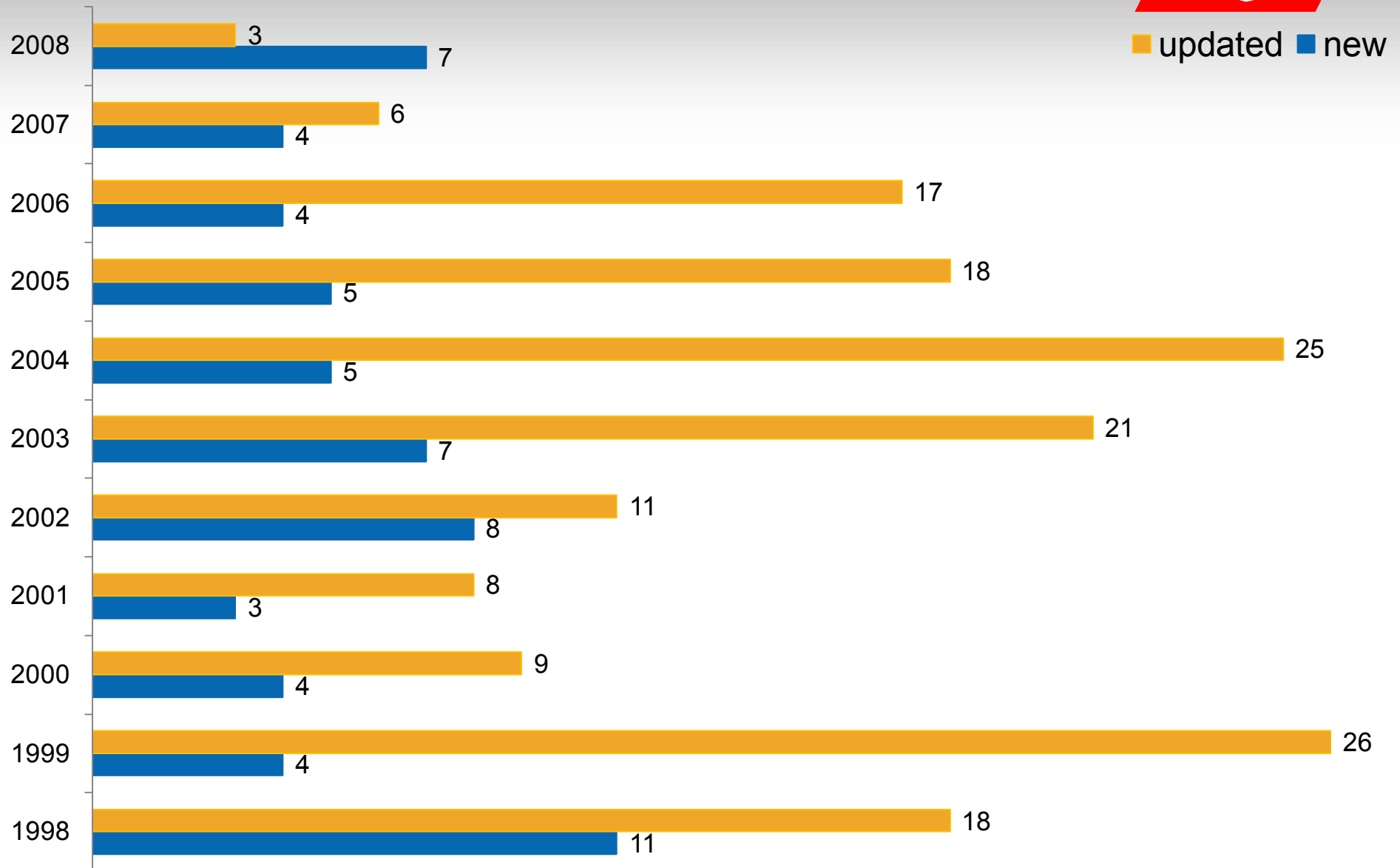
4. Implementation

- Media for teaching and training

5. Evaluation

- Research (success of implementation, do the skills match the demand, etc), report

New and Updated Training Occupations



Principle of consensus – a constitutive element of VET

The logo for the DGB (Confederation of German Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

„Integral part and the essential key for the social recognition of the VET system in Germany.“

1. Employers and employees are experts in their own business
2. Broad acceptance of new developments and innovations
3. Quality priority over speed

Alternative: The regulator as the decision maker?!? Top down instead of bottom up approach?!?

Principle of consensus – a constitutive element of VET

The logo for the DGB (Deutscher Gewerkschaftsbund) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

Consensus does not mean:

- Covering up conflicts with artificial harmony

Consensus means:

- Both sides put their interests on the table in the struggle for the best way and solution.

Living and working conditions are strongly related to VET matters:

- Conflicts are bound to happen; how much qualification do people actually need?; 2 or 3 ½ years?;
- Tayloristic or team-oriented work organization?

