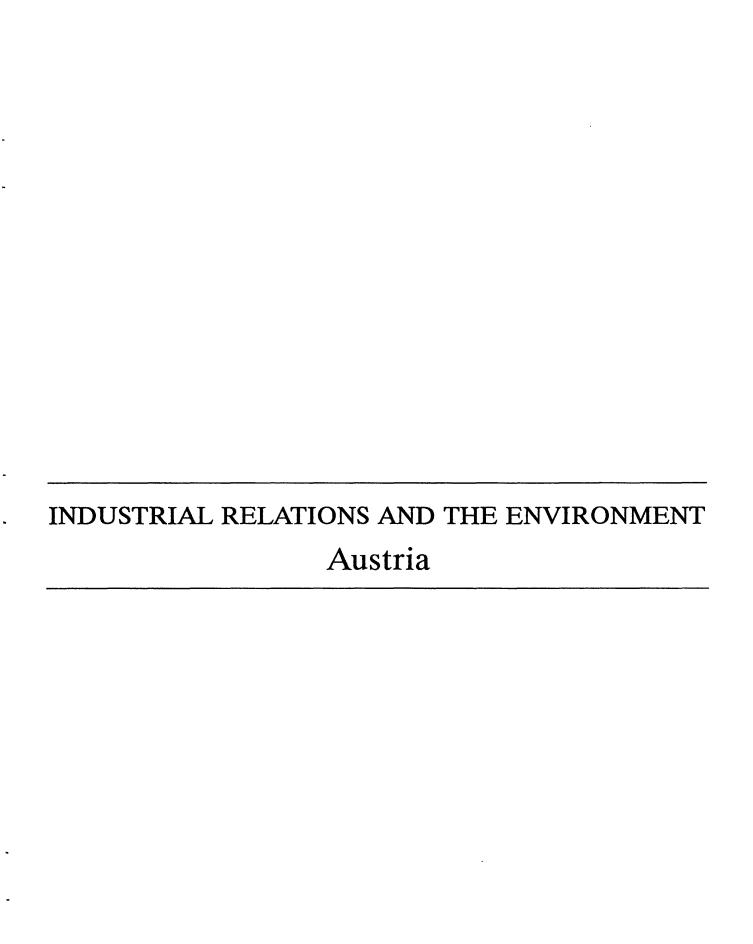


INDUSTRIAL RELATIONS AND THE ENVIRONMENT Austria

Working Paper No.: WP/93/14/EN





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List of Abbreviations

AAV Allgemeine Arbeitnehmerschutzverordnung

(General Workers Protection Decree)

ALSAG Altlastensanierungsgesetz

(Redevelopment Act)

AWR Abfallwirtschaftsgesetz

(Waste Management Law)

AnSchG Arbeitnehmerschutzgesetz

(Workers Protection Law)

ArbVG Arbeitsverfassungsgesetz

(Work Constitution Law)

BOG Betriebsorganisationsgesetz

(Company Organisation Law)

ChemG Chemikaliengesetz

(Chemical Law)

EIA Environmental Impact Assessment

GewO Gewerbeordnung

(Trade Regulation)

GPA Gewerkschaft der Privatangestellten

(Employees Federation)

LRG-K Luftreinhaltegesetz für Kesselanlagen

(Air Purity Law for Boiler Plants)

ÖGB Österreichischer Gewerkschaftsbund

(Austrian Trade Union Federation)

PPP Polluter Pays Principle

VÖI Vereinigung Österreichischer Industrieller

(Austrian Employers' Organisation)

WBFG Wasserbautenförderungsgesetz

(Hydraulic Engineering Act)

WRG Wasserrechtsgesetz

(Water Protection Law)

1. INTRODUCTION

As in other European countries environmental protection became a matter of concern in Austria in the early seventies. Today it occupies a prominent position on the political agenda. The degradation of the Earth's life support system and the decreasing quality of living and working conditions are experienced equally in Austria. Having neglected the environmental dimension for far too long, the socio-economic system is now facing perhaps its biggest challenge. Thus fundamental changes and reorientation of social and economic decisions concerning production and consumption are unavoidable at least in the long run.

However, the political commitment to a consistent environmental policy made in 1972 including the establishment of the Ministry of Environment, has only recently been transformed into legal and administrative action. In the seventies environmental policy largely remained of minor importance. Austria's economic and social welfare system had not reached that of other western countries and did not yet have the serious environmental problems that other more industrialised countries already had to face. The Ministry of the Environment was not vested with adequate powers to properly implement the declared policy.

As far as the industrial actors were concerned the situation was very much the same. The industrial actors largely reflected the government's and state administration's lack of activity. However, there was a mutually impeding influence. As the Austrian chancellor put it at a seminar: "Only minor cooperation was possible with industry on both the employers' and the employees' side" (lecture at Renner Institut, May 1989).

The lack of theoretical discussion and analysis particularly on the part of the industrial actors eventually led to some serious conflicts about environmental matters, the most dramatic of them being the "Hainburg" conflict in 1984 which concerned the building of a hydroelectric power station on marshland (see chapter 5). The industrial actors found themselves in a defensive position being unable to contribute to environmentally and socially acceptable solutions.

However, it was also in the early eighties that the situation began to slowly change. The considerable damage to forests caused by acid rain, the enormously increasing transit traffic via Austria and other phenomena reached Austria in both ecological and political terms. These external factors had an enormous impact on the environmental conciousness of the public and the politicians. This may be well explained by the alpine nature of the country where the population does not only depend, for example on forests, in an aesthetic and economic sense but also for protection and survival.

Environmental policy therefore received much more attention in the eighties and particularly in the last 4-5 years there has been remarkable progress with activities on all levels. This progress would not have been possible without the support and cooperation of the social partners who have also learnt, at least to some extent, that the environmental question cannot be ignored. Serious consideration and discussion on the proper integration of the environmental dimension into the economic system has now begun.

1.1 'Social Partnership' as a Special Feature of Austria's Industrial Relations

The Austrian system of industrial relations, known as the 'Social Partnership' is marked by several special features. It is necessary to specify some of its characteristics in order to understand its particular form and structure. It represents an essential part of the Austrian political and economic system.

