6. Sector-specific Corporate Responsibility in Germany

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Summary

Germany is one of the world's leading exporters and benefits from a healthy economy despite the economic and financial crisis. It is also the origin of the so-called "social market economy". In light of this tradition and its strong economy, which boasts many leading companies, the country has been criticised for not doing enough regarding explicit corporate responsibility (CR). This has changed with the government's recent publication of an "action plan" and subsequent initiatives to support CR. However, the government's new CR approach does not take sector-specific corporate responsibility into account. This is a missed opportunity because, as this chapter shows, public actors have already been active supporters of various sectoral initiatives.

6.1 Corporate Responsibility in Germany

6.1.1 General CR context

Implicit CR in Germany

In terms of CR, Germany has been perceived as a "white spot" in Europe (Habisch and Wegner 2004: 111). When the European Commission initiated discussion of CR among EU member states in 2001, Germany, one of the most important of these given its economic and political strength, seemed to stand on the sidelines. It is often argued that the country is an example of "implicit" CR (Matten and Moon 2008), which means that CR is already embedded in the country's institutions.

Social Market Economy

Indeed, Germany is home of the so-called "social market economy". The aim of this postwar economic idea was to reconcile free market capitalism with the country's long-standing tradition of public and private welfare. The social market economy is still present today and referred to by many different interest groups—be they trade unions, employer organisations, churches,

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NGOs or politicians—as the socioeconomic role model in Germany. Although there are serious doubts regarding whether it can guarantee social equality, about two-thirds of Germans believe that it is the best economic system for Germany and that its success has made a key contribution to the country's current prosperity (Infratest dimap 2012).

Given its wide use across factions, the contemporary meaning of the term "social market economy" is at least ambiguous. However, there are some features of the economic system in Germany that are often associated with this concept: a high density of labour regulation, a dual-track educational system, workers' codetermination on corporate boards and social dialogue between employers and employee representatives (Anatal et al. 2009: 288–289).

Environmental awareness

Whereas the social market economy is limited to the socioeconomic sphere, environmentalism also has a strong tradition in Germany. In the 1970s, environmental concerns rose in prominence and triggered regulations. Hallmarks of this development were the environmental-protection legislation of 1974 and the creation of the *Umweltbundesamt* (UBA),[186] the first of its kind in Europe, that same year. In the 1970s, when environmental awareness grew in many countries (Radkau 2011), initial attempts at environmental disclosure and reporting (i.e., "eco-accounting") were also made.

Development of Germany's CR profile

However, it has only been in recent years that the government has approached CR in a more strategic manner (see overview in Trautner 2012). In September 2006, the *Rat für Nachhaltige Entwicklung* (RNE),[187] an independent and respected advisory body to the German government, issued recommendations on how to develop a German CR profile (RNE 2006). At the beginning of 2009, the government launched the National Forum on CSR. Reflecting Germany's corporatist tradition (Trautner 2012: 754), it consists of 44 representatives drawn from industry, trade unions, NGOs, academia and government. The group's mandate is to elaborate a common understanding of CR in Germany and to make recommendations for government action.

National Strategy for CSR

The government acted upon the CSR Forum's recommendation by drafting a "National Strategy for CSR", which was published in October 2010. In this context, CR is seen as "responsible business practices in the respective companys' actual core business" and "the social, environmental and economic contributions a company makes as part of its voluntary assumption of social responsibility, which goes beyond compliance with laws and regulations and incorporates interaction with stakeholders" (Bundesregierung 2010: 2). It is thus in line with the first definition of the European Commission (EC 2001) and stresses that CR is "voluntary but not arbitrary" (Bundesregierung 2010: 3).

186 Federal Environment Agency (www.umweltbundesamt.de).
187 German Council for Sustainable Development (www.nachhaltigkeitsrat.de).

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Five strategic aims

The "action plan", as the strategy is also known, contains five strategic aims. The government wants to (ibid.: 6):

1. anchor CR more firmly in enterprises and public bodies;
2. win over more small and medium-sized enterprises (SMEs) to CR;
3. increase the visibility and credibility of CR;
4. optimise the political framework for CR; and
5. make a contribution towards shaping the social and environmental dimensions of globalisation.

Implementation of the Action Plan

The action plan proposes nearly 50 initiatives through which different government will support these aims. The *Bundesministerium für Arbeit und Soziales* (BMAS)[188] is responsible for implementing the plan and works together with 12 other federal bodies.[189] To increase public recognition of responsible business, the BMAS will launch a "CSR Award" in 2012. The BMAS is also responsible for one of the largest CR programmes for SMEs, which provides guidance and coaching.[190] This initiative has a budget of €35 million over a three year period and testifies to how important SMEs—or the famed *Mittelstand*—are to the German concept of CR. The country's exporting tradition is likewise important, as reflected by the government's slogan "CSR—Made in Germany" (BMAS 2012).

Other public initiatives

Apart from the action plan, there are other public initiatives that will shape the future of CR in Germany. One of them is the "National Engagement Strategy", which, among other things, seeks to encourage corporate citizenship and improve cooperation between companies and civil society. Another step was made in 2011, when the RNE launched the German Sustainability Code. The code encompasses 20 criteria with up to two key performance indicators (RNE 2012). It is based on internationally recognised standards, such as the OECD Guidelines for Multinational Enterprises, the Global Reporting Initiative's Sustainability Reporting Framework and the ISO 26000 guidance. The government supports the voluntary code and encourages businesses to adopt its recommendations.

Other CR drivers

All in all, the action plan, the engagement strategy and the sustainability code have brought explicit CR onto Germany's political and societal agendas. Of course, the government did not bring about this process by itself but, rather, did so through dialogue and cooperation with other groups. To name but a few drivers, the CR networks Econsense[191] and UPJ[192] have been active proponents of a more explicit understanding of CR. As for civil society, actors

188 Federal Ministry of Labour and Social Affairs (www.bmas.de).

189 An overview of all initiatives and the responsible federal bodies, as well as news regarding their implementation, can be found online at: www.csr-in-deutschland.de/csr-in-deutschland/aktivitaeten-der-bundesregierung.html.

190 www.csr-in-deutschland.de/csr-in-deutschland/esf-foerderung-fuer-kmu.html.

