

A EUROPEAN WORKS COUNCIL WHAT IS IT FOR ?

the legal framework

- **EWC regulations : three legal documents**
 - **the directives 1994/45 and 2009/38**
 - **transposition into national legislation**
 - **your agreement**

- **94/45 or 2009/38 ?**

- agreements concluded before 22.09.1996 “article 13”

no obligatory renegotiation
not submitted to the obligations of any directive
can be renewed or revised

- agreements concluded between 22.09.1996 and 4.06.2009 “article 6”

no general obligation to renegotiate
submitted to directive 2009/38

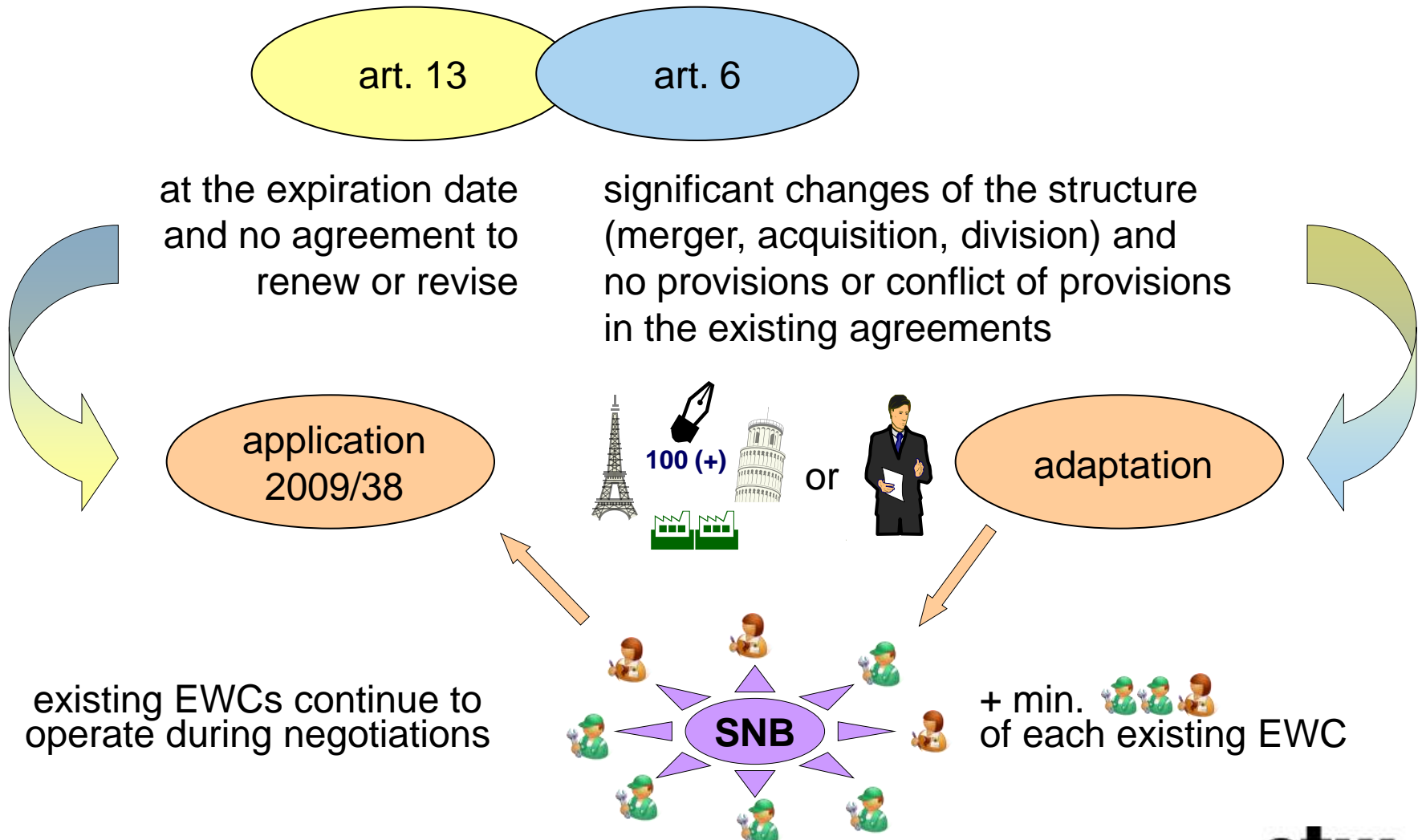
- agreements concluded between 5.06.2009 and 5.06.2011

submitted to directive 94/45
not submitted to the obligations of directive 2009/38
can be renewed or revised