The social partners reflect the traditional dichotomy of labour and capital. The employees' side is organised in and represented by the Austrian Trade Union Federation (ÖGB) and the Chambers of Labour (the head organisation is the Council of Austrian Chambers of Labour).

The employers are organised in the Federal Chamber of the Economy, the Presidential Conference of the Austrian Chambers of Agriculture and a number of associations organised on a voluntary basis (most notably the Austrian Industrialists' Association).

The parallelism in industrial relations is typical of Austria. For outside observers the distinction between the Trade Union Federation and the Chambers of Labour is often difficult to understand. In most countries the Chambers of Labour, as they exist in Austria, are unknown. Even in the few countries and regions, where similar institutions exist, such as Luxembourg, Bremen or the Saarland they do not have the same importance and influence on social life.

The Trade Union Federation and Chambers of Labour do in fact work in close functional and personal conjunction. From a legal point of view however the difference is that the Trade Union Federation exists on a voluntary basis, while the Chambers of Labour are institutions under public law. Membership of the Chambers of Labour is determined by law; therefore even non-union workers are members of the Chambers of Labour.

Also the responsibilities between the two institutions are divided. The unions are exclusively responsible for collective bargaining. They have considerable influence on wage policy and on working conditions. The Chambers of Labour represent the interests of employees within their legal remit, for example, workers' protection, youth protection, examination of bills (§ 2 AKG).

The Chambers of the Economy on the other hand are the legal representation of the employers' side; it is their task to look after the interests of the employers. They are subdivided into six sections.

Generally collective agreements are negotiated by the 15 branch unions of the ÖGB itself on the one hand and the respective section of the Chambers of the Economy on the other hand. These actors participate actively in numerous decision- making processes of the political and legal system for example the social system and monetary and economic policy, but there is a wide scope for autonomous arrangements. This aspect of autonomous measure is a specific characteristic of the Austrian Social Partnership.

Since the social partnership has no legal basis or mandate there is a wide field of informal decision making. What is to become a political topic and what can be realised is to some extent determined by the actors in the social partnership. The autonomous part has been put in concrete terms and shaped in the Joint Commission on Wages and Prices. The basis of that commission is neither a constitutional nor a legal provision. It is subdivided into a number of committees, for example the wage committee, price committee and advisory council on economic and social matters and the work of these committees is the basis for decisions in superior bodies.

Political consent of a small number of representatives of the major camps, and the simultaneous presence of these people in parliament is the basis of the social partnership (60 % of all members of parliament are members of the ÖGB). A further peculiarity is the examination of parliament bills. Issues such as wages and prices, and proposals on economic and social matters in general, are negotiated by the social partnership before they are dealt with in the parliament. The autonomous domain of parliament is in no other matter as limited as on those that are directly related to the sphere of social and economic policy of the social partners. The social partners take up a position on proposals on legislative initiatives earlier than the parliament and this influence is reinforced by the double parity. The Social Partnership therefore has equal power to the parliament.

The advantage of the Social Partnership is the more substantial, politically less vulnerable decision-making process. Furthermore, the Social Partnership is relatively immune as regards short term developments and is therefore a social control instrument that allows for long term plans and strategies.

However, interest groups which are not organised in the social partnership like the ecological movement are not adequately represented. This was shown for the first time in 1978 in the rejection of the Austrian nuclear power plant at Zwentendorf (see chapter 6). Although the social partners had already "settled everything" and found a positive agreement it was rejected by a referendum.

This decision by the public expressed social change that was not reflected by the social partners. The same took place about 7 years later when a hydroelectric power station was to be built. In both cases, existing arrangements of the social partners were rejected by the ecologically motivated public.

The exclusive and traditional concentration on labour and capital and the common objectives of economic growth and social peace made the Austrian social partnership an opponent of environmental groups, such as the greens. Today however, these rigid positions are somewhat relaxed, as the social partners have learnt to take account of new movements.

2. THE LEGAL FRAMEWORK

2.1. Environmental Legislation

The introduction and strengthening of fundamental environmental protection principles in many fields of Austria's environmental policy and legislation shows the substantial progress made in recent years. Emphasis has been put on preventative and co-operative action.

To prevent and reduce air pollution, commercial and industrial plants are subject to prior authorisation and operating licences. The obligation to apply the best available technology to limit emissions introduces the principle of preventative action (§ 77 GewO, § § 2(1), 4 LRG-K).

The same is true in the field of water pollution, where the system of pollution prevention obliges authorities to observe emission limits and water quality standards. If the water quality or the emissions of the plant do not correspond to these limits, no licence is granted. Moreover the plant operator has to apply the best available technology (§ 33a-f WRG).

The Waste Management Law gives priority to waste prevention and recycling and provides for a series of instruments to implement these objectives. The law allows, for example, far-reaching controls by the authorities in order to prevent and reduce the production of packaging and waste. Authorities have already made use of these provisions. Plants not operating according to the best available waste prevention technology do not get a licence. A federal waste plan is to be drawn up in order to derive waste reduction strategies, measures and objectives.

With the adoption of the Chemical Law, major steps towards a prevention policy regarding the control of chemicals have been made. A prior notification procedure and classification, testing, labelling and packaging of new chemical substances according to the regulations is aimed at preventing harmful effects on health and the environment before new chemicals or preparations are allowed on the market. However, some existing chemicals still pose an enormous problem, internationally and in Austria.

It has been argued that the principle of co-operative action will become increasingly significant in the future. This is certainly true of Austrian environmental policy. Government representatives have repeatedly stressed the importance of close co-operation with industry. Austria's chancellor said: 'The environmental crisis can only be mastered in close co-operation with the economy, not against or without it'. For example, legislation on boiler plants makes the owner of plants responsible for monitoring and supervising the correct operation of the plant (§ § 7,8 LRG-K). The Chemical Law can only work in practice if industry is ready to assist. The authorities have neither the human resources and skills nor the infrastructure for efficient control of industry. Therefore producers and importers have a series of obligations.