On national level:

Main areas:

The logo for the DGB (Confederation of German Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

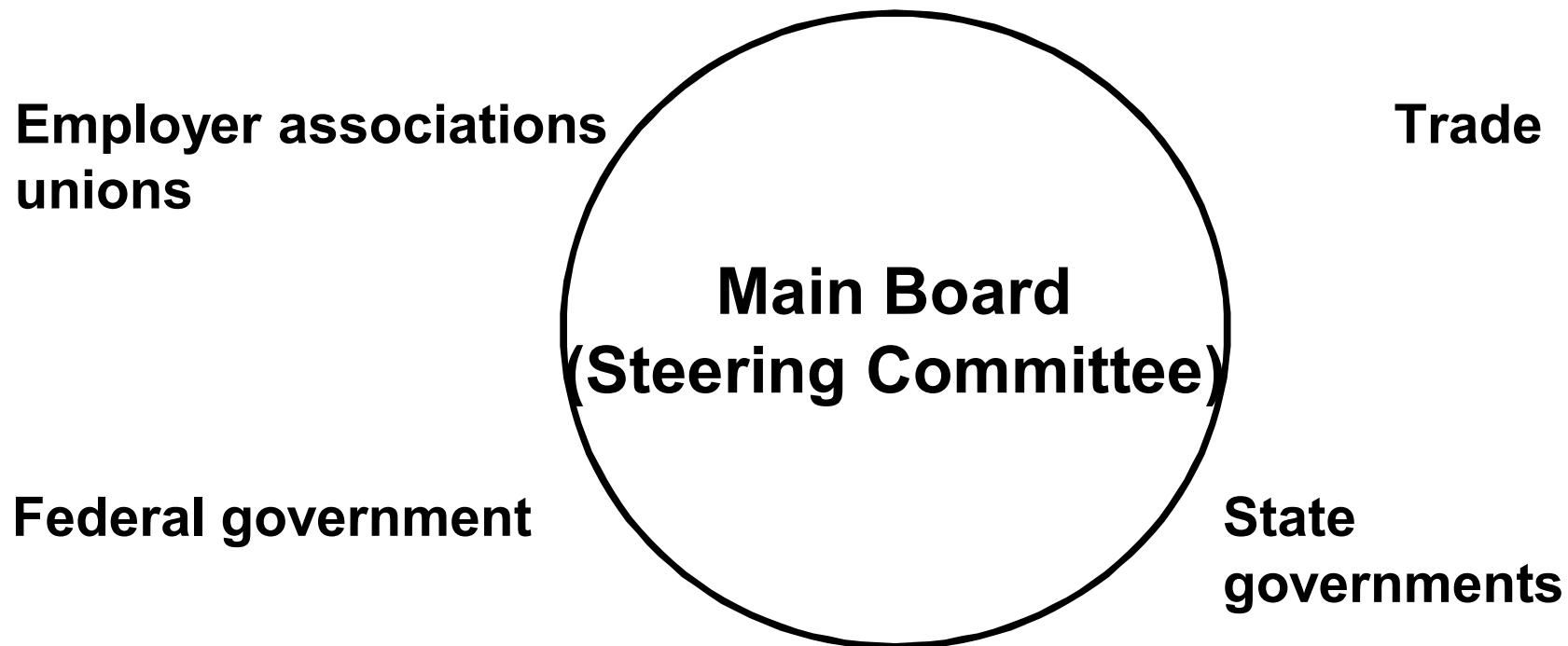
Employer associations and trade unions

- Develop proposals for the creation of new or the modernization of existing occupations.
- Appoint experts for the creation of new training regulations.
- Negotiate specific provisions within collective wage agreements for apprentices, for example apprenticeship remunerations.

On national level:

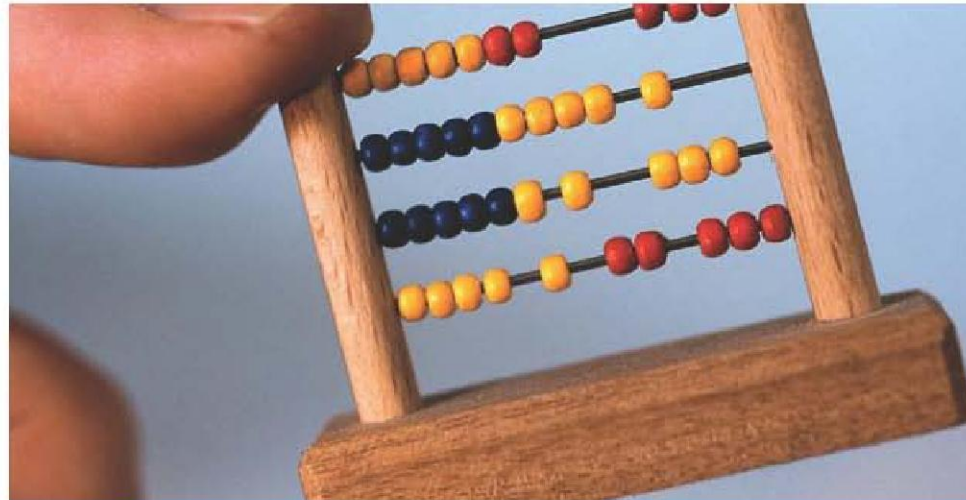
BIBB Federal Institute for Vocational Education and Training

DGB



Permanent guests: Federal Employment Agency;
Umbrella associations of local authorities