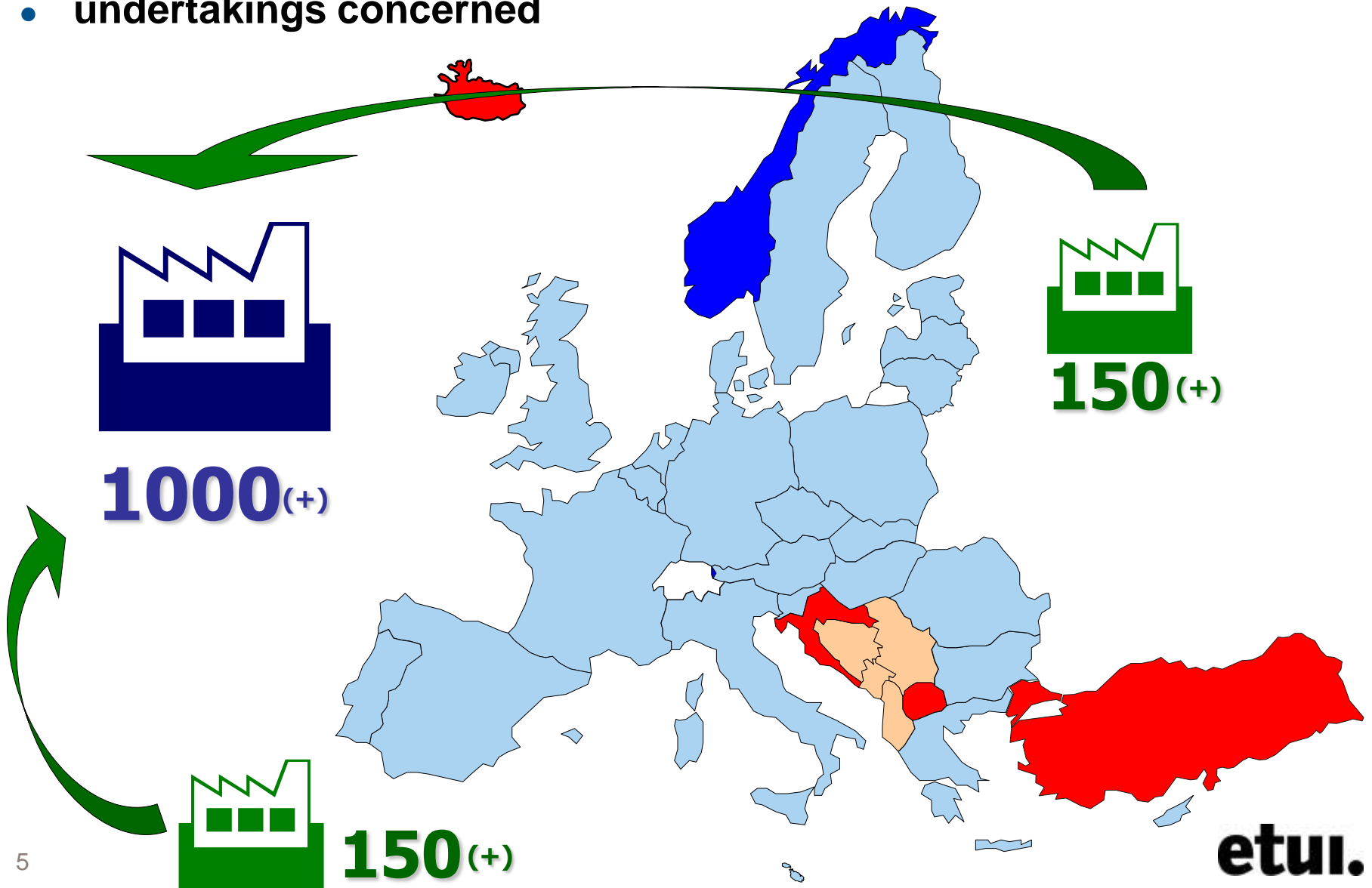
- agreements concluded from 6.06.2011

submitted to directive 2009/38