This shows that the dynamics of economic development exceeds the control capacity of the administration. On the other hand the administration has far-reaching powers to intervene in the economic sector. The production of dangerous chemicals can be limited or even totally banned (§ 14 ChemG). Much the same applies to waste management. In co-operation with the sectoral waste reduction plans, the Minister of the Environment is aiming for a substantial waste reduction within the next 2 years by way of "contracts" with the particular sectors concerned. Only companies which adopt measures to achieve maximum waste reduction and recycling will get an operating licence. The companies are obliged to submit a waste management plan to the authorities (§ 9 (2) AWG). According to the federal waste plan the sector concerned is responsible for achieving its own waste reduction objectives in a given period of time (§ 8 AWG). Therefore the legal framework exercises substantial pressure on the economy. The Federal Chamber of the Economy has recently criticised the measures on waste reduction as being too extensive for the economy.

The industrial actors, employers as well as employees, work together with government representatives on special environmental matters (e.g. chemical commission § 44ChemG, environmental fund commission § 21a WBFG, Altlastenkommission Art.III Z.6 ALSAG). It is basically their task to advise the administration.

In other fields, environmental policy is not very well developed in Austria. The "polluter pays principle" (PPP), for example, is of only very limited significance. However, measures to strengthen that principle are under intensive discussion. Another reason why progress is unsatisfactory is the division of competencies and powers among the federal state and the provinces which prevents a comprehensive and efficient environmental protection policy.

National environmental laws and standards have a great impact on the decision-making process and the range of objectives of individual firms. There are good examples to demonstrate this influence. The paper and pulp industry, a major water polluter was forced to reorganise its production process and invest extensively in clean technology by increasingly strict operating conditions. This sector has learnt very well how to cope with increasing environmental pressure. Originally defensive and reactive company environmental policies have turned into active and proactive policies. Companies began recycling paper, founded common development and research societies and established comprehensive recycling programmes in cooperation with other industries such as the cement industry. Interestingly enough, this sector has managed to reduce pollution dramatically and at the same time it was able to expand significantly (in terms of economic performance and job creation) on the world markets.

Representatives of the paper and pulp manufacturing industry have pointed out that national laws and standards have given the decisive impetus. Legislative measures to combat air pollution have similarly positive effects. The strict standards have forced the industry to invest heavily in abatement technology and has led to a reduction of SO2 by 60% from 1980 to 1988. Measures taken against nitrous oxides (NOX) have also produced substantial improvements.

The present legislative period is marked by a commitment to ambitious activities in the field of environmental protection. Priority will be given to the implementation of basic environmental laws by way of stringent regulations. The chancellor as well as the minister of the environment pointed out that this has to be carried out in close cooperation with industry. This co-operation will play a key role in the effectiveness of measures.

Further efforts and initiatives planned that will have a considerable impact on the industrial actors include the preparation of an Environmental Liability Act and Environmental Information Act. The Environmental Liability Act is demanded by the Chamber of Labour. A proposal has been put forward aiming to strengthen liability for dangerous industrial activities and ease the burden of proof for the victims. These initiatives (Environmental Liability Law, Environmental Information Law) will be the next potential conflict areas, as both initiatives have considerable consequences for the economy. The Austrian Industrialists' Association (VÖI) has already put forward its rejection of the proposal submitted by the Chamber of Labour.

The other area of future action concerns the availability of environmental information and data to the public. Until now only the group of people affected has access to the relevant data if they are a party in the administrative proceedings. A proposal on this has already been put forward, again by the Chamber of Labour. Interestingly, the VÖI has pointed out that defensive and cautious information policies are an important factor in the public's suspicion towards industry.

The planned regulations (Environmental Liability Act, Environmental Information Act) are in line with many European countries and particularly with the EC, where these issues are also under consideration and proposals have been put forward by the European Commission.

Another major task which has to be brought to a satisfactory conclusion is the EIA (environment impact assessement). Proposals have already been under discussion since the 1970's, but the actual transformation into law has never been possible. Here Austria's legislation clearly lags behind EC countries. A recent proposal by the minister for the environment is now again under examination, and again criticised by the Austrian Industrialists' Association. If adopted this Act will also have considerable impact on the economy as its provisions have a much wider application than the EC directive. Internationally the solution to transit problems is getting particular attention.

2.2 Environmental Protection Officers

A further step to adjust industry to ecologically sound production is the gradual introduction of an environmental protection officer in Austria's companies. Some sectoral environmental protection laws do provide for the compulsory introduction of an officer into the company (in particular the waste management law § 9 (6), the water law (§ 33 (3), the chemical law § 33). However, these officers only have limited powers under these provisions and are confined to the particular sector. It is basically their task to ensure the company meets the requirements of the particular regulations but as yet they do not have powers and responsibilities on all environmental matters.

Several large companies have already appointed an environmental protection officer working on all environmental problems. The experiences of some companies show that the environmental protection officer has to deal with the whole sphere of environmental issues, both within and outside the company. His/her tasks range from product-related activities in a narrower sense, such as resources, production processes, disposal and pollution, to the wider field of education of employees, public relations, contact with authorities and drawing up environmental programmes and reports.

By 1987, a study showed that 14% of Austrian firms had appointed an environmental protection officer. The position was, like environmental departments, limited to large firms and additionally only a few officers were vested with necessary powers (INFOPLAN).

At present, the general introduction of an environmental protection officer is under discussion. Many questions remain open regarding his/her duties, whether the position is subordinate to management or has also to exercise duties imposed by the public authorities. An investigation has shown that there is widespread consent among companies to the potential introduction of the position of an environmental protection officer.

2.3 Legislation on the working environment

Toxic and polluting substances pose an increasing threat to the health of the workforce and the employer has responsibility for preventing exposure (§ 18 ANSchG). Firms employing more than 50 people need a person responsible for safety matters. Once the firm reaches 250 employees it has to set up a technical and safety committee including a medical doctor. If the company has 3 or more persons responsible for safety it is obliged to have a safety committee. These arrangements have to be carried out under the observation and control of the employer.