191 *Forum Nachhaltige Entwicklung der Deutschen Wirtschaft* (www.econsense.de).

192 *Bundesinitiative "Unternehmen: Partner der Jugend"* (www.upj.de).

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such as the NGO network CorA[193] and the Bertelsmann Stiftung[194] think tank have moved the debate forward.[195]

No sector focus

This new, formalised approach may help to close the perceived CR policy gap between Germany and other European countries, such as Denmark, France and the United Kingdom. One must point out, however, that Germany's explicit approach to CR does not include any references to specific industrial sectors. This is noteworthy because the country's export prowess is based on a few key industries, particularly ones in manufacturing. Furthermore, public actors are already familiar with various sector-specific initiatives, as can be seen in the following chapters.

6.1.2 Sector-specific corporate responsibility in five industry sectors

6.1.2.1 Chemicals and chemical products

Economic significance

The chemical sector has traditionally been one of Germany's key industries. According to the *Verband der Chemischen Industrie* (VCI),[196] Germany is the world's largest exporter of chemicals. In 2007, the sector's share of Gross Value Added (GVA) was about 2.4 per cent (OECD 2010: 275), and it employed 414,766 people in 2010 (VCI 2011: 50), or about 1 per cent of the total workforce. There were 3,857 companies, of which 92.1 per cent employed fewer than 250 people (ibid.: 48) and can be considered SMEs in line with the EU definition.

Responsible Care in Germany

Responsibility in the sector is driven by international standards, regulations and the social dialogue between employers and employees. As for the industry's leading international standard, the VCI introduced Responsible Care—the global chemical-industry initiative—in Germany in 1991.[197] Since then, various initiatives have been launched under the umbrella of Responsible Care. For instance, chemicals companies have helped authorities in North Rhine-Westphalia rehabilitate contaminated industrial areas.[198]

REACH

Regulation is also an important driver of CR in the sector. It can be observed that many forms of voluntary disclosure by chemical companies have become binding reporting duties over time. The European Union's REACH regulation is a prime example of how companies are required to report on the production, storage and use of chemical products. The UBA offers information on how REACH can be implemented and holds regular workshops to deal with practical problems. "REACH in Practice", as this project is called, ad-

193 *Corporate Accountability, Netzwerk für Unternehmensverantwortung* (www.cora-netz.de).
194 The Bertelsmann Stiftung has a dedicated CSR programme (www.bertelsmann-stiftung.de/csr).
195 For more organisations that have a stake in the development of the CR concept, consult the member list of the CSR Forum available at: www.csr-in-deutschland.de/csr-forum.html.
196 German Chemical Industry Association (www.vci.de).
197 www.responsible-care.de.
198 www.responsible-care.de/default2.asp?rub=952&tma=0&cmd=shd&docnr=120183&nd=&ond=pv&snd=&shmode.

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dresses both companies affected by the regulation and public agencies that monitor its implementation.[199]

Soft-law initiatives

There are also soft-law initiatives, such as *Umweltpakt Bayern*.[200] The compact is a voluntary partnership that was concluded in 1995 between the Bavarian government and the state's business community, as represented by trade associations and chambers of industry and commerce (StMUG 2010). One of its tenets is that all companies that join the compact commit themselves to introducing or continuing to use a corporate environmental management system at the plant level, such as the Eco-Management and Audit Scheme (EMAS) or the ISO 14001 family of standards. In return, such companies can expect to undergo fewer inspections by the authorities and face fewer administrative burdens. Although the compact is open to all sectors, one of its various working groups focuses on chemicals-substance policy, and some of its projects have been carried out by chemicals companies.

Social dialogue

Finally, the chemicals industry in Germany is influenced by social dialogue. The employer organisation BAVC[201] and the trade union IGBCE[202] launched an exchange of ideas, the so-called "Wittenberg Process", in order to promote responsible business in the context of the social market economy (Kokott and Westphal 2011). The dialogue is moderated by the Wittenberg Center for Global Ethics and aims to increase the acceptance of the social market economy as well as strengthen social dialogue within the chemicals industry. It is based on a common code that both partners endorsed in 2008, and it sets sector-wide "guidelines for responsible action in the social market economy".[203] To facilitate this dialogue, the BAVC and IGBCE hold workshops and colloquia on a regular basis, continue the dialogue in the companies and inform the public about their activities.

Other social-partnership agreements

The social partnership between the BAVC and IGBCE is not limited to the principles-based Wittenberg Process. They have also concluded "social-partnership agreements" that deal with issues such as the adjustments of pension systems to demographic change, the consumption of alcohol and drugs in the workplace, and vocational training.

6.1.2.2 Construction

Economic significance

The construction sector's revenues were about €81.9 billion in 2010,[204] and its GVA share was 3.7 per cent in 2011.[205] Sector companies, 99.7 per cent of

199 www.reach-info.de.
200 Bavarian Environmental Compact (www.stmug.bayern.de/umwelt/wirtschaft/umweltpakt/index.htm).
201 *Bundesarbeitgeberverband Chemie* (www.bavc.de).
202 *Industriegewerkschaft Bergbau, Chemie, Energie* (www.igbce.de).
203 www.bavc.de/bavc/web/web.nsf/id/li_ib_092008_leitlinien.html.
204 See Excel table available at: www.bauindustrie.de/zahlen-fakten/statistik/facts-and-charts-english.
205 www.bauindustrie.de/zahlen-fakten/statistik/bedeutung-der-bauwirtschaft/anteil-der-wertschopfung/.