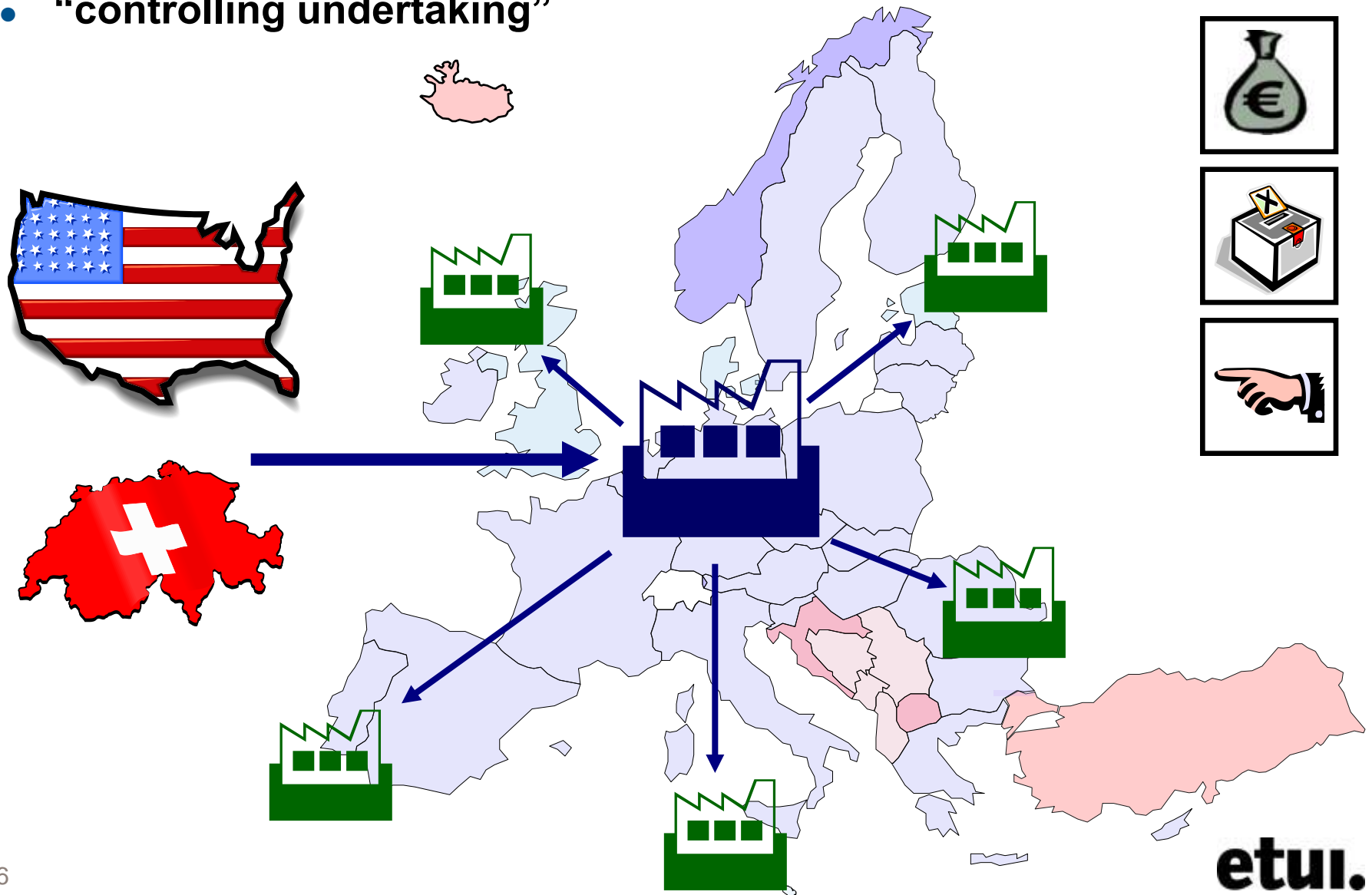
- existing agreements



- undertakings concerned



- “controlling undertaking”



