

Industrial relations for a green economy

Innovative bargaining processes for a sustainable growth and a quality employment



Project VS/2014/0405 co-founded

by

DGESAI - DG EMPLOYMENT, SOCIAL AFFAIRS and INCLUSION

Germany case:

PCB-Scandal in the Company ENVIO Recycling-GmbH & Co. KG in the Port of Dortmund

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PRESENTATION (IDENTITY CARD OF BEST PRACTICE)

▪ **Name of initiative/project/intervention/agreement**

PCB-scandal in the company ENVIO Recycling-GmbH & Co. KG in the port of Dortmund

▪ **Brief description**

In 2010, a serious PCB-scandal (polychlorinated biphenyls) took place in the port of Dortmund at the company ENVIO Envio Recycling-GmbH & Co. KG (herein after referred to as ENVIO). The company made its money with the disposal of insulating oils and cooling fluids as well as with the sale of copper. It was the biggest PCB-scandal in Germany for 20 years.

On becoming aware of the scandal, the DGB of the Dortmund region supported the workers.

▪ **Geographic, territorial, sectorial localisation,**

The scandal occurred in Germany, North Rhine-Westphalia, in the city of Dortmund. 160 companies and a wide range of mostly industrial sectors are located in the port of Dortmund. The affected area covered the company ENVIO Envio Recycling-GmbH & Co. KG plant, the complete port area and the nearby northern city centre of Dortmund.

▪ **Period of activity**

- in 2004 the company ENVIO Recycling GmbH und Co KG was newly founded by a management buy-out
- in 2010 the company was accused of having contaminated workers, their families, nearby residents and the environment in general; the scandal was made public; the company was closed down; accusations also against the city of Dortmund, Ministries and inspecting authorities; round table meetings and workers' meetings were demanded and introduced by the DGB; the workers and a citizens' Action Committee started to fight for their rights in public;
- in 2012 the trial against four former managers began
- in 2014 the decontamination process started; the trial came to an end with almost no one being held responsible

▪ **Players/promoters**

The Ministries of Labour and of Environment of North Rhine-Westphalia and affiliated administrations took the initiative and mandated the former chairman of the DGB Dortmund to organise and chair a round table with official institutions, NGOs, companies and their works councils.

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The actual chairwoman of the DGB took part in the round table. The DGB took the initiative for workers meetings, in which 350 (single) workers and citizens took part and discussed with officials. The DGB also saw the need of an ombudsman to support and accompany the special interests of the workers. The DGB was also involved in technical/professional questions of how to refurbish the contaminated area, how to clean it, etc ...

After some time the case was submitted to a court and lawyers took over.

The port management and DGB initiated and organised two port conferences: one for resolving the situation and one for questions of future development of the port.

▪ **Players/partners involved, their main functions**

- Unions
 - DGB initiated and introduced the round table meetings with workers
 - IG BCE and IG Metall financed lawyers to represent the workers;
- IKU – Institute for Communication and Environmental Planning, professional organisation of the round table meetings
- Ombudsman PCB, a former member of the NRW parliament, responsible for representing the interests of citizens against administrations and institutions and for organising individual support (e.g. accompanying individuals to the employment agency, in some cases new furniture, financed by a small fund)
- Citizens' Action Committee, a self-help organisation of nearby residents
- Port Management, responsible for the port in general and its active marketing in particular
- City of Dortmund (city council and administration), responsible for its residents and for business development during the structural change
- Land North Rhine-Westphalia (NRW): Ministry for Employment, Integration and Social Affairs in NRW, Ministry for Climate Protection and Environment (i.a.), responsible for its residents and for business development during the structural change
- District Council in Arnsberg (1 of 5 in NRW), responsible for monitoring environmental pollution and damages; data collection tools were ADDIS and AIDA; for several years there had been a lingering suspicion about PCB-contamination, but it was never clear, which company was responsible. The controlling authorities' staff had been thinned out over the years; many amendment suggestions were made by the company, but the company was infrequently inspected and when it was inspected the appointed day was announced beforehand
- Employers Mutual Insurance Association, open questions: Do they have to provide the concerned workers with lifelong medical support? Do they have to grant compensation (only in case of occupational disease)?