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which had fewer than 200 employees,[206] employed some 716,000 people,[207] or about 1.7 per cent of Germany's total labour force. Almost one-tenth of Germany's GDP is spent on construction.[208] The sector's environmental impact makes it highly relevant in terms of its CR. Climate change, in particular, is seen as a key challenge that can be addressed by construction companies through energy-saving measures and by installing renewable-energy facilities. In fact, the trade association *Die Deutsche Bauindustrie*[209] embraces this new market and highlights the industry's potential solutions.[210]

Sustainable building

The industry's engagement regarding climate change was preceded by government action on sustainable building. In 1995, it became mandatory for the German construction industry to issue an "energy efficiency certificate" (*Energieausweis*) for every new residential building. This certificate allows buyers and tenants to easily estimate future energy costs, especially those for heating, and to use this knowledge in selecting the most energy-efficient buildings. In 2008 and 2009, this law was extended to existing buildings and buildings used for purposes other than housing. Since then, owners, landlords and sellers of a building have to provide an energy efficiency certificate if asked to do so by prospective buyers or tenants.[211]

Sustainable building certification schemes

This mandatory initiative is complemented by voluntary ones. For instance, the federal ministries for building and the environment, the BMBVS[212] and the BMU,[213] respectively, as well as the *Institut Bauen und Umwelt* (IBU),[214] work on so-called "environmental product declarations". These declarations are based on ISO norms and provide data for assessing the sustainability of buildings. Another example resulted from a partnership between the *Deutsche Gesellschaft für Nachhaltiges Bauen* (DGNB)[215] and the BMBVS. They created a certification mechanism for the assessment and planning of sustainable buildings. The DGNB certificate goes far beyond the energy efficiency certificate and considers environmental, economic, sociocultural, technical, procedural and site-related aspects over the whole lifetime of the building (DGNB 2011: 19–21). For each aspect, there are various criteria that are weighed according to the occupancy profile of the building.

Social and governance aspects

Whereas environmental aspects of building are addressed by several initiatives, there are only a few that deal with social and governance concerns, such

206 www.bauindustrie.de/zahlen-fakten/statistik/struktur/betriebsstruktur/.
207 www.bauindustrie.de/zahlen-fakten/statistik/arbeitsmarkt/beschaftigte/.
208 See Excel table available at: www.bauindustrie.de/zahlen-fakten/statistik/facts-and-charts-english.
209 "The German Construction Industry" (www.bauindustrie.de).
210 www.bauenschuetztklima.de.
211 www.bmvbs.de/EN/BuildingAndHousing/Energy-efficientBuildings/EnergyCertificates/energy-certificates_node.html.
212 *Bundesministerium für Verkehr, Bau und Stadtentwicklung* (www.bmvbs.de).
213 *Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit* (www.bmu.de).
214 Institute Construction and Environment (www.bau-umwelt.de).
215 German Sustainability Building Council (www.dgnb.de).

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as illegal employment or bribery. In 2005, a working group including BMBVS officials as well as representatives from Germany's 16 federal states (*Länder*), municipalities and the construction trade associations developed a prequalification certificate (BMVBS 2011). Construction companies usually have to submit numerous qualifications when competing for a public tender. The prequalification certificate is meant to replace these qualifications with a single, recognised qualification, and prequalified companies are also listed on a website. The certificate asks companies to document certain capabilities and standards, such as the payment of minimum wages, and to prove that they have not been listed in the bribery registry of the federal states (*Landeskorruptionsregister*).

EMB-Wertemanagement

An ethical management system for the sector, the *EMB-Wertemanagement Bau*, was to be established nationwide in 2007[216] after a regional version had been used by the Bavarian Construction Association since 1996.[217] The system was abandoned on the national level, but it remains operational in Bavaria. Social and governance aspects, it seems, will remain a challenge for the construction sector.

6.1.2.3 Wholesale and retail trade

Economic significance

The wholesale and retail trade (WRT) sector is one of Germany's largest industrial sectors in terms of revenues and employees. According to the *Handelsverband Deutschland* (HDE),[218] the retail sector grossed €414 billion in revenues and employed almost 3 million people, or 7.3 per cent of the labour force, in 2011 (HDE 2012). In 2008, the sector's GVA share was about 10.3 per cent (OECD 2010: 275).[219]

Government initiatives

CR in the sector is driven by three groups: government, business and consumers. The government has been active for several decades. With respect to the importance of consumers and food scandals in the past, the government employs awareness-raising initiatives aimed at transparency and consumer education. One of its most prominent achievements was the introduction of the world's first eco-label in 1978. Since then, the *Blauer Engel* ("Blue Angel") label[220] has developed into one of the best-known labels and served as model for other eco-labels, including the EU Ecolabel.[221]

Transparent consumer information

The 1964 establishment of a foundation on product tests gives an early example of transparent and unbiased consumer information. The *Stiftung Warentest*[222] is basically an independent test magazine that reviews products

216 See Stahl 2010. The fact that no other information on this initiative than this radio website article is available points towards its silent demise.
217 www.bauindustrie-bayern.de/emb.html?PHPSESSID=f23a8fc6f7fbf5e5f366d249722af262.
218 German Retail Association (www.einzelhandel.de).
219 This figure also includes repair of motor vehicles and household goods.
220 www.blauer-engel.de.
221 www.ec.europa.eu/environment/ecolabel/.
222 www.test.de.

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and services of all sorts. Since it is partly government-funded (about 14 per cent of its budget), it has to abstain from advertising revenues, but this also makes it free to be very critical. Its reviews are popular and highly trusted among consumers. This has prompted companies that are dissatisfied with receiving poor grades for their products and services to regularly sue the organisation, but it has yet to be convicted of publishing unfair or improper reviews. In 2005, Stiftung Warentest started to rate the responsibility of producers in special tests.[223] These tests are not general CR ratings but, rather, are linked to specific products (e.g., jeans, coffee, TV sets).

Promoting consumer protection

Another example of an awareness-raising initiative is the website www.lebensmittelklarheit.de ("food clarity"), which gives consumers a public forum in which to complain about misleading packaging and product information in addition to offering producers an opportunity to respond. It is operated by the *Verbraucherzentrale Bundesverband* (vzbv)[224] and funded by the *Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz* (BMELV).[225]

Sustainable public procurement

Germany's government also serves as a role model by procuring goods that have been made according to social, environmental and labour standards.[226] The Procurement Law allows environmental and social factors to be taken into consideration in public procurement. There are also an administrative regulation for the procurement of energy-efficient products and services (2008) and a common decree of four ministries to procure sustainable wood (2010). Apart from the federal level, most sustainable procurement takes place on the level of the federal states and municipalities. In 2010, the government of North Rhine-Westphalia, Germany's most populous state, issued a decree that it would shun the public procurement of products manufactured through the worst forms of child labour (MBI.NRW 2010). The decree refers to ILO Convention 182, applies to eight product groups[227] and is binding for all state procurers. In addition, many municipalities are committed to sustainable procurement. For example, of the over 1,105 "Fair Trade Towns" in 24 countries, 76 are in Germany.[228]

CR and discounters

Anecdotal evidence shows that large retailers cannot afford to abstain from CR. Even popular discounter chains are selling a small proportion of products that are certified organic or fair trade as well as joining supply-chain initia-

223 An overview of all CR tests can be found online at: www.test.de/Unternehmensverantwortung-Sozial-und-oekologisch-produzieren-1313426-2313426/.