Certain materials, installations and substances at work are subject to prior authorisation (§26 ANSchG). The authorities may, after consultation with the Chamber of Labour, prohibit partially or entirely the employment of workers or the use of certain materials, substances or processes, if the work can be carried out by other means. The responsible authority, the Works Inspectorate, has to ensure compliance with these protection provisions but has no sanctioning powers. Therefore the efficiency and shaping of workers' protection depends to a large extent on good co-operation between the works council and the employer.

The unions and the Chambers of Labour are trying to improve environmental and health protection at work by way of increased research. A trade union project called "Aktion G" is working on increased education and information on hazardous substances at work, the use of alternative and less hazardous substances and production processes. In coordination with the employees' protection departments of the Chambers, the environmental consciousness and knowledge of the employees are to be improved.

§ 16 of the general employees' protection regulation (AAV) provides for the protection of employees from dangerous concentrations of airborne hazardous substances. The MAK-list (maximum workplace concentration of substances) provides for limits of dangerous substances, but there are only limits for about 500 substances out of tens of thousands of chemicals. Naturally the capacity for supervision of works councils and authorities (Works Inspectorate) is too limited. In this respect the Works Inspectorate and the Chambers of Labour are demanding better labelling of chemicals in companies.

The primary goal is the substitution of dangerous substances by less hazardous ones. Interesting solutions have already been found, for example soya oil for the cleaning of printing presses, and further research in this area is necessary.

2.4 Legal means for co-determination in environmental issues.

The firm and workplace level offer the opportunity for various forms of co-operation between the employer and the employees. In this respect environmental protection is seen particularly as a way of improving working conditions. However, the rights of participation are less distinct than one would expect from the strength of the employees' organisations in the Social Partnership.

While, for example, the policy of the German trade unions (DGB) is more orientated towards co-determination, that of Austria's trade unions is concentrated more on settlement on a higher political level (i.e. Social Partnership) rather than participation at firm level. Austria's Works Constitution Law has therefore not gone as far as, for example, Germany's when realising the objective of co-determination.

Nevertheless, the Works Constitution Law is one of many examples of successful co-operation between politicians and experts of the employees' and employers' associations. It formulates the basic tasks of representation of employees' interests and confers duties on the employees' representations (Works Council § 38 ArbVG). The rights of employees are regulated in § 89 ff ArbVG. A works council is to be set up if the company employs at least 5 people. Members of the works council are elected by the employees for a period of six years.

The intensity of participation ranges from the right to information (weakest form), to the right of consultation, to disproportionate participation to codetermination on equal terms (strongest form).

According to the legal status and the consequences of employee participation there are different types of agreement between works council and employer. Optional agreements are where agreement is possible but non-accordance does not have any consequences, enforceable agreements are where the works council does not agree to a measure planned by the employer and the matter has to be decided by a superior independent body and compulsory agreements whereby if there is no consent of the works council these measures are rejected altogether.

As far as environmental matters are concerned, provisions only allow for the weakest form of participation. The works council does, for example, have the right to information. However, this does not mean that management is obliged to hand over for example, emission data. The works council may ask for emission data only in public limited companies. It is basically a matter of the power and the informal contacts of the works council.

If the works council discovers any environmental hazards it may submit corrective measures under the right of intervention (§ 90 ArbVG). This allows the works council to refuse a polluting production process arising from a technical or organisational modification (enforceable agreement).

A further provision with a basis for possible environmental participation is §108 concerning rights to information, intervention and consultation on economic matters. And § 94 allows the participation of the work council in measures concerning the training and education of employees including its organisation and form. Education on environmental matters, environmental quality groups, training and information on dangerous substances and processes would be conceivable under this provision.

The Austrian Labour Law however has not been passed to solve the environmental problems of companies. The main emphasis is on the social and economic security of the employee. Environmental initiatives taken by the employees or the works council (initiatives to combat air, water and land pollution) that could reach beyond the company are limited by operating and manufacturing secrets (BOG) and other conditions. The amendment of part of the Labour

Law on environmental issues as demanded by the ÖGB on the one hand, and works agreements on improvement of access to information, consultation, co-operation and participation rights on the other would appear to be necessary for worker and union participation.

2.5 Austria and the EC

Following the application for accession to the EC, the consequences for Austria's environmental policy are of particular interest. They have been discussed very controversially and emotionally in public. Research departments of both sides of industry have reacted and started to analyse the matter with great interest.

A comparison of the environmental legislation among EC countries shows that in many fields Austria is leading. This applies to the regulations relating to water pollution, where the Austrian water law amendment has brought substantial improvements. This legislation goes beyond that of the EC as far as objectives, measures and regulative stringency are concerned.

This is equally true for air quality. Austria's standards relating to emission standards for motor vehicles, industrial plants and incinerators, for example, are far more strict than EC standards. The regulations are more comprehensive and more detailed. In this respect Austria has achieved pollution reductions that will be reached by many EC countries in about 10 years. National rules and standards again have had an enormous effect on industry and, as shown, industry has been able to cope with these strict standards. Limits are up to 10 times stricter than EC standards, for example, in the case of sulphur dioxide (SO2).

With the Waste Management Act this field now has a new legal basis which also allows for more far-reaching measures than the EC waste laws. A series of regulations to put the law into practice have already been passed and are exercising substantial influence on industry, trade and commerce. These range from compulsory collection of all sorts of used materials to regulations that set particular standards for waste prevention.

Although Austria is not a member of the EC, the strategies and programmes of the EC environmental policy have in some spheres substantially influenced Austria's policy and legislation. The basic principles of the EC waste policy action programmes and directives (already drawn up in the seventies) have now expressively become the principle of the Austrian Waste Management Law. The same is true for chemicals. The basic principle and the practical experiences of the EC have become the model of the Austrian Chemical Act, regulating new and existing chemicals and preparations in much the same way.