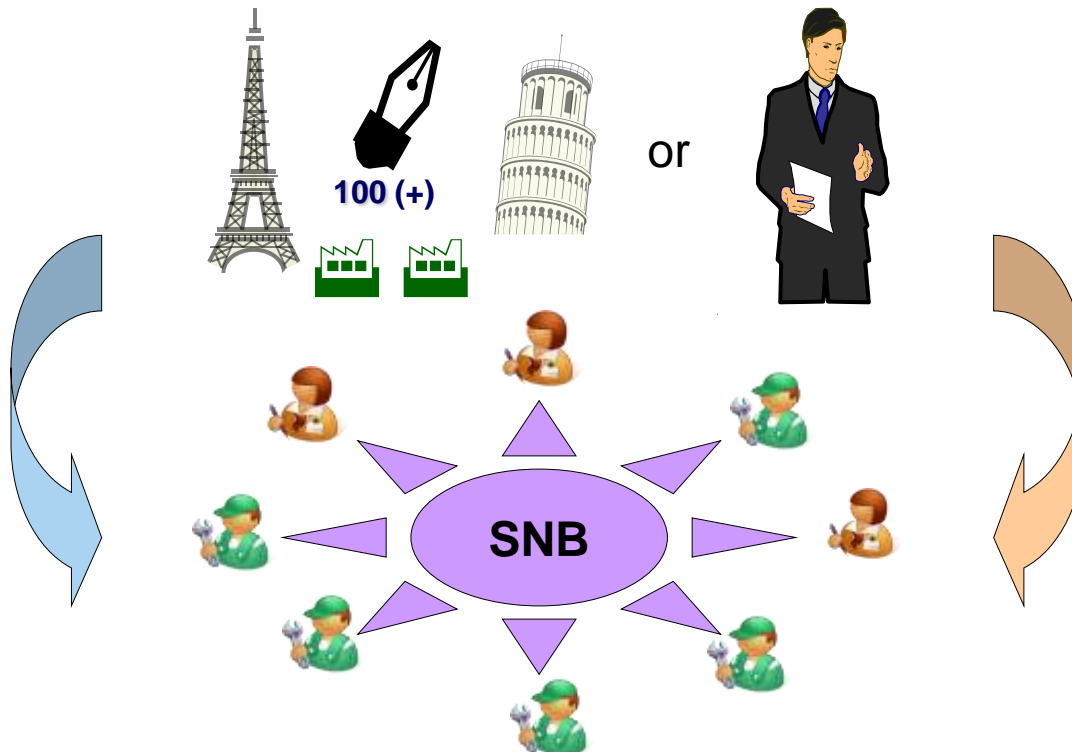
- start of the negotiations



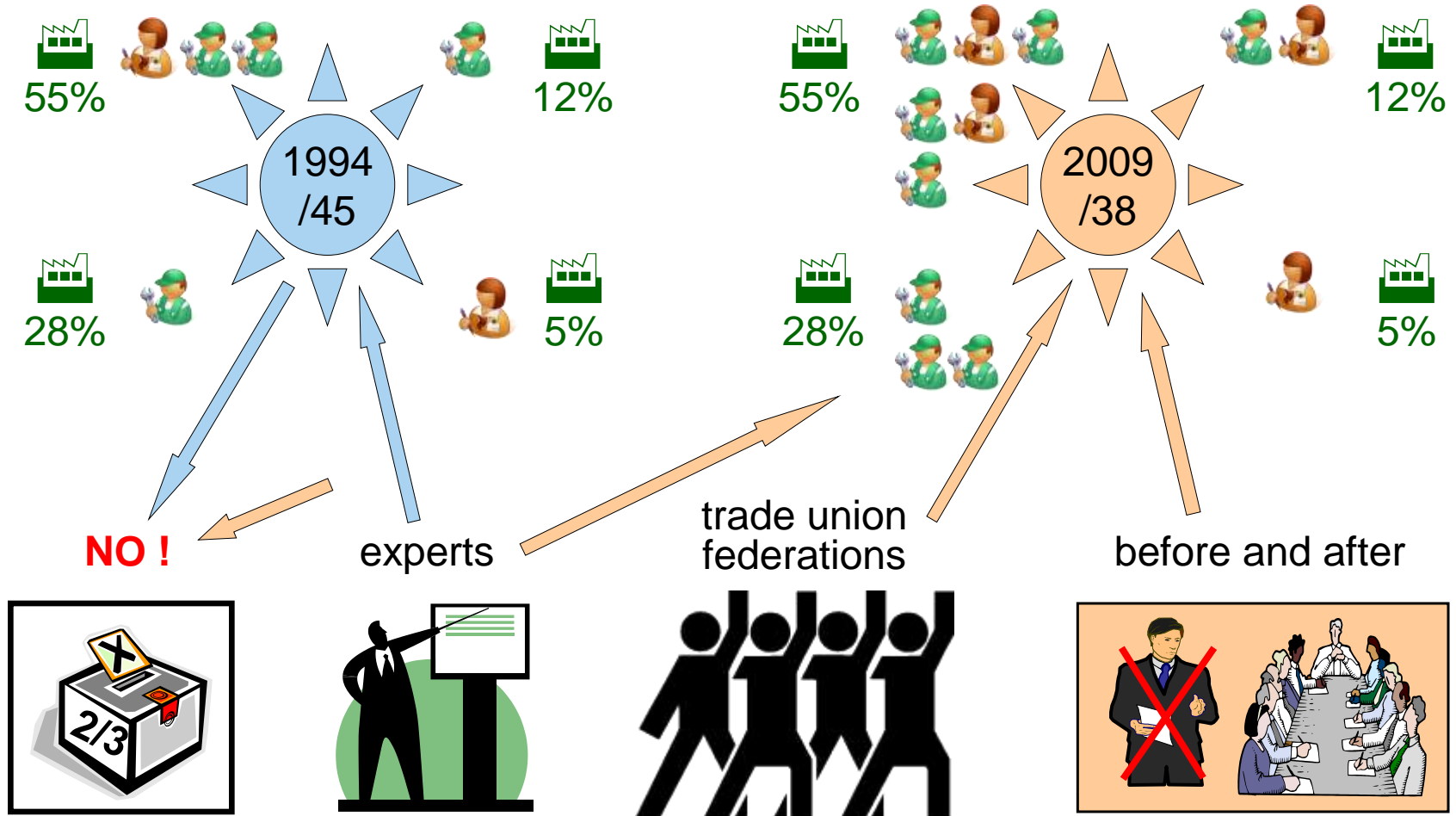
and



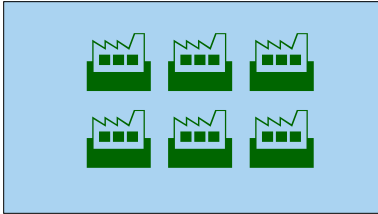
obligation to obtain and transmit to the parties concerned the information required for commencing negotiations



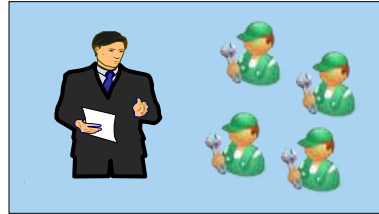
- the special negotiating body



- content of the agreement

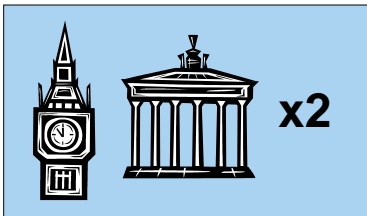


companies involved

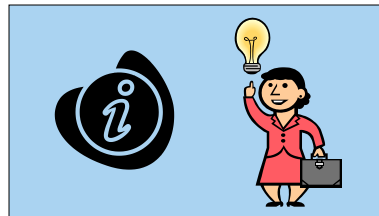


composition

+ balanced representation for activities, category and gender

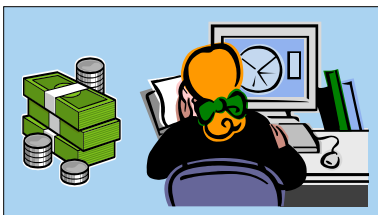


venue, frequency and duration of meetings

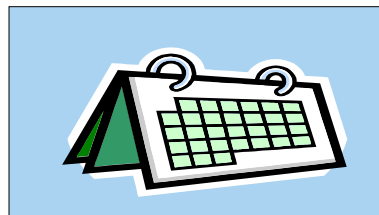


procedure for information and consultation

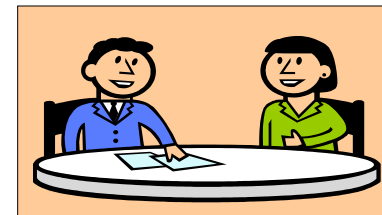