224 Federation of German Consumer Organisations (www.vzbv.de).

225 Federal Ministry of Food, Agriculture and Consumer Protection (www.bmelv.de).

226 See, e.g.: www.bmwi.de/BMWi/Navigation/Energie/Energieeffizienz-und-Energieeinsparung/energieeffiziente-beschaffung,did=232286.html.

227 Agricultural products, pencils and rubbers, leather products, natural stone, toys, sporting goods, rugs and textiles.

228 As of April 2, 2012 (www.fairtradetowns.org/about/).

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tives, such as the Business Social Compliance Initiative (BSCI).[229] In a recent case, a clothing discounter notorious for its poor labour standards attracted much attention when it hired a high-profile CR manager (enorm 2010).

Sustainable consumption

Nevertheless, CR is an important topic for a sector that serves consumers who are also increasingly aware of sustainable consumption. For example, according to one survey, the vast majority of Germans (84 per cent) consider a product's impact on the environment "rather important" or "very important" (Eurobarometer 2009: 49). The HDE therefore welcomes corporate responsibility and highlights the good practice examples of large retailers (HDE 2010). In doing so, the organisation identified five responsibility topics: responsible product policy and sustainable consumption, labour standards, international supply chains, environmental management systems and efficient logistics, and corporate citizenship (HDE 2009).

Business-driven initiatives

Apart from the CR initiatives of individual companies, there are collective approaches that rely on the cooperation of several companies in the sector. The *AVE Sektorenmodell* is a prime example of how leading companies can work together for a responsible supply chain by developing a code of conduct and a monitoring system (see Section 2.2). The *Gesamtverband textil+mode*[230] also created a sector-wide code of conduct (textile+mode 2011) in 2010. It is modelled on the 10 principles of the U.N. Global Compact in addition to covering health and safety and restrictive business practices. The code is aimed at SMEs (including non-members) that do not have the ability to develop their own codes, and it encourages them to use the text as a template instead.

6.1.2.4 Information and communication technologies

Economic significance

In 2010, the information and communication technologies (ICT) sector (including consumer electronics) sold goods and services worth about €147.8 billion (BITKOM 2012) and employed about 847,700 people, or about 2 per cent of the total workforce (BITKOM 2011). The industry accounted for approximately 3.8 per cent of GVA in 2011.[231] In 2010, the largest subsector by revenue was telecommunications, which accounted for about 45 per cent of sales, whereas seven out of 10 employees worked in IT, primarily in software and services.

Telecommunications

Although IT services makes up a large proportion of the ICT sector, telecommunications is closer to consumers and thus more visible in terms of CR. The latter is still mainly dominated by one company, Deutsche Telekom AG. The former state monopolist was privatised in 1995 and still commands a 46 per cent share of the sector's revenues in Germany (Bundesnetzagentur 2011: 24), although this share has been continuously declining since 1998. As a

229 www.bsci-intl.org.
230 Textile+Fashion Confederation (www.textil-mode.de).
231 Statistical data available at: www-genesis.destatis.de (code: 81000-0013).

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consequence, the responsibility of the sector is largely driven by Deutsche Telekom and its large competitors, such as Telefónica or Vodafone.

Business-led initiatives

Deutsche Telekom has been engaged in CR reporting since 1996 and deals with the topics that are relevant for the global telecommunications sector, including product safety and health, the digital divide, climate change and sustainable product design. It is also one of 30 signatories of the "ICT Principles", a Europe-wide sector commitment for the improved online safety of children.[232] This coalition of telecoms, hardware manufacturers and content providers was founded in December 2011 and aims at improving tools, privacy settings and parental controls as well as takedown of child abuse material.

Green IT

Apart from the CR agenda of individual companies, there are also collective initiatives to build a green ICT infrastructure. The *Bundesverband Informationswirtschaft, Telekommunikation und neue Medien* (BITKOM),[233] for example, started the Green IT Alliance in 2008.[234] The partnership of 35 experts drawn from the business and research communities aims to foster dialogue between producers and users of green ICT as well as to identify potential ways of tackling climate change by means of technology. In addition, Green IT is one aspect of the procurement-related initiative *ITK-Beschaffung.de* (see Section 2.1).

Partnering initiatives

BITKOM also partners with the BMU and the UBA. Since 2007, they have jointly hosted the annual conference "Green IT", which is meant to raise awareness about recent developments in eco-friendly ICT, such as the potential of smart cities.[235] In another collaborative arrangement, BITKOM founded a consultancy office that mediates between pilot projects implementing green ICT solutions and public funding schemes offered by the UBA, the BMU and the KfW Group, the development bank of Germany's federal and state governments.[236]

6.1.2.5 Financial services

Economic significance

The financial services sector (including insurance) employed just over 1.2 million people in 2010, or about 3 per cent of the work force.[237] In the same year, it contributed €117.9 billion to GVA, or roughly 5 per cent of the German total.[238]

The German banking sector

Germany hosts one of the largest banking sectors in Europe (by total assets), among them two global banks (Deutsche Bank and Commerzbank). Financial services are offered by three types of institutions: private banks,

232 www.ec.europa.eu/information_society/activities/sip/self_reg/index_en.htm.
233 Federal Association for Information Technology, Telecommunications and New Media (www.bitkom.org).
234 www.bitkom.org/de/themen/51051_60514.aspx.
235 www.bmu.de/produkte_und_umwelt/produktbereiche/green_it/jahrestagung/doc/46806.php.
236 www.green-it-beratungsbuero.de/content/green-it-beratungsbuero.
237 Statistical data available at: www-genesis.destatis.de (code: 81000-0015).
238 Statistical data available at: www-genesis.destatis.de (code: 81000-0013).

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public banks (i.e., savings banks and the partly state-owned *Landesbanken*) and cooperative banks. Whereas private banks are profit-seeking ventures, public banks and cooperatives may pursue non-financial aims, as well. All these banks compete with each other for customers and investors.