▪ **Types of Beneficiaries:**

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- After the company closed down it was difficult to establish who had worked for this company. Most of them were not organised in a union. After a while 16 companies with 135 contract workers could be identified by the workers' Employers Mutual Insurance Association. Others registered following appeals in the local newspapers.
- 280 persons, (mostly) former workers of ENVIO, are involved in a health-program called IASA, about 10 % of the workers did not register. Extremely high contamination rates were discovered in 36 cases. Several health-abnormalities were found. The problem lay and still lies in the identification of the link between these abnormalities and the company's PCB as the trigger. It is therefore not accepted as an occupational disease. All affected workers were invited to participate in a medical care program of the Employers Mutual Insurance Association (BG ETEM), including drivers and residents. The costs of the program were borne by the Assurance. Potential claims for compensation had/have to be negotiated individually given the case that an occupational disease would be acknowledged - which was not the case.
- **Indicators for monitoring and evaluating activities**
 - The District Council at Arnsberg collected and still collects data with AIDA (Informationsplattform Abfall in NRW) and ADDIS (AbfallDeponieDaten-Informationssystem), but was accused of neither working with this data nor drawing any consequences
 - Judgement in a criminal case (against former company owners)
 - Number of staff in health and safety protection and their possibilities for intervention (which were both reduced in NRW since 1998)

DESCRIPTION (please consider it a tool to describe the case, if it is impossible to follow exactly, just leave the fields blank)

- **Starting point of the initiative/project/intervention as related to the territorial context**

The international waste management company ENVIO disaggregated and recycled old, highly PCB-contaminated transformers. Occurring problems included that the workers were working without protective clothing while inhaling PCBs, dioxin-containing dust and furans, that the majority of them were temporary workers, that the gates of the factory buildings were opened in order to lower the contamination in the building/workplace (especially when an inspection was announced), that the sold iron sheets/copper were only insufficiently cleaned, that the area was cleaned before inspections, etc... Several hundred employees and their family members, the residents of the company ENVIO in the port area as well as residents of the northern city centre of Dortmund were highly contaminated with PCBs. The blood of directly affected victims (ENVIO workers) showed concentrations of up to 25,000 times higher than normal. Other companies nearby were also economically affected, e.g. ABP, which had to dismantle its factory canteen due to contamination.

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The scandal was (in the end) exposed by a worker who did not trust the company's medical examiner and went to seek advice from another doctor. There he was tested for PCB with extreme results. With these results he went public.

- **Description of the socio-economic, territorial, corporate context in which the initiative is based.**
 - Economic structural change in the Ruhr Area, especially in Dortmund
 - Waste management / international company / management buy-out /contract workers
 - ENVIO was a “star” of the region’s green economy
- **Is it possible to describe the “philosophy” inspiring the best practice?**
 - Credibility of the DGB-Dortmund in the region
 - Transparency of all activities
 - Participation of all involved parties at the round table
- **What problems/general needs does the intervention try to address? What are the specific ones?**
 - In general
 - Loss of workers’ participation
 - contaminated workers: safety and occupational health
 - contaminated areas: environmental protection
 - loss of workplaces: new/other work places
 - In particular
 - Protection of the interests of former workers, their families and residents of the area: medical aid and assistance, compensation, new work places, new clothing and furniture
- **What goals/ends does the intervention try to achieve? What bargaining dynamic had been in place?**
 - Operational goals
 - The DGB Dortmund supported the workers and a citizens’ Action Committee with several activities
 - The DGB-Dortmund initiated a second round table to mediate between workers and officials
 - The Government was forced to implement controls dependent on risk and a state-wide anonymous complaint management
 - The AWO initiated the appointment of an ombudsman responsible for the interests of the ENVIO workers; the ombudsman organised a first aid fund for the workers

Institutional goals

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- The DGB initiated and moderated the round tables (together with the consulting company IKU for the round table of officials) The aim was to promote an improved environmental protection and occupational safety and a stronger activation and involvement of works councils in environmental questions
- The DGB tried to develop the issues with works councils regarding topics of environmental and occupational health and safety
- The DGB developed recommendations in response to the consequences of the scandal, including improved support for victims, increased work safety and environmental protection, particularly for temporary workers, improved government oversight, etc.