Arguments in favour of dual training

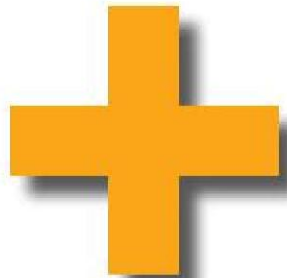


**Advantages
for industry**



**Advantages
for young
people**

Arguments in favour of dual training

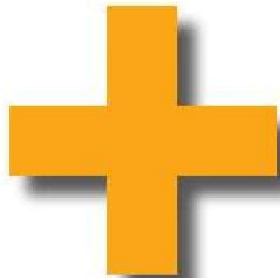


Advantages for industry

- Secures the skilled labour needed
- Reduces cost of settling-in
- Increases motivation and loyalty to company
- Job-specific qualification
- Productive performance of trainees



Arguments in favour of dual training



Advantages for young people

- Good prospects on the labour market
- Recognized certificate
- Practical orientation
- Payment of an allowance



Facts and figures



Dual training – a model for success

- A majority of young people learn in the dual system
- Open to all school leavers
- Financed mainly by the companies
- Dual training secures employment

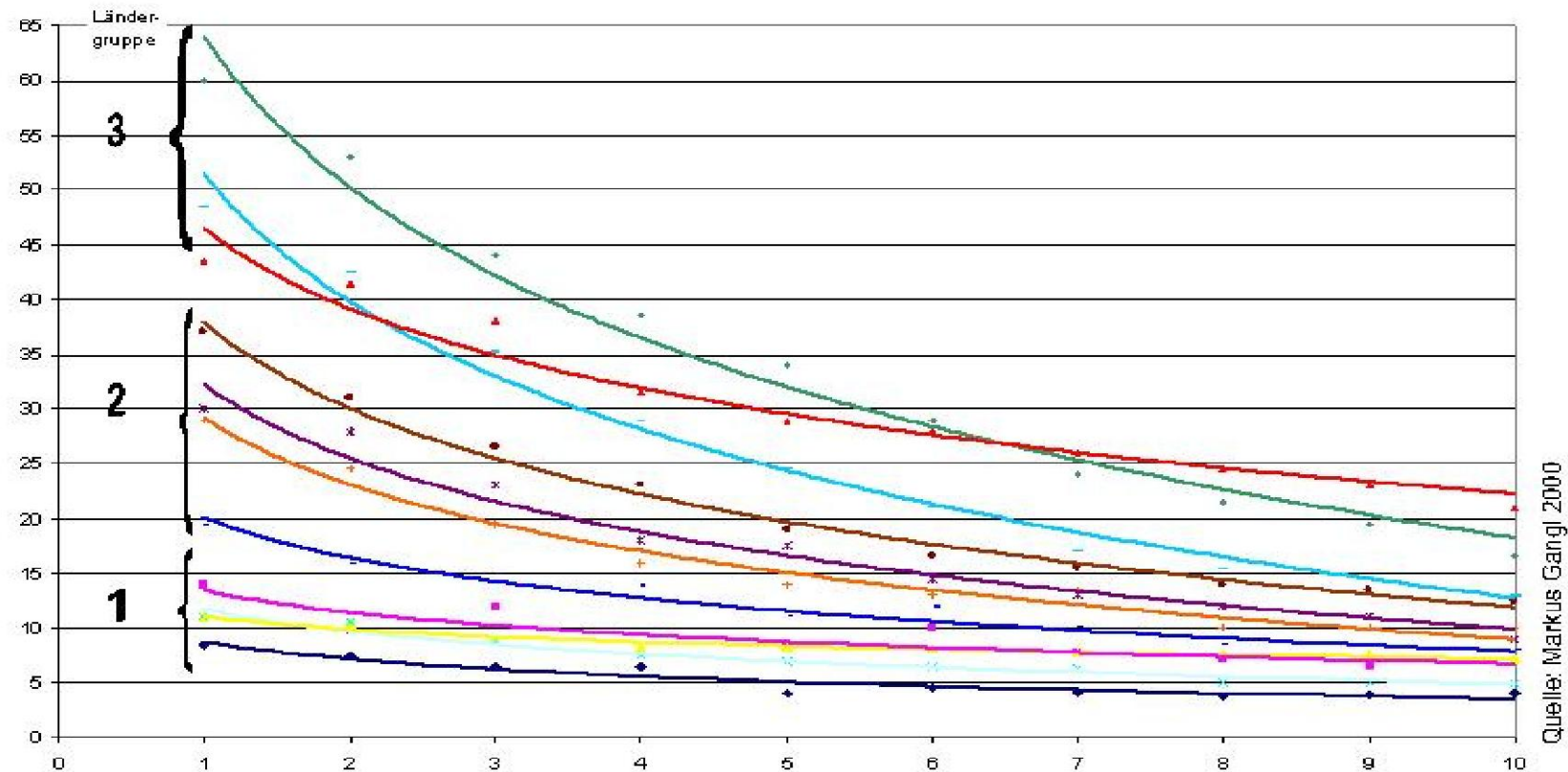
Strengths

- Low Youth Unemployment
- Practice-oriented
- Motivating
- Nationwide Uniform Quality
- Vocational Mobility
- Possibilities for Career Advancement
- Self-responsibility of Socialpartners
- Broad-based

Weaknesses

- Dependent of economic Situation
- Few integrated Projects for Slow Learners
- Extremely Complex
- Not really accepted by the European Education Politicians
- ...