Studies have shown that European integration does not necessarily mean that environmental policy standards have to be relaxed or cut. Many EC directives allow for stricter environmental standards to be applied in individual member states. In other fields the EC accession will be advantageous for Austria's actions to combat environmental pollution. This is certainly true for the environmental impact assessment (EIA), where Austria still does not have a comprehensive law and will have to adjust to the EC directive. A comprehensive study on this matter undertaken by the Austrian Ecological Society has shown that there are other sectors, where common environmental measures will be favourable to Austria's efforts (most notably to waste disposal).

3. VOLUNTARY CONTRACTS AND AGREEMENTS BETWEEN THE INDUSTRIAL ACTORS

In the past the main concern of union and employer policy was related to wages, work, health and safety and working time. Recently there has been a more open attitude to environmental aspects, although no connection is made between the internal and external environment. This is despite environmental protection efforts within the company being also beneficial to the environment outside the company. Less toxic or less energy intensive production processes or saving of resources are beneficial to both the health of the worker and the environment.

There are few points of reference between environmental protection legislation and labour and health protection legislation. The employees' representatives basically have to rely on the goodwill of the employer for the necessary information about dangerous and polluting substances and processes. The works council does not have any more of a privileged position regarding the rights of information by the authorities than the public.

The matters that may be the subject of a works agreement between employees and employers are essentially contained in § 97 ArbVG. A series of potential works agreements on this legal basis with positive environmental effects are conceivable. Ergonomic job design and arrangement, improved communication among employees, employees' representatives and employers, measures to prevent accidents, measures on health protection, education, and so on.

In Austria, however, no works agreements have been concluded referring specifically to environmental matters. Environmental protection policy on the individual company level so far has been left basically to the initiative of the management. This is a consequence of the tendency to give preference to regulation by the Social Partnership.

A good example of a collective agreement also comprising environmental issues has recently been drawn up. The union group print and paper has proposed substantial improvements concerning the rights of information on environmental matters, improved (and enforceable) participation in the prevention of accidents and reinforcing the control of chemicals. Operating

conditions of plants would be strengthened by means of a prior ergonomic assessment of the compatibility of the production processes with human needs and the administrative procedure for the licencing of the plant would include the Chamber of Labour and the Works Inspectorate.

The increased emphasis on co-operation with the economy is often the decisive factor in closer co-operation on environmental matters among the affected economic sector. The aforementioned, recently adopted Waste Management Law has led to the foundation of several working groups and associations. These work out and implement common strategies to achieve the aims provided by the government. A good example is the regulation on the compulsory seperation and recycling of building materials. Shortly after the passing of the law the Austrian association for the recycling of building materials was founded comprising many of the firms concerned.

There are also interesting initiatives from interest groups on environmental matters. One example is the working group on waste prevention in firms, founded and organised by representatives of the Chamber of the Economy and the Chamber of Labour in Upper Austria. The objective is waste reduction ideas and plans in co-operation with the respective companies.

As mentioned in other parts of the report, the Austrian system of industrial relations - the Social Partnership - particularly influences the field of voluntary agreements between the industrial actors. Unlike other industrialised countries, the main sphere of regulation refers not to company level, and negotiations take place at a higher political level, such as advisory boards. This means that it has not been possible to find examples of workplace agreements which give emphasis to environmental issues in Austria.

The interests of the two sides of industry are therefore expressed in joint commissions, lobbying and conferences. The advisory board on economic and social affairs - one of the main instruments of the social partnership has established a "permanent commission on environmental aspects" which has meant that environmental aspects have had a strong

influence on the work of this board in recent years.

Environmental issues are also the subject of negotiations in the following bodies in which the social partners are represented: chemical commission, chemical law - scientific board, redevelopment commission, environmental fund, environmental survey - committee of experts, "Emblem" for ecological products, national committee for an environmental plan, CO2 commission, Austrian Association for Technology and Environment, Platform "National Parks".

The print and paper union has concluded a collective agreement including a few provisions on health care, the use of environmentally sound working materials and the prohibition of certain toxic substances, but many of the terms demanded in the 1991 proposal (see page 00) were not realised.

The banking employees' federation has submitted a proposal for a collective agreement including substantial regulations on environmental issues. It includes provisions on health care and the use of environmentally friendly sound working materials, on waste reduction and waste disposal. The works council has the right to consider these issues with the employers' representatives. The works council is also authorised to introduce an advisory board (employees, experts and so on) depending on the conclusion of a works agreement in this field. Furthermore the banks are obliged to offer environmental training and health care and safety measures.

4. POLICY STATEMENTS, DEMANDS AND CAMPAIGNS ON ENVIRONMENTAL ISSUES

4.1. Management and Employers' Organisations

Until the eighties environmental protection was merely seen as an unfavourable cost factor for business. Today managers are increasingly aware of the opportunnities that arise from the environmental concern. The increasing importance of an ecological "corporate identity" indicates the coexistence of company and environment and improves the image of the product and the company.

The Austrian Employers' Organisations (Federal Chamber of the Economy, Austrian Industrialists' Association) have published several programmes concerning environmental issues. The policy of all these publications is that environmental protection is an important political and social task, but above all environmental regulations that take into consideration technological and economic requirements must be developed. There can be no progress in environmental protection without economic growth and technological innovation.

The employers' organisations have published several relevant principles:

One of the priority demands is a clear legal framework for environmental regulations which influence production.

Austrian industrialists stress the importance of responsible consumption of natural resources. Environmental expenditure of industry amounts to 700 million ECU per year. Nevertheless natural resources remain an important means of production.

The planning and organising of environmental regulations must take into account the limitations, technological opportunities and the economic capacity of companies.

It is the concern of employers' organisation to improve the life cycle of the products. The minimising of the resource input, the improvement of the production process, waste avoidance and recycling are the general principles that should be adopted by firms.

Preventive environmental protection should not impede economic innovation.

Environmental policy should be based on the individual responsibility of consumers and employers. The state and the bureaucracy should not be too involved in company strategies concerning the environment.

"Environmental protection is the boss's business" (VÖI). This slogan expresses the view that environmental protection is the task of a good and competent management (and not of the employees or the works council).