- **What are the activities and instruments the intervention operates through?**
 - Round table, initiated by the Ministry of Labour; chaired by the former chairman of the DGB - formally authorised the by Ministry of Labour
 - Round table with workers, initiated by the DGB, to bring them into direct contact with the officials
 - Ombudsman formally authorised by Ministry of Labour
 - IG Metall and IG BCE financed a class-action suit
 - Public relations
 - Recommendations for dealing with the issue of health and safety and sustainable workplaces in the port of Dortmund by the DGB Dortmund
 - Port conference (initiated by the port management)

- **What are the most innovative aspects of the initiatives concerning the territorial context? And why?**
 - The role of the DGB as the initiator and chair of the round table was the most innovative aspect. On the one hand it put them into a good position to take action. Mandated by the Ministries it was possible to organise and foster publicity for the scandal, to organize transparency and to give the floor to affected workers and/or residents, other companies and their works councils at the port. On the other hand the round table consisted of too many stakeholders with too many institutional goals who were hardly interested in finding solutions for the problems of the workers. By chairing the round table the DGB took over/had to take over the position of conducting negotiations between all parties concerned.
 - The information system ADDIS had been in practice since 1998 (Abfalldeponiedaten-Informationssystem zur Deponieselbstüberwachung) and was substituted by the new system ADDISweb on 3.1.2011. One improvement is the direct access via Internet to the database, which is open to the public.

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- **Is it possible to transfer the initiative to another context?**
 - It is possible to transfer the initiative to other contexts under certain circumstances. A round table is a useful instrument
 - when the union has “credibility” in the region
 - when the focus lies on measurable objectives
 - when a union chairs the round table and remains “neutral”
 - when another union or workers and residents themselves strictly advocate the workers’ position,
 - when power is given to or organised by many
 - when a trans-sectoral structure of communication is organised

- **Please point out communication instruments (website, documents, booklets) concerned with the initiative.**
 - About the company: http://de.wikipedia.org/wiki/Envio_AG
 - All documents concerning the ombudsman, press releases of the Ministries, documents of the state parliament, results of measurements of the state authority for nature, environment and consumer protection, recommended procedures of the administration, contact persons, links, minutes of the round tables: http://www.bezreg-arnsberg.nrw.de/themen/p/pcb_do/index.php
 - Prognos Survey Report 1 of 3/2011 http://www.mais.nrw.de/08_PDF/005/Pressemitteilungen/110411_envio_gutachten.pdf
 - Prognos Survey Report 2 of 3/2011 http://envio.derwesten.de/files/2011-03-08_prognos-bericht_envio_ii.pdf
 - DGB on the issue: <http://dortmund-hellweg.dgb.de/ueber-uns/++co++7cbf9a60-3c4f-11e1-45ad-00188b4dc422>
 - IG Metall brochure about safety at work: [http://www.igmetall-nrw.de/Nachricht.116.0.html?&no_cache=1&tx_ttnews\[year\]=2011&tx_ttnews\[month\]=12&tx_ttnews\[tt_news\]=959&tx_ttnews\[backPid\]=113&cHash=2b9a0b6bbb6](http://www.igmetall-nrw.de/Nachricht.116.0.html?&no_cache=1&tx_ttnews[year]=2011&tx_ttnews[month]=12&tx_ttnews[tt_news]=959&tx_ttnews[backPid]=113&cHash=2b9a0b6bbb6)
 - Scientific report: Klaus Boeckmann: Standortentwicklung, Unternehmensverantwortung und betriebliche Interessenvertretung, TU-Dortmund / Sozialforschungsstelle Dortmund / Kooperationsstelle Wissenschaft-Arbeitswelt; Beiträge aus der Forschung Nr. 188, Dortmund, Juni 2014; http://www.boeckler.de/pdf/p_fofoe_dortmund_hafen.pdf
 - Articles: <http://www.ruhrbarone.de/envio-der-gerichtsprozess-ist-fur-die-opfer-noch-lange-nicht-verloren/87799>
 - Video about the case: <http://doku.cc/gruenkohl-gifte-geschaeft-skandal-um-firma-envio.html>
 - Interactive web-site in “Der Westen”: <http://envio.derwesten.de/>
 - Since 3.1.2011 the new information system ADDISweb allows public access to the data base via Internet [ADDISweb - Abfalldeponiedaten-Informationssystem](#)

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- **Please write down your final considerations?**
 - Transparency was achieved and other forms of public communication were developed
 - The protective function of unions/DGB in this case was very strong and was organised by introducing and moderating the round table/s; appointment of the ombudsmann, financing of lawyers and organisation of public awareness.
 - IG BCE and IG Metall were faced with the problem that the company mainly employed contract workers and temporary staff with a high turnover rate and an extremely low rate of organisation within the union (one member of each union); so, strictly speaking, it was not their statutory task; nevertheless, they financed a class-action suit, generally accepting that the situation on the labour market had changed; a specialised lawyer was chosen who was also able to represent the workers politically and in various media formats
 - There is a good chance that the port conference will develop medium-term discussions and CSR-activities