Impact of the global financial crisis

The German financial sector was hit hard by the financial crisis. This happened despite its three-pillar-system, which is sometimes criticised for being too fragmented and consequently leading to small profits, on the one hand, and sometimes lauded for its down-to-earth banking style, on the other. It was not only Commerzbank that took a blow from the financial meltdown and had to be partly nationalised.[239] The *Landesbanken* (public banks partially owned by the federal states) also suffered from the financial crisis since they had inadvisedly invested in credit default swaps.

CR and core business of financial institutions

Given the substantial role the financial sector played in the financial crisis and the public debates that followed the bail-out policies in Germany, it is noteworthy that its CR is not associated with the business practices that, among other things, helped bring about the crisis. Private banks, in particular, are very committed to their corporate citizenship, but they still do not link CR to their core business, for example, in terms of customer relations and transparency (oekom 2012; Mutz 2011: 66–67). This core business includes customer and product responsibility, environmental and social minimum standards for lending, the inclusion of sustainability criteria in investment decisions, employees and fair business practices (oekom 2012: 2–3).

Socially Responsible Investment

The same holds true for socially responsible investment (SRI). By the end of 2009, total SRI assets in Germany amounted to €12.9 billion, or 0.8 per cent of the total amount of capital in German investment companies (Eurosif 2010: 35). This is a very small proportion when compared with the Netherlands, which leads the European SRI market with €396 billion, or 33 per cent, of total assets under management (ibid.: 41). There are various funding schemes for renewable energies, low-carbon technologies and social enterprises. For example, the BMU launched a "Klima+Finanzen" week of action in 2010 that informed investors about "climate-friendly investments".[240] For this purpose, an exhibition on "climate and financial opportunities" was sent on a road show, stopping at banks, insurers and pension funds.

UNPRI signatories

The sector's interest in global SRI standards is also limited. The United Nations Principles for Responsible Investment (UNPRI) had 920 signatories as of July 2011. Only 17 came from Germany, while 70 were from France and 54 from the Netherlands (UNPRI 2011: 3).

Savings banks

On the other hand, there are also some positive signals. Savings and cooperative banks have not only survived the credit crunch without suffering

239 The government still owns a 25 per cent share in Germany's second-largest bank.
240 www.klima-und-finanzen.de.

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harm[241]; they have even benefitted from the frightened savers and investors who headed for them in hopes of finding safe haven for their assets.

Public banks and CR

The KfW Group provides an example of how a public bank can integrate CR into its core business.[242] It committed itself to the "UNEP Statement by Financial Institutions on the Environment and Sustainable Development" in a 2003 statement in the *Bundestag*, Germany's lower house of parliament. In 2008, it also signed the human rights declaration initiated by the Business & Human Rights Resource Centre and it uses environmental and social impact assessments for all project financing in developing and transition countries as well as in export and project-finance operations in countries outside the EU and the OECD.

Ethical banking

Ethical banks are a special form of cooperatives. Such banks usually abstain from certain investments, such as those involving the manufacture of alcohol or armaments, while actively investing in social projects and renewables and providing fair interest rates on loans. The GLS Bank, founded in 1974, was the first ethical bank in Germany. Today there are two additional ethical banks: Umweltbank and Ethikbank. By being transparent about their investment criteria, the projects they have invested in and their governance, they provide an alternative to private banks. This is deemed to be the reason why ethical banks profited from the financial crisis; like the savings banks and cooperatives, they gained new customers (Meckeler 2012). However, so far, ethical banking has remained a niche market.

Initiative for microcredits

Last but not least, microlending has gained a foothold in Germany over the last decade. The BMAS works together with GLS Bank, a pioneer in microcredit services, and dozens of microfinance institutions to offer microcredits to otherwise possibly "unbankable" people in order to help them start small businesses.[243]

Government-driven initiatives

As elsewhere in Europe, the German government intervened in the financial sector at the peak of the credit crisis. Private savings of up to €20,000 were backed, and the *Sonderfonds Finanzmarktstabilsierung*[244] program was set up to bail out public and private banks. However, the potential of this large-scale government intervention was not used to promote CR in the sector, except for when it comes to customer and product responsibility.

Enhancing transparency of product information

Since July 2011, all German banks have had to provide transparent, written information about the products they sell (so called "information leaflets") and to take minutes of sales talks held with private customers. However, banks have not abided by these requirements since then, as a covert research project by the

241 However, one should note that they did suffer losses through the *Landesbanken*, which are the regional heads of savings banks.

242 www.nachhaltigkeit.kfw.de/EN_Home/index.jsp.

243 www.bmas.de/DE/Service/Presse/Pressemitteilungen/mikrokreditfonds.html.

244 Special Financial Market Stabilization Fund (www.fmsa.de).

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BMELV (which is responsible for consumer protection) showed.[245] The results were discussed with representatives of the financial sector. At the same time, the BMELV gave extra funding to *Stiftung Warentest*. Financial products number among the things the test magazine reviews, and the annual additional funding of €1.5 million (from 2013 onwards) is meant to expand these tests.[246]

6.2 Illustrative examples of sector-specific initiatives

In the following sections, three initiatives will illustrate how different sectors tackle their responsibility and how both business and government can engage positively in public-private collaboration. In the first example, an ICT trade association and government bodies developed soft-law guidance in order to increase the potential of public procurement for both sides. The second example shows how a business-led soft-law initiative in the retail sector created a common code of conduct and a monitoring system with the help of funding as well as operational and political support from the government. The last example is an awareness-raising initiative in the chemicals sector in which the government acts as one among various stakeholders.

6.2.1 Guidance for public procurement: *ITK-Beschaffung.de* (ICT)

Sustainability and public procurement

Public procurement can be a critical lever in promoting the adoption of environmental and social standards, especially in the supply chain. The total volume of local, regional and federal public procurement in Germany accounts for about 13 per cent of GDP.[247] However, despite the legal basis for the inclusion of environmental and social criteria in public-procurement decisions (e.g., Directives 2004/17/EC and 2004/18/EC, which allow for environmental criteria), sustainable public procurement is difficult to implement in practice. In the EU's internal market, public tenders have to be open to all market participants and must not discriminate against some suppliers on the basis of non-economic considerations.