+ arrangements for linking the European and the national level



financial and material resources



duration and procedure for renegotiation

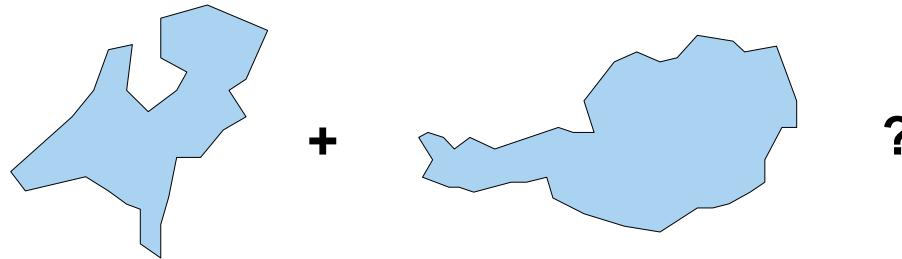


activities of the select committee

+ arrangements for amending or terminating and when to renegotiate

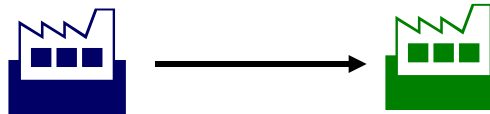
- or ... a procedure for information and consultation

- **transnational**



matters that concern the group as a whole or
at least two establishments situated in two different member states

preamble : the employees must be properly informed and consulted when decisions which affect them are taken in a member state other than that in which they are employed



preamble : matters which, regardless of the number of countries involved, are of