Unemployment rates from Graduates of the Secondarysector II (ISCED 3)



Unemployment rates and labour force experience. Aus der Studie Descoy, P./Tessaring, M. (2001): Kompetent für die Zukunft – Ausbildung und Lernen in Europa. Zweiter Bericht zur Berufsbildungsforschung in Europa: Zusammenfassung. Cedefop Reference Series.

Ländergruppe 1:		Ländergruppe 2:		Ländergruppe 3:	
Austria	■	Belgium	■	Greece	■
Germany	■	Ireland	■	Italy	■
Denmark	■	France	■	Spain	■
Netherlands	■	UK	■		

Demands of the German Trade Unions



- Right for Education and Training
- Free of Charges for the Initial VET
- Fair Financing System for VET
 - „Enterprises which don't train - must pay!“
- Equal Opportunities in Education
 - VET, Highschools and Universities
 - Better Support for People with Migration-Background, Handicap, ...
- More Quality + Modernizing of the VET-System
- Strengthening of the Trainers
 - Furthertraining, Rights,
- Better Support of Life-Long-Learning
- Create „Europeability“ in VET

Aims to do for the international Workers Movement:

The logo of the DGB (Confederation of German Trade Unions) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

- Influence on the Kopenhagen-Process
- Better exchange in VET + LLL
- Creating of European Occupations/Professions
- Realizing the ILO-Declaration „Human Resources Development Training+LLL“

ILO-Recommendation Human Resources Development Training and Lifelong-Learning

DGB

5. Members should :



(a) recognize that education and training are **a right for all** and, in cooperation with the social partners, work towards ensuring access for all to lifelong learning;

ILC 2004

ILO-Recommendation Human Resources Development Training and Lifelong-Learning

DGB

5. Members should:



(b) Members should establish and maintain a coordinated education and training system, along with a commitment to make further improvements to it, within the concept of lifelong learning, taking into account the primary responsibility of **government for education and preemployment training and for training the unemployed**, as well as recognizing **the role of the social partners in further training.**

ILC 2004

ILO-Recommendation Human Resources Development Training and Lifelong-Learning

DGB

5. Members should :



(f) strengthen social dialogue and **collective bargaining on training at international**, national, regional, local and sectoral and enterprise levels as a basic principle for systems development, programme relevance, quality and cost-effectiveness;

ILC 2004

„There is only one thing
which is more expensive than Education

This is:

No Education!!!“

John F. Kenedey

Thank you for your Attention!

Thomas Giessler, Head of Unit
DGB Confederation of German Trade Unions, Executive Board,
Department Education, Qualification, Research
Henriette-Herz-Platz 2
D-10178 Berlin
Tel: +49.30.24060-310
Mail: thomas.giessler@dgb.de



Division of responsibilities in dual training

Federal framework legislation

- The Vocational Training Act (BBiG) is the Federal Government's legal framework for all provisions governing initial and continuing vocational training.
- Training in the company is also governed by labour law provisions such as the German Civil Code (BGB), Protection of Young Workers Act (JASchG), Protection of Working Mothers Act (MSchG).

Division of responsibilities in dual training

Federal Government



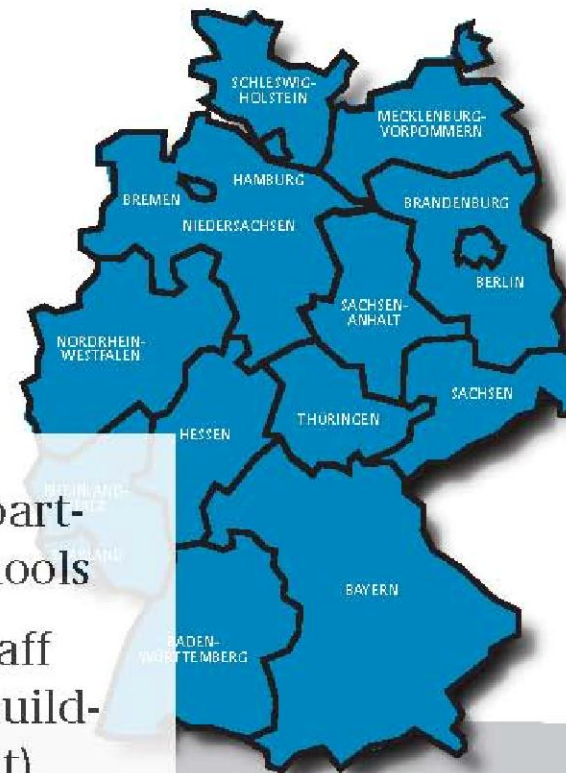
- recognizes training occupations by ordinance and stipulates binding requirements for training and examinations in the training regulations
- promotes measures to support dual training
- promotes vocational training research.