Public procurement of ICT products

This also holds true for the ICT sector. In terms of its impact on sustainable development and its share of total procurement, IT and telecommunications equipment is one of the most important product groups (McKinsey 2008: 12). According to BITKOM, public expenditures on ICT equipment amount to about €17 billion annually.[248] These products become ever more energy-efficient and can help reduce government-related carbon emissions.

245 www.bmelv.de/SharedDocs/Pressemitteilungen/2012/84-AI-Beipackzettel.html.

246 www.csr-in-deutschland.de/aktuell/nachrichten/artikel/bmelv-staerkt-finanz-verbraucher schutz.html.

247 www.bmu.de/produkte_und_umwelt/umweltfreundliche_beschaffung/doc/39042.php.

248 This and the following information is based, inter alia, on an interview with Oliver Lowin, Head of the Public Procurement and Procurement Law Division, BITKOM.

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But public purchasers find it difficult to specify technical requirements given the complexity and the short product cycles in this sector. Moreover, lest there be discrimination against competitors, public tenders are not allowed to use proprietary brand names.

Common pain of public and private actors

This problem is not limited to the demand side. Facing tenders with insufficient technical specifications, companies incur costs, for instance, when asking for additional information in what is a very formal process. It was this common pain that prompted BITKOM and the *Beschaffungsamt des Bundesministeriums des Innern* (BeschA)[249] to form a partnership to tackle the problem in 2006. The *Bundesamt für Informationsmanagement und Informationstechnik der Bundeswehr*[250] and the *Bundesagentur für Arbeit*[251] later joined in, as well. When BITKOM decided to develop a third guide for the procurement of eco-friendly IT (see below), it invited and collaborated with the UBA owing to the latter's expertise in green public procurement. The result is the website www.*ITK-Beschaffung.de*, which offers practical guides for procurement officials. So far, the guides cover product groups for desktop computers, laptops, servers and thin clients.

Three different guides

For each product group, there are three separate guides addressing the three aspects of public procurement: the non-proprietary performance description, environmental criteria and legal stipulations. The main advantage of the guides for non-proprietary procurement is that they offer an alternative to specifying product performance by referring to popular brand or manufacturer names. Instead, they present generally accepted technical benchmarks for evaluating ICT products. A different set of benchmarks was used for the guide on green IT procurement, including energy efficiency, life-cycle information and material characteristics.

Development of the guides

The guides are developed in working groups hosted by BITKOM. Each group convenes participants from the public and private sectors who are usually members of the trade association that produce or sell the product in question. BITKOM acts as an intermediary, whereas the public procurers and the company representatives (often salesmen) assemble the content of the guide. The guides are adopted by consensus. The whole process can take up to one year and is meant to be repeated after a few product cycles in order to take into account both technical progress and new requirements.

Training for procurers

In addition to the guides, BITKOM and its public-sector partners offer benchmark workshops for public purchasers. The aim of these free workshops is to train public servants how to properly use the technical benchmarks. Speakers from BITKOM, its member companies and the public sector

249 Procurement Agency of the Federal Ministry of the Interior (www.bescha.bund.de).

250 Federal Office of the *Bundeswehr* for Information Management and Information Technology (www.it-amtbw.de). The *Bundeswehr* is Germany's military.

251 Federal Employment Agency (www.arbeitsagentur.de).

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discuss the benchmarks, provide practice examples and answer the participants' questions.

Evaluation and impact

According to BITKOM, the initiative has been successful since its launch. As an indicator of increasing demand for guidance on ICT procurement, the website's click rate and the number of downloads are rising. Moreover, due to requests from Europe and South America, the guides were translated into Dutch, English, French, Portuguese and Spanish. So far, no similar initiative has been launched in other countries because BITKOM has had the guides translated into different languages. The translation of the guides and the running costs are funded by BITKOM, with contributions from participating businesses and public bodies.

Outlook

With regard to the future of the platform and sustainable ICT procurement in general, BITKOM forecasts a growing importance of social aspects. The BeschA, the *Kompetenzzentrum für nachhaltige Beschaffung*[252] and BITKOM will discuss how such considerations can be integrated into procurement and, in particular, how they can be verified. In the meantime, the existing platform will be further developed by producing guides for new product groups (e.g., displays and printers) and focusing on local procurement bodies.

Conclusion

In sum, *ITK-Beschaffung* is a good example of a soft-law initiative that sees business and public actors use their joint expertise to improve existing soft law on procurement. In doing so, they make the tendering process more efficient and create better value for taxpayers' money. At the same time, the government uses the market mechanism to incentivise and reward businesses that produce and sell eco-efficient ICT equipment.

IT procurement on the EU level

Such an approach could be replicated in other sectors and other countries. In fact, something similar has already happened at the EU level. Since 2008, the European Commission has set criteria for green public procurement in 19 product groups, including office IT equipment.[253] Unlike the German initiative, these criteria have been developed and updated on the basis of stakeholder involvement. One should keep in mind, however, that the approach of BITKOM and the German procurement agencies yielded early and practical results. It remains to be seen whether this will also apply to more complex socially responsible procurement.

6.2.2 Managing the supply chain responsibly: *AVE Sektorenmodell Sozialverantwortung* (WRT)

Partnering organisations

Codes of conduct are a common instrument for entrenching responsibility in an organisation. The challenge in using a code, however, lies not in drafting it but, rather, in its implementation mechanisms. This problem is at the heart of

252 Competence Centre for Sustainable Procurement.
253 www.ec.europa.eu/environment/gpp/gpp_criteria_en.htm.

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AVE Sektorenmodell Sozialverantwortung,[254] an initiative jointly launched by the *Außenhandelsvereinigung des deutschen Einzelhandels* (AVE),[255] the *Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung* (BMZ)[256] and the *Deutsche Gesellschaft für technische Zusammenarbeit* (GTZ).[257]

AVE Code of Conduct

In the 1990s, large retailers came under pressure because of problems in their global supply chain, such as child labour, poor safety standards and low wages.[258] As a reaction, some of them created their own corporate codes of conduct and started to manage such risks in their supply chains. This resulted in different codes and the question of their equivalence. The AVE stepped in and convened the large German retailers in a working group that created the AVE Code of Conduct. The Code was modelled after the ILO core labour norms and the SA8000 standard.