Environmental protection regulations must be based on efficient state-financed support strategies, especially for smaller companies.

Environmental policies should be developed in agreement with those of other countries (international competitiveness).

The education system should achieve a well-balanced and reasonable understanding of ecological and economic questions. To a certain degree technological and environmental risks must be accepted as a part of modern industrial society. It is important to mention that these risks can only be minimised by technological innovations and not by resentment against modern technology.

Policy statements were often made as a reaction to the pressure of green movements and of the public in general. Green illusionism and their anti-technology attitude are mentioned several times in every publication. The green movement is widely criticised over its emotionalism and political extremism.

As in many European countries environmental affairs are basically considered to be in contradiction with the economic interests of the employers. It is no secret that employers' organisations are sticking to defensive strategies concerning the environmental challenge and that the impetus for environmental innovations comes mainly from external forces, especially by legal regulations and public pressure. Many examples show that employers' organisations want to delay ecological modernisation as far as the interests of their members are concerned (postponement of an ecological fiscal policy and of the Waste Management Law, rejection of an environmental liability law etc; see documentation enclosed).

Management policies on environmental issues have therefore not really changed in the last few years. Companies with an active environmental policy are still the exception rather than the rule. To a certain degree, however, there has been a change in attitude. Because of consumers' awareness, more stringent legislation and increasing costs of environmental pollution more and more companies are integrating environmental aspects into management objectives, realising that ecological quality has become a highly important factor for the company's image as well as that of the product. Many advertising and marketing activities promote the ecological image of the product. Thus companies deal with environmental issues in order to avoid costs and to benefit from image advantages at the same time.

The results of a research project by the Industrialists' Association, in which 153 companies were involved, shows the increasing importance of environmental issues on firm level. Half of the companies interviewed already have their own programme on environmental affairs and 60% have an environmental protection department. The essential questions such as: "Is environmental protection a management objective? Is environmental protection an objective as important as profit maximisation or other classic objectives?" were answered positively by 75% of the industrialists. Eight per cent of the companies have drawn up an environmental protection plan and 57% have such a plan, at least partially.

Other research projects in this field show different results. They found that only in major companies, have environmental activities such as environmental protection departments and officers, ecological committees and environmental training activities been established, and

even in these companies the main efforts concern marketing strategies or compliance with legislation. Smaller companies' policy on the ecological challenge is generally reactive (IBE 1990).

A dynamic development, in which even smaller companies are involved, can be observed in the field of the environmental protection technology. In the near future there will be a growing market for environmental protection products no different from other economic markets. There will be no need for special company strategies except for strenghtened efforts at ecological marketing.

As in Germany, Austria has an employers' organisation with explicit ecological orientation (B.A.U.M. Austria - National Working Group of Ecological Management). The aims of this organisation concern producing ecological checklists, providing advice and environmental training, ecological corporate identity, alternative products and conservation of natural resources. BAUM Austria has 65 member companies, most of them major companies or companies producing "environmental" products. The managing director of BAUM said, "Today environmental protection has become an intelligence test for a company to take up the challenges of the future". BAUM and Clean Technologies (an association to promote and advise on new technology) are two examples of voluntary initiatives taken by ambitious managers to integrate an environmental dimension into the economic system. Because of their pilot function these management federations could develop model strategies for ecological management and marketing that could then be adopted by other (smaller) companies.

The employers' organisations have also initiated a number of activities to assist their members in technical, legal organisational and educational questions related to environmental protection. Advisory boards and information centres for enterprises, a national waste exchange system and education and training of environmental protection officers are initiatives taken by the Chamber of the Economy.

Similar activities have been undertaken by the Industrialists' Association and the Austrian Chemical Industry Association. Consultation on all environmental questions, training of employees, educational and advisory programmes, training of safety engineers, for example, is provided by these voluntary interest groups. A further important field of activity is the elaboration of suitable PR-programmes and strategies to improve the image of industry. Furthermore, the activities range from the improvement of relations with environmental pressure groups to influencing school education.

The issue of environment and management has now moved from confrontation to a more constructive dialogue. Industry is steadily adjusting its production to ecological needs and conditions. The emergence of numerous plans to integrate ecology into classical management objectives signals a more systematic and deeper concern for the economy-ecology conflict.

But on the whole the position of the employers' organisations appears rather superficial. The disharmony between economic and ecological tasks has not yet been resolved. Consequently ecological demands are only welcomed if they do not impede profit interests.

The employers stress the importance of the individual (consumer and employer) and his/her responsibility for the environment. Legislation concerning environmental aspects of production, that have proved to be most efficient, are generally not welcomed. Nevertheless state-financed support for environmental activities is expected on company level.

4.2 Trade Unions and Chambers of Labour

The Austrian unions have been concerned with environmental aspects at workplace level right from the start. At the beginning of the union movement one of the most important tasks was the improvement of living and working conditions to prevent the spread of diseases such as typhus, cholera, and turberculosis. Therefore health and safety measures at work have a tradition of more than a hundred years in Austria. It is a classic task of the workers' organisations that has found its expression in legal regulations mentioned above (ANSchG).

The employees' organisations are therefore primarily focused on health and safety conditions inside the workplace. It has been pointed out by union representatives that an environmentally harmful workplace cannot be a safe and reliable workplace in the long run. Environmental protection therefore has to begin at the workplace and within the plant.

A main field of action as regards environmental protection at work is the control of chemicals, the avoidance of the use of substances dangerous to health, alternative production processes, improved medical services and the improvement of workers' participation in the company. However, much more progress is required.

A recent study by the Central Austrian Statistical Office (ÖStZ-1991) has produced some alarming results. Nearly a third of Austrian employees feel acutely exposed to danger at the workplace. The Chambers of Labour and the unions therefore undertake regular campaigns to improve the safety in companies. Priority is given to demands for a comprehensive and homogeneous labour protection law and information obligations regarding chemicals and hazardous substances.