Division of responsibilities in dual training

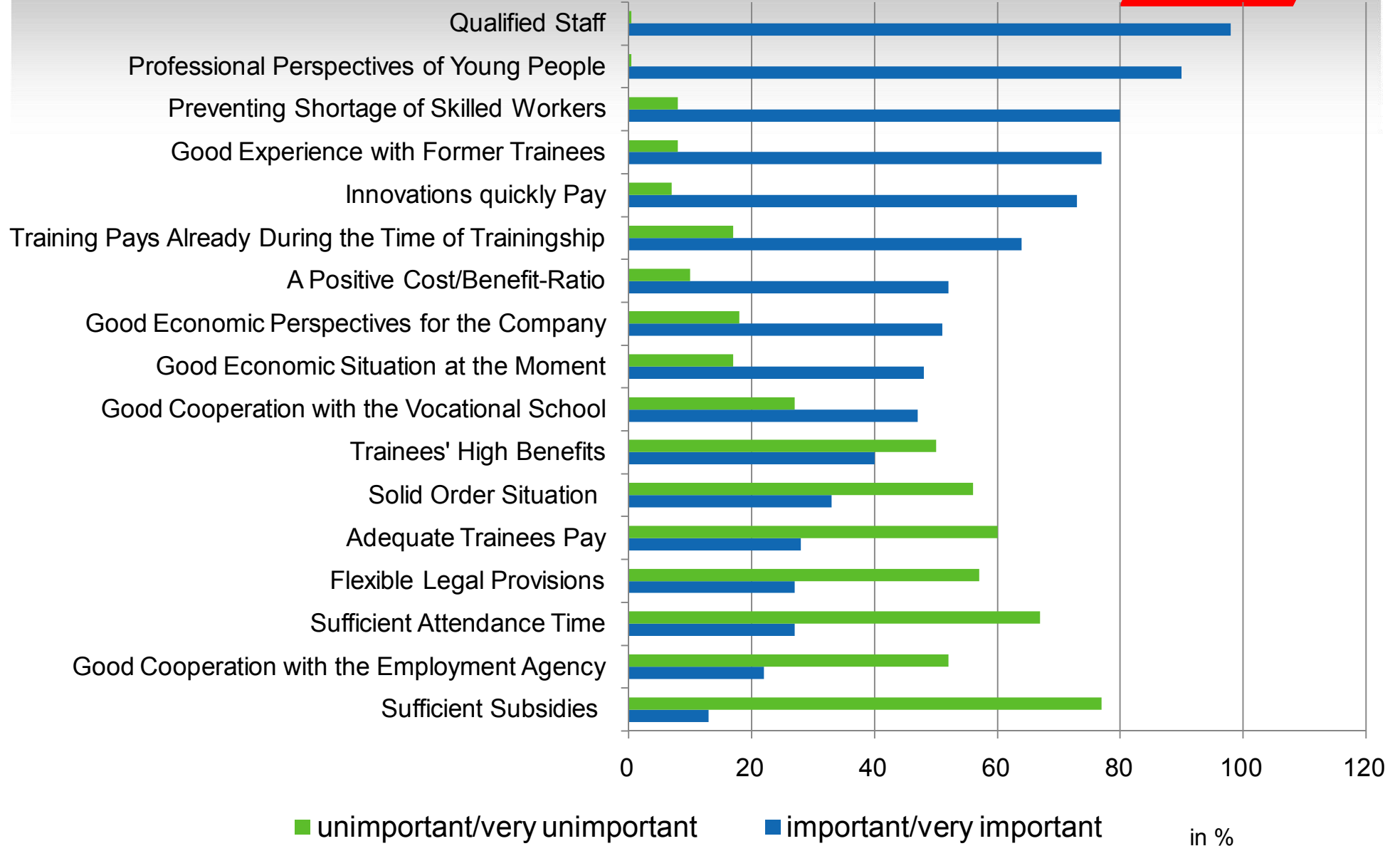
Länder



- issue curricula for part-time vocational schools
- finance teaching staff (local authorities: buildings and equipment)
- supervise chamber activities.



Important Factors on the Companies' Willingness to Train



- **Private-public partnership:** determines the role of the stakeholders, their rights and duties
- **Financing rules:** enterprises cover their own training costs (e.g. apprenticeship pay, cost of trainers, material). The government is funding vocational schools, research in the field of vocational education and training and training promotion programmes.
- **Organisational infrastructure through the chambers:** accreditation of training companies, registration of training and work experience agreements, examinations and certification
- **Core elements of vocational education and training:** determination of the learning venues, provision of the training duration and the examination requirements; provisions regarding the training agreement and the recognition of previous learning; apprenticeship pay etc.
- **Federal Institute for Vocational Education and Training (BIBB):** platform for dialogue by decision-makers, development and research institute. Carries out research, development and advisory services for politics and practice.

On national level:

BIBB Federal Institute for Vocational Education
and Training

The logo for DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

DGB

The Steering Committee's responsibilities as defined by law:

- Deciding the BIBB research program
- Advising the Federal Government on VET matters

The BIBB Steering Committee is often called the
“German VET Parliament”.

On national level: Planning VET

Example: Training regulation for skilled workers in the field of mechanical engineering

- 1) Employer associations and trade unions talk about the **future role of the skilled workers** and come to an agreement on this matter
- 2) BIBB research project:
Work organization and task analysis
- 3) The **outcomes of the BIBB research** project are presented and handed over to the employer associations and trade unions for their **negotiations on the qualification level.**
- 4) The Federal Government approves the occupational profile and directs the **BIBB to work on its implementation.**

On national level: Planning VET

Example: Training regulation for skilled workers in the field of mechanical engineering

- 5) BIBB, employer associations' and trade unions' experts develop a curriculum (for the in-company training / practical training)
- 6) State Government officials and experts together with BIBB experts agree upon a syllabus for the vocational schools
- 7) BIBB Steering Committee approves the training regulation
- 8) The Federal Government issues a decree declaring the training regulation as legally binding and giving directives on national minimum requirements
- 9) The governments of the federal states enact a syllabus for the vocational schools

On State level: State VET Councils (Tri-partite system)

The logo for the DGB (German Confederation of German Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

Normally affiliated with a State government department responsible for VET affairs (Ministry of Labor, Ministry of Economy)

- Advising the State Government on VET policy matters
- Making recommendations (VET quality assurance, certification, credit transfer, ...)