Roundtable discussions

After the Code had been endorsed by consensus in 1999, questions arose about how it could be implemented. In 2001, the GTZ established a "Codes of Conduct Roundtable", which gave different stakeholders an opportunity to discuss supply-chain-related issues. The idea of developing an implementation mechanism for codes emerged in these discussions, and a partnership between the AVE, BMZ and GTZ was forged.

Rationale of the Sector Model

The AVE invited its members to join a working group that was formed to develop a monitoring and auditing procedure for companies that decided to follow the AVE Code voluntarily. These companies were large retailers that committed themselves to improving the social performance of their suppliers over a reasonable period of time and in accordance with the requirements of the AVE Code of Conduct. The goal was not to punish suppliers and subsuppliers for not meeting high social and labour standards but, rather, to give them an opportunity and encouragement to improve incrementally. Training and local roundtables were to complement the social audits and monitoring system.

Development of implementation system

The development of this system was handled solely by the AVE and its members. According to the AVE, it was difficult to convene competitors that were divided into laggards and forerunners with respect to their social responsibility. Depending on their CR performance, participants would face varying implementation costs associated with joining the initiative. Stakeholders were not involved at that point, the AVE says, since they would have further complicated the consensus-based modus operandi of the working group. They were

254 AVE Sector Model Social Responsibility (website no longer accessible).
255 Foreign Trade Association of German Retail Trade (www.ave-international.de).
256 Federal Ministry for Economic Cooperation and Development (www.bmz.de).
257 German Technical Cooperation (GTZ) was reorganized and renamed in January 2011, when it was merged with *Internationale Weiterbildung und Entwicklung gGmbH* and *Deutscher Entwicklungsdienst*. It is now the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ), the German Society for International Cooperation (www.giz.de).
258 The following information is based, inter alia, on an interview with Stefan Wengler, director of AVE, and on the archived website of the "AVE Sector Model", which is no longer available.

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invited later, however, after an advisory board had been set up. The AVE published information on the development of the *Sektorenmodell* in their annual reports between 2001 and 2005.

Governmental support

Once the *AVE Sektorenmodell* had been successfully established, in April 2003, participants began to implement it. The BMZ and GTZ were strongly involved in this phase. First of all, the BMZ funded the initiative financially, in particular, its auditing and training activities. But it also lent credibility to a business-led initiative that was met with scepticism by some stakeholders. At that time, the BMZ was led by a Social Democrat minister whose support for a business initiative gave vital political backing to the AVE.

Role of the GTZ

Apart from this general support, the GTZ played an important role when it came to operations in the developing countries. Whereas independent consultants accredited by Social Accountability International, which had created the SA8000 standard, audited the suppliers, the ensuing training sessions were provided by the companies and the GTZ. In this way, companies could draw on the GTZ's expertise in intercultural technical cooperation and increase the legitimacy of their training. In a further step, local roundtables were established that were modelled on the Codes of Conduct Roundtable and open to a range of stakeholders, including trade unions, trade associations and governments. Their aim was to strengthen local ownership of the *AVE Sektorenmodell*.

Evaluation and impact

After the project was concluded, the GTZ did an internal evaluation. In general, the AVE initiative can be called a good example of how a public-private collaboration can help implement a soft law (i.e., the code of conduct). The initial goal of conducting 2,500 audits within a period of three years was not achieved. Rather, the AVE, BMZ and GTZ only managed to carry out about 1,000 audits with around 900 suppliers owing in part to a shortage of accredited auditors. However, even this number is minuscule if one considers that, according to the AVE, one single participant had about 8,000 suppliers.

From AVE to BSCI

Nevertheless, the *AVE Sektorenmodell* succeeded in being quickly scaled up. It attracted attention from retail companies in other countries. At first, some members of the *Vereniging van Grootwinkelbedrijven in Textiels*[259] joined the initiative. Later, the AVE approached large Swiss and French retailers, but these companies did not want to join a German initiative. Therefore, the AVE's European branch, the Foreign Trade Association, launched a global version of the *AVE Sektorenmodell*. The Business Social Compliance Initiative (BSCI) was founded in 2003 and now comprises more than 700 companies from various sectors.[260] Thus, although the *AVE Sektorenmodell* was phased out by the end of 2006, its mission continues to be pursued by the BSCI.

259 Dutch association for large textile retailers (www.rndweb.nl).
260 www.bsci-intl.org.

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Acclaim and criticism

In December 2009, the BSCI received the "Award for Business Ethics 2008" sponsored by the *Deutsches Netzwerk Wirtschaftsethik*.[261] This decision was criticised by the Clean Clothes Campaign, which argued that having notorious discount chains the members of the BSCI would undermine rather than promote supply-chain responsibility because their overall business models were based on low prices rather than sustainability.[262] The BSCI responded by saying that it encouraged participation by all companies and that each commitment would be monitored.

6.2.3 Strengthening consumer responsibility: *Forum Waschen* (chemical sector)

Consumer responsibility

Responsibility has two sides when it comes to consumer goods. On the one hand, producers bear responsibility for their products; on the other, consumers are responsible for the way they use and dispose of the products. This becomes particularly evident with goods that can be used in a non-sustainable way, for example, by using a detergent that is not suitable for cleaning clothes or surfaces or by not respecting dosage instructions. The activities of *Forum Waschen*[263] show how a multi-stakeholder initiative can tackle the joint responsibility of companies and consumers in the chemicals sector.[264]

Efficient detergents and proper dosages

Producers of detergents and household cleaning products have long suffered from a bad reputation. The original reason was the use of non-biodegradable surfactants in the 1960s and their negative impacts on the environment. Although the industry has improved its products since then by making them more efficient, among other things, the bad reputation has stuck with some consumers and other stakeholders. Moreover, consumers did not adjust their behaviour to the increased efficiency of detergents, which in turn neutralised any (eco)efficiency gains.

Initial aim

This is the point of departure for *Forum Waschen*. It was established in 2001 in order to start a dialogue with all relevant corporate stakeholders concerning washing and cleaning in private households. Having launched this initiative, the *Industrieverband Körperpflege- und Waschmittel* (IKW)[265] wanted to give consumers practical and unbiased information on sustainable cleaning and washing. The aim was to encourage consumers to save money and resources, without neglecting the aspects of health and hygiene, by publishing leaflets and position papers as well as organising awareness-raising events.