Whereas unions have a long tradition in the field of health and safety matters it is only since 1985 that they have begun to consider environmental issues beyond the workplace. In fact, they originally came into conflict with ecological demands put forward by the green movement. Classic unions demands such as job security and economic growth have had severe negative environmental impacts, which have either been ignored or accepted for common welfare.

Working and living conditions have changed with improvements in the welfare of workers, but this has also brought environmental problems. These risks are nowadays less class specific than they were in the early period of industrialisation, being greater and involving all social groups in the ecological crisis. In the past five years views have changed remarkably. Environmental protection has become a topic that the unions now accept as a social challenge along with job security and economic prosperity. Despite contradictory points of view among unions, at least the programmatic statements address environmental issues.

A series of demands have been made by the Austrian Trade Union Federation (ÖGB) and the Council of Austrian Chambers of Labour (AKT):

Environmental requirements have to be combined with other union tasks. Unions have to consider the relationship between work and environment, which leads to the consumption of natural resources. An environmental policy must therefore be integrated into both the national economy and into management objectives (as a cost factor).

Economic welfare must include environmental quality of life and working conditions. The Austrian unions stress the importance of 'qualitative growth' taking care of natural and human resources.

The new period of industrialisation is concentrated on technological changes in production. New technologies should minimise the consumption of natural resources and reduce environmental pollution, although not the scale of production itself.

Full employment is still an important target, but it must be accepted that employment policy may be in conflict with environmental protection efforts. Therefore the avoidance of environmental damage must become a principle. Pollution and redevelopment costs of outdated plants can be avoided by integrating environmental aspects into the planning of plants (e.g. environmental impact assessments with public participation).

Basically employers bear the economic responsibility for environmental protection (polluter pay principle). The costs of environmental improvements of plants should be included where decisions on investment and production are made. Nevertheless state-financed support should be granted to increase environmental investment or develop a new structural policy if the financial capacity of companies or regions is overreached.

Environmental regulations reducing the number of jobs must be integrated into social, economic and labour market strategies. Environmental quality cannot be at the expense of those who risk losing their job.

Participation of the works council in ecological questions at company level should be improved.

Like the employers' organisations the Austrian unions and the Chambers of Labour did not start the ecological discussion. Because of a rigid employment policy and for economic reasons there were conflicts between workers'organisations and ecologists in the late seventies and early eighties (see chapter 6). The unions were in the dilemma of having to reconcile environmental protection and job preservation particularly when a company or a plant had to be closed down for ecological reasons. A large part of Austrian basic industry, where the unions are traditionally very strongly organised, had to face the fact that it was not possible to finance the necessary investments, although the situation has improved now. The unions are therefore trying to avoid such situations by reinforcing preventative action. Investment in environmental protection has significantly increased job creation recently.

After Zwentendorf, Hainburg and Chernobyl unions now realise that environmental and social quality are tightly connected and that the public, especially the young, consider environmental protection a 'number one' topic. According to this change of policy the unions have developed environmental activities:

The leading information campaign "Environmental protection at the office" - GPA Employee's Federation

The environmental section of the GPA emphasises environmental issues on company and sectoral level and aims to include the works council in management decisions with environmental impacts and integrate environmental aspects into vocational training.

The "Economy and Environment" department of the Chamber of Labour published a periodical about environmental issues.

In 1991 the Federal Chamber of Labour introduced a bill concerning liability for environmental damage, in which the burden of proof lies with the company concerned (see chapter).

Further research projects concerning environmental fiscal policy were financed and presented by workers' organisations.

The Chamber of Labour insisted on the inclusion of industrial waste when the Waste Management Law was negotiated.

These examples show that programmatic statements find their expression in everyday practice of the unions and the Chambers of Labour. The employees' organisations have proved to be a driving force in environmental legislation.

The main problem is that the unions have to reconcile conflicting aims. In addition, the different levels of policy, e.g. union policy, collective bargaining and works council activities cause contradictory point of views. Unions may stress environmental issues, but in the case of staff reductions job security is more important for the employees. Therefore a compromise between a programmatic approach and everyday union practice is often the only solution.

ENVIRONMENTAL CONFLICTS AND THE INDUSTRIAL ACTORS

5

Ecological conflicts in Austria are associated with two names: Zwentendorf and Hainburg. The village of Zwentendorf has the one and only existing nuclear power plant in the world that did not work for a single minute. It has become a monument to the environmental policy of the seventies. After the industrial actors and the government had decided to build a nuclear power plant in Zwentendorf they faced considerable opposition from a developing anti-nuclear power movement and growing public awareness about the dangers of nuclear power. They eventually decided to carry out a referendum about Zwentendorf which resulted in a big surprise as the Austrian people rejected the nuclear power station in 1978. Austria therefore decided to do without the use of nuclear power before one kilowatt-hour had been produced. As a result of the referendum Austria's renunciation of nuclear power was enforced by act of parliament (Atomsperrgesetz) - the Nuclear Power Renunciation Act.

Although they had to accept the referendum both employers' organisations and trade unions continued, more or less, to support the concept of nuclear power until Chernobyl. There were a number of attempts to get around this law and to start operating the nuclear power plant in Zwentendorf. Today Austria and, to a certain degree, the industrial actors are somewhat proud of the referendum. In fact it was also a decision against a political practice that did not care about public awareness and the changing social reality.

The most important and intensive ecological conflict that still has a large impact on today's environmental policy broke out in 1984, when a hydroelectric power station was to be built in the Danubian village of Hainburg, near Vienna. Dramatic confrontation between demonstrators and policemen led to a government crisis and changed Austria's political landscape. What happened in Hainburg was that after more than three years of discussion the local authorities decided to build the power station in November 1984. There was consensus in Parliament and in Social Partnership committees to begin building the station with the clearing of forest and marshland near Hainburg. In fact, this was the crux of the matter.

For conservationists the meadows and trees of Hainburg were one of the last natural regions in Europe, and in need of preservation. The ecologists were supported by students, biologists, artists and, to a large extent, the public. For Austria's state-owned power supply company, the trade unions and employers' representatives on the other hand, Hainburg was a chance to produce clean and cheap electricity with positive socio-economic effects. They did not see any reason why the marshland should not be cleared. Thus this was not only an ecological but also an aesthetic and moral conflict.

Apart from ecological reasons for the conflict it cannot be separated from the aforementioned system of Social Partnership. This system entirely ignored environmental issues, because its task was to solve economic and social, not environmental problems. In addition it was a closed system that did not meet people's democratic requirements. The public demanded much more participation in politicial matters than it used to do in the post-war period. It questioned the practice of decision making behind closed doors which was neglecting the environmental challenge for economic reasons. In 1984, however, the Social Partners were not ready to meet these demands.

On 8 December 1984, 8000 people demonstrated against the building of the power station in Vienna. Two days later the clearing of the marshland in Hainburg was due to begin, but demonstrators prevented it with 'sit-ins' so workers could not start cutting down trees. The workers were supported by the police and the first demonstrators were arrested, a few of were them wounded.

After this operation more and more people camped out at Hainburg to offer non-violent resistance even though it was the middle of December. Negotations with the government to stop the building of the power station were suspended without result. Although the police protected the workers' activities from the demonstrators, further attempts to cut down trees were prevented by people climbing on machinery, lying down in front of machines or building barriers.

On 19 December the conflict escalated. Early in the morning the police started evicting the demonstrators and the confrontation turned violent. A small part of the forest was cut down. The police operation caused great excitement in the media and in the public. In a demonstration in Vienna more than 20,000 people expressed their solidarity with the demonstrators and demanded the resignation of the government and a referendum about Hainburg. On the other side 50,000 workers from all over the country participated in a trade union demonstration in Vienna for the building of the power station.

In the following days the government changed its course and suspended the police operation. 10,000 people celebrated Christmas in Hainburg and on 3 January 1985 a decision was taken to suspend the building activities for at least one year. The government decided on a period of reflection that finally led to the abandonment of the power station in Hainburg.

These events led to a period of reorientation and discussion among unions and employers' organisations. They even led to the passing of a constitutional law on environmental protection. After Hainburg the industrial actors had to face serious ecological image problems. The unions were forced to take concrete steps with regard to environmental protection to avoid further losses of acceptance. Although remarkably advanced declarations and statements had been given at the 10th Federal Union Congress in 1983 (new energy policy plans, strategies against forest damages etc.) the traditional conflict between environmental protection and job preservation became obvious in Hainburg. The unions reinforced their negative ecological image and the validity of declarations and commitments were questioned.

An important factor was the greater ecological awareness of the union members. The traditional image of the employees was changing with a better educational standard and a more critical attitude towards unions and the Chambers of Labour. The main objective was to find ways out of the defensive position and to pursue an offensive environmental and social policy. The union group most actively involved in Hainburg (the union of the building workers) is now putting more emphasis on the environmental aspect. Other union groups are similarly realising the opportunities provided by the environmental protection policy.

The employees' organisations are also actively participating in environmental policy matters at government level and making out proposals on many issues (see chapter). The Chambers of Labour are involved in many discussions on environmental problems and their own research institute provides the necessary scientific background. The total rejection of the greens in the eighties has given way to a much more positive attitude.

The employers' organisations, too, had to correct their policy in order to improve their ecological image. With a range of activities (seminars, conferences, PR-campaigns) they took up the ecological challenge. Initiatives like BAUM and Clean Technologies are further steps to motivate environmentally concerned employers. The ecological awareness of the public, impressively demonstrated in Hainburg, and the role of consumers as an ecological pressure group have become an important management objective.

6. SUMMARY AND RECOMMENDATIONS

Environmental ideas, programmes and strategies are currently being produced by both sides of industry, and are being transformed or have already been transformed into practice by a number of environmentally, as well as business, conscious people. The ecological orientation of the industry has become an important political objective.

However, these ideas and strategies have to be implemented on a wide front comprising all sectors and branches. An aspect that must not be ignored in this context is the structure of industry in Austria, which consists largely of small and medium sized enterprises.

Companies, particularly in rural areas, often do not even provide the most fundamental health protection facilities for their employees and are a long way from any environmental management strategy. The studies mentioned (VÖI, INFOPLAN, IBE) support this view, pointing out that, for example, environmental protection plans are almost entirely limited to large firms.

The legislative phase on environmental problems came late compared with neighbouring countries such as Germany and Switzerland. In addition, regulations were neither comprehensive nor clear and the traditional distribution of powers and reponsibilities between federal state and provinces prevented effective measures.

As a result the ecological orientation of business and industry has for some time remained primarily reactive, applying technological solutions at the "end of the pipe". Corporate policies as regards the environment were defensive and reacted to legal standards. The positive perspectives of environmental challenges such as new products and markets and process innovation were taken up more slowly than in other countries. Therefore Austria's environmental protection industry is still mainly centred around the secondary abatement technology, as opposed to the primary technology of resource reduction or clean technology.

On the other hand employers increasingly realise that a modern and environmentally sound management is advantageous and offers new opportunities. And while it is difficult for both employers' and employees' to go beyond their traditional sphere, there is a direct link between environmental protection inside and outside the company.

The lack of concrete agreements at company level with reference to environmental protection and the cautious introduction of sectoral agreements with provisions for environmental protection signals the continuation of the traditionally Austrian practice. The principle of the Austrian Social Partnership is conflict avoidance, aiming to remove the contradiction of labour and capital. However, the economy-ecology conflict is not subject to this mechanism. Environmental interests do not have pressure groups or lobbies to formulate the respective interests adequately. What is therefore needed is a broadening of environmental consciousness and knowledge of employees' and employers' representatives in order to integrate the ecological principle into the mechanism of the Social Partnership.

The Social Partnership could provide an efficient instrument to turn the ecological principle into practical action but the imperfections of the conflict-solving mechanism of the Social Partnership is likely to remain. As far as potential environmental conflicts are concerned, the Social Partnership may be used as an instrument for delaying tactics.

What is reality and what is mere illusion on the way to ecological orientation of the industry and its actors can only be judged on concrete actions.

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