The de facto relevance of the State VET Councils is far above the level of advise:

- Laid the foundation for the law on Adult Education Colleges and related directives;
- Access to chamber examinations for certificate holders of full-time school vocational education (Right of veto: DGB; Chambers; Employment Agency)
- Approving the establishment of full-time vocational education schools

On regional / chamber level

The logo for the DGB (Confederation of German Trade Unions) is located in the top right corner. It consists of a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

BBA Vocational Training Committees of the competent body

Section 77 – 80 BBiG German Vocational Training Act

- 6 Employees' representatives (+ 6 proxies)
 - Appointed on the proposal of the trade unions or the employees' associations
- 6 Employers' representatives (+ 6 proxies)
 - Appointed on the proposal of the competent body (e.g. chamber)
- 6 Vocational school teachers (+ 6 proxies)
the teachers having the right to speak but not to vote.
 - Appointed by the authority competent under Land law

Nominees are approved by the authority competent under
Land law

On regional / chamber level



BBA Vocational Training Committees of the competent body

Section 77 – 80 BBiG German Vocational Training Act

- **The members of the vocational training committee serve in an honorary capacity**
 - they shall be paid appropriate compensation for out-of-pocket expenses and loss of time, at a rate to be fixed by the competent body with the approval of the supreme Land authority.
- **Members may be removed from the committee for good cause after consultation with the parties involved in their appointment.**
- **BBA elects a member to serve as chair and another member to serve as deputy chair.**
 - The chair and the deputy chair shall not belong to the same group of members

On regional / chamber level

BBA Vocational Training Committees of the competent body

Section 77 – 80 BBiG German Vocational Training Act

The logo for the DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

- A quorum of the vocational training committee exists if more than half of the BBA members who are entitled to vote are present.
- Decisions shall be taken by a majority of the votes cast.
- In order for a decision of the committee to become effective, the subject of the decision must have been mentioned in the invitation to the meeting
- Or, it is subsequently placed on the agenda with the consent of two thirds of the members (8) who are entitled to vote.

On regional / chamber level

BBA Vocational Training Committees of the competent body

Section 77 – 80 BBiG German Vocational Training Act

The logo of the DGB (Confederation of German Trade Unions) is located in the top right corner. It consists of a red parallelogram with the white letters "DGB" inside.

The vocational training committee is **to be informed of and consulted** on all important matters connected with vocational training:

- the issuance of administrative principles / directives concerning:
 - the suitability of initial training and retraining premises
 - the keeping of written initial training records
 - reduction of the period of initial training
 - early admission to the final examination
 - administration of examinations and the provision of intercompany and off-company training
 - issuance of administrative guidelines for vocational training

On regional / chamber level

BBA Vocational Training Committees of the competent body

Section 77 – 80 BBiG German Vocational Training Act

The logo for the DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

- BBA is to be **informed on all Important matters in connection with the vocational training:**
 - the number and nature of the vocational training preparation and retraining measures reported to the competent body as well as the number and nature of the initial training relationships entered in the register
 - the number and results of examinations administered as well as the experience gained in the process
 - activities of the training advisers pursuant to section 76 subsection (1), second sentence
 - new forms, subject matter and methods of vocational training for the geographical and technical sphere of competence of the competent body.

On regional / chamber level

The logo for the DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

BBA Vocational Training Committees of the competent body

Section 77 – 80 BBiG German Vocational Training Act

- BBA is to be informed on all important matters in connection with the vocational training:
 - opinions or proposals communicated by the competent body to other bodies and authorities, insofar as these concern the implementation of this Act or of regulations issued on the basis of this Act
 - construction of intercompany training centers of its own
 - decisions pursuant to subsection (5) as well as budget estimates adopted for the provision of vocational training, with the exception of personnel costs,
 - procedures for settling disputes arising out of initial training relationships
 - labor market issues, insofar as that they affect vocational

training within the sphere of competence of the competent

On regional / chamber level

The logo for the DGB (Confederation of German Trade Unions) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

BBA Vocational Training Committees of the competent body

Section 79, subsection 4, (BerBiRefG) Vocational Training Reform Act

The vocational training committee has to decide on the regulations to be issued by the competent body on the basis of this Act for the provision of vocational training:

- Issuance of examination regulations
- supervising the personal and professional aptitude of trainers and training centers
- reduction of the period of initial training
- number and procedures of / for intermediate examinations
- VET promotion
- settling disputes arising out of initial training relationships
- Tasks and number of training advisers

On regional / chamber level

The logo for DGB (Deutscher Gewerkschaftsbund) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

BBA Vocational Training Committees of the competent body

Section 79, subsection 4, (BerBiRefG) Vocational Training Reform Act

- **BBA has to decide on the regulations to be issued by the competent body :**
 - The person entitled to represent the competent body may object to decisions violating laws or statutes
 - The objection must be substantiated and shall have suspensive effect
 - BBA shall review the matter and decide anew

On regional / chamber level

The logo for the DGB (German Confederation of Trade Unions) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

BBA Vocational Training Committees of the competent body

Section 79, subsection 4, (BerBiRefG) Vocational Training Reform Act

- Decisions requiring more funding than provided for in the current budget for vocational training require the consent of the bodies responsible for the budget in order to become effective
- The same applies to decisions requiring funding in subsequent fiscal years that substantially exceed the expenditure for vocational training under the current budget

On regional / chamber level

BBA Vocational Training Committees of the competent body

Section 80, (BerBiRefG) Vocational Training Reform Act

The logo of the DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

BBA is entitled to draw up its own rules of procedure

- These rules may contain provisions for the establishment of subcommittees
- The subcommittees may include persons other than members of the committee

On regional / chamber level

The logo for the DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

In the future, we need

democratization of the decision making structures

- The **dual function of the chambers** - a public-law institution on the one hand and the representation of enterprises on the other – has not proved successful in practice.
- In the **long-term perspective**, the tasks of chambers have to be transferred to a **neutral institution**
 - with tripartite advisory and decision-making bodies (employees, employer, public authorities).
- **The BIBB should have completing institutes for VET on state (Land) level.**

On regional / chamber level

The logo of the DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

Until we have reached this goal, we need

democratization within existing structures

- Precisely defining the tasks and areas of responsibility in VET and drawing a clear distinction between these tasks and responsibilities and the lobby function.
- The regulatory competences of the BBAs with regard to the supervision of training companies should be expanded to also cover the examination system as well as the personnel development and financial matters.
- Giving the employees' representatives the right to take legal actions against chamber representatives applicable to infringements of the rights of the BBAs.
- Maintaining the principle of consensus.

On regional / chamber level

Examination Boards

Section 37 – 50, Vocational Training Act

The logo for the DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram shape with the letters 'DGB' in white, bold, sans-serif font inside it.

- To be established by the competent body (chamber)
- Minimum number 3
- Equal number of employer and employee representatives
- Employee representatives are appointed on suggestion of the competent trade unions

Problems:

Volunteer work; exemption of work; Quality; Training

In the case of nomination difficulties, the chambers appoint board members by mandatory discretion!

Not only trade unions have problems – the employers just as well!!!

Need for action!!

Company – Level-Works Constitution Act works councils Youth and trainee delegation (JAV)

The logo of the DGB (German Confederation of Trade Unions) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

- **General provisions**

Section 1 Establishment of works councils

(1) Works councils shall be elected in all establishments that normally have **five or more**

permanent employees with voting rights, including three who are eligible.

The same shall

apply to joint establishments of several companies.

Division One

Youth and trainee delegation at the level of the establishment

Section 60 Establishment and function

(1) In establishments that normally employ **five or more persons under 18 years** of age

(young employees) or persons **under 25 years of age receiving vocational training,**

youth and trainee delegations shall be elected.

Company – Level-Works Constitution Act works councils Youth and trainee delegation (JAV)

The logo for DGB (Deutscher Gewerkschaftsbund) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

Section 96 Promotion of vocational training

(1) The employer and the **works council** shall promote the vocational training of the staff

within the framework of **the manpower planning** for the establishment and in collaboration

with the bodies that are competent for **vocational training and for the promotion of**

vocational training. At the request of the works council the employer shall determine the

need for vocational training and consult it on matters relating to staff training.

The works council may make relevant proposals.

(2) The employer and the works council shall ensure that employees are given an

Company – Level-Works Constitution Act works councils Youth and trainee delegation (JAV)

The logo of the DGB (German Confederation of Trade Unions) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

- **§ 96 Förderung der Berufsbildung**
- (1) Arbeitgeber und Betriebsrat haben im Rahmen der **betrieblichen Personalplanung und in Zusammenarbeit mit den für die Berufsbildung und den für die Förderung der Berufsbildung zuständigen Stellen** die Berufsbildung der Arbeitnehmer zu fördern. Der **Arbeitgeber hat auf Verlangen des Betriebsrats den Berufsbedarfsbedarf zu ermitteln** und mit ihm Fragen der Berufsbildung der Arbeitnehmer des Betriebs zu beraten. **Hierzu kann der Betriebsrat Vorschläge machen.**
- (2) Arbeitgeber und **Betriebsrat haben darauf zu achten**, dass unter Berücksichtigung der betrieblichen Notwendigkeiten den Arbeitnehmern **die Teilnahme an betrieblichen oder außerbetrieblichen Maßnahmen der Berufsbildung ermöglicht** wird. Sie haben dabei auch die Belange älterer Arbeitnehmer, Teilzeitbeschäftigter und von Arbeitnehmern mit Familienpflichten zu berücksichtigen.

Company – Level- Works Constitution Act works councils Youth and trainee delegation (JAV)

The logo for DGB (Deutscher Gewerkschaftsbund) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

Section 97 Vocational training facilities and programmes

- (1) The employer shall consult the works council on the establishment and equipment of
inplant training facilities, the introduction of vocational training programmes in
the
establishment and participation in external vocational training programmes.
- (2) If the employer has planned or implemented measures as a result of which
the work of
the employees concerned is changed and their vocational knowledge and
skills are no longer
sufficient to discharge their duties, the works council shall participate in the
decisions relating
to the implementation of vocational training programmes in the establishment.
If no

Company – Level- Works Constitution Act works councils Youth and trainee delegation (JAV)

The logo of the DGB (German Confederation of Trade Unions) is located in the top right corner. It consists of a red parallelogram with the white letters 'DGB' inside.

- **§ 97 Einrichtungen und Maßnahmen der Berufsbildung**
- (1) Der Arbeitgeber hat mit dem Betriebsrat über die Errichtung und Ausstattung betrieblicher Einrichtungen zur Berufsbildung, die Einführung betrieblicher Berufsbildungsmaßnahmen und die Teilnahme an außerbetrieblichen Berufsbildungsmaßnahmen zu beraten.
- (2) Hat der Arbeitgeber Maßnahmen geplant oder durchgeführt, die dazu führen, dass sich die Tätigkeit der betroffenen Arbeitnehmer ändert und ihre beruflichen Kenntnisse und Fähigkeiten zur Erfüllen ihrer Aufgaben nicht mehr ausreichen, so hat der Betriebsrat bei der Einführung von Maßnahmen der betrieblichen Berufsbildung mitzubestimmen. Kommt eine Einigung nicht zustande, so entscheidet die Einigungsstelle. Der Spruch der Einigungsstelle ersetzt die Einigung zwischen Arbeitgeber und Betriebsrat.

Company – Level- Works Constitution Act Works Councils Youth and trainee delegation (JAV)

The logo of the DGB (Deutscher Gewerkschaftsbund) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

- **§ 98 Durchführung betrieblicher Bildungsmaßnahmen**
- (1) Der Betriebsrat hat bei der **Durchführung von Maßnahmen der betrieblichen Berufsbildung mitzubestimmen.**
- (2) Der Betriebsrat kann der Bestellung einer mit der **Durchführung der betrieblichen Berufsbildung beauftragten Person widersprechen** oder ihre Abberufung verlangen, wenn diese die persönliche oder fachliche, insbesondere die berufs- und arbeitspädagogische Eignung im Sinne des Berufsbildungsgesetzes nicht besitzt oder ihre Aufgaben vernachlässigt.
- (3) Führt der Arbeitgeber betriebliche Maßnahmen der Berufsbildung durch oder **stellt er für außerbetriebliche Maßnahmen der Berufsbildung Arbeitnehmer frei oder trägt er die durch die Teilnahme von Arbeitnehmern an solchen Maßnahmen entstehenden Kosten ganz oder teilweise**, so kann der **Betriebsrat Vorschläge für die Teilnahme von Arbeitnehmern oder Gruppen von Arbeitnehmern des Betriebs an diesen Maßnahmen der beruflichen Bildung machen.**
- (4) Kommt im Fall des Absatzes 1 oder über die nach Absatz 3 vom Betriebsrat vorgeschlagenen Teilnehmer eine Einigung nicht zustande, so entscheidet die Einigungsstelle. Der Spruch der Einigungsstelle ersetzt die Einigung zwischen Arbeitgeber und Betriebsrat.
- (5) Kommt im Fall des Absatzes 2 eine Einigung nicht zustande, so kann der Betriebsrat beim Arbeitsgericht beantragen, dem Arbeitgeber aufzugeben, die Bestellung zu unterlassen oder die Abberufung durchzuführen. Führt der Arbeitgeber die Bestellung einer rechtskräftigen gerichtlichen Entscheidung zuwider durch, so ist er auf Antrag des Betriebsrats vom Arbeitsgericht wegen der Bestellung nach vorheriger Androhung zu einem Ordnungsgeld zu verurteilen; das Höchstmaß des Ordnungsgeldes beträgt 10.000 Euro. Führt der Arbeitgeber die Abberufung einer rechtskräftigen gerichtlichen Entscheidung zuwider nicht durch, so ist auf Antrag des Betriebsrats vom Arbeitsgericht zu erkennen, dass der Arbeitgeber zur Abberufung durch Zwangsgeld anzuhalten sei; das Höchstmaß des Zwangsgeldes beträgt für jeden Tag der Zuwiderhandlung 250 Euro. Die Vorschriften des Berufsbildungsgesetzes über die Ordnung der Berufsbildung bleiben unberührt.
- **(6) Die Absätze 1 bis 5 gelten entsprechend wenn der Arbeitgeber sonstige Bildungsmaßnahmen im Betrieb durchführt.**

Company – Level- Works Constitution Act Works Councils Youth and trainee delegation (JAV)

The logo for the DGB (Confederation of German Trade Unions) is a red parallelogram with the letters 'DGB' in white, bold, sans-serif font.

Section 98 Implementation of vocational training in the establishment

(1) The **works council** shall participate in the decisions relating to the **implementation of vocational training programmes** in the establishment.

(2) The works council may oppose the appointment of a training officer in the establishment or request his removal on the grounds that he **lacks the necessary personal or Technical qualifications** and in particular the necessary knowledge of the teaching methods required to give training in the occupation and processes concerned within the meaning of the **Vocational Training Act** or is negligent in the performance of his duties.

(3) If the employer provides vocational training in the establishment or releases employees to enable them to participate in vocational training programmes outside the **establishment or if**