Participants

Since the consumer information needed to be neutral and credible, the IKW identified relevant stakeholders and asked them to join the forum. Eight

261 European Business Ethics Network Deutschland (www.dnwe.de).
262 www.csr-news.net/main/2009/12/08/kontroverse-um-preis-fur-unternehmensethik-ccc-kritisiert-dnwe/.
263 "Forum Washing" (www.forum-waschen.de).
264 The following information is based, inter alia, on interviews with two IKW representatives: Dr. Bernd Glassl, Head of Department, and Dr. Thorsten Kessler, Scientific Assistant.
265 German Cosmetic, Toiletry, Perfumery and Detergent Association (www.ikw.org).

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stakeholder groups accepted the invitation, including universities, a consultancy firm, two consumer-protection organisations and the BMU. Today, *Forum Waschen* has 36 participants (including the IKW), six of which are governmental institutions. Rather than having formal membership and statutes, the forum has a basic document outlining its organisation and structure (*Forum Waschen* 2011). *Forum Waschen* is open to all stakeholders who are somehow involved with sustainable washing and cleaning.

Three modes of dialogue

There are three modes of dialogue and cooperation: the stakeholder workshop, the project teams and the project groups. The actors' workshop is an annual meeting of all stakeholders. It is comparable to a governing body since it is in this context that participants initiate joint projects and launch project teams and that groups present their results and decide on topics the *Forum Waschen* wishes to deal with. All decisions, including the publication of consumer information, are taken by consensus. The same holds true for decision-making within the project teams and groups, which are the actual workhorses of the forum.

Work in project teams

Project teams are formed for permanent tasks. These include "consumer communication/action day", "public relations", "washing up" and "school". For instance, the team on consumer communication is responsible for approving the brochures, position papers and the homepage, surveying consumer behaviour and organising a nationwide action day with over 120 local awareness-raising events per year. Stakeholders within a project team form working groups in order to address a specific issue, such as drafting consumer information on washing temperatures.

Moderation between experts

The IKW hires a professional moderator to improve the dialogue, mutual understanding and cooperation among the participants. The collaborative atmosphere of the discussions benefits from most of the participants' technical background in cleaning and washing. Moreover, engineers from domestic appliance companies have been participating in the forum for several years.

Government as lender of credibility

Due to the fact that all stakeholders are equal within this multi-stakeholder forum, government representatives have no special role at first glance. However, the annual action day, held on May 10, always has a patron drawn from public life. In the past eight years, seven out of eight patrons were ministers or presidents from a participating government organisation. In connection with their work in the project teams and groups and their support for the action day, public actors are key in providing the initiative's main currency: legitimacy. They act as lenders of credibility and thereby ensure that consumers can deem the publications and events of *Forum Waschen* neutral and unbiased. Although other stakeholders also contribute some degree of legitimacy, it is only the government participants that can be viewed as not pursuing any special interests and as (ideally) being committed to the public good.

Performance evaluation

The IKW tracks the forum's performance with indicators that measure its output. An example of an indicator is the click rate on the forum's homepage,

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which reportedly attracts more than 15,000 visitors per month. Moreover, the reactions to the quarterly press reports are collected and analysed, as are the reports handed in by the organisers of local events during the day of action. Media coverage of the action day is estimated to reach more than 10 million people.

Measuring impact

However, it is harder to measure the impact of the forum's activities. The IKW refers to the sectoral sustainability report it has issued since 2004.[266] According to the latest report, the share of laundry washed at or above 60 degrees Celsius has fallen from 43 per cent in 2001 to 32 per cent in 2010 (IKW 2011: 20). Though it is difficult to establish a direct causal link, it seems plausible to assume that the forum's activities and information have supported this trend. The forum was awarded the title *Werkstatt N* ("Workshop Sustainability") in 2011 and 2012.[267] Each year, the RNE, which advises the German government on matters of sustainable development, uses this label to recognise 100 projects across Germany for their practical contribution to sustainable development.

Outlook

As for its future, the *Forum Waschen* will continue to inform consumers about sustainable washing and cleaning. Demographic and lifestyle changes (e.g., the growing number of single households) and controversial topics (e.g., the use of dryers) will continue to create demand for more dialogue and information.

Conclusion

As the three examples above have shown, actors in industry are aware of their responsibility and do live up to it. In each of the examples, trade associations play a vital part, echoing Germany's corporatist tradition. Government bodies contribute to these initiatives by providing funding and expertise, in general, and by lending legitimacy, in particular, especially when stakeholders are concerned or involved. It is noteworthy that all three initiatives are strongly issue-driven. Instead of "sector-specific responsibility" per se, difficulties in the tendering process, the application of codes of conduct and the right dosing of detergents have led to these initiatives. With regard to the recent explicit CR approach of the government, such specific issues cannot be and actually are not identified within a central strategy. Instead, they are viewed as primarily being the responsibility of specific sectors.

266 www.forum-waschen.de/nachhaltig-handeln.html.
267 www. werkstatt-n.de/projekte/forum-waschen.

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6.3 Comment

Tradition of collective action

Although CR is becoming more explicit in Germany, it remains rooted in the country's socioeconomic system. Features such as institutionalised social dialogue, the corporatist tradition and the moderating role of the state are expressions of public private collaboration. The idea of sector-specific CR could draw on such elements. In fact, there are already numerous examples of sector initiatives that deal with CR-related issues. They have grown organically from the interaction of different actors within a sector rather than being the result of an elaborated strategy.

In need of recognition

However, the existence of such initiatives should be acknowledged by the central CR strategy and promoted by the government. For example, existing sector initiatives could be collected and highlighted on the government's CR website[268] or follow the Danish example of including sector-specific measures in the Action Plan. This could particularly help sector initiatives that are committed to responsibility but struggle to attract attention and recognition since they deal with bread-and-butter issues rather than large-scale challenges. For example, even the three organisations presented in this report are probably known to only a limited number of people outside the respective sectors.

Government as honest broker

Apart from raising awareness, the government should continue to get involved in sector initiatives. Whether it lends credibility, shares expertise and resources, or engages in co-governance, the government can act as an honest broker between different interests. Instead of being a new role, this would actually reflect the original function of government as a guarantor of a responsible economic order.

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268 www.csr-in-deutschland.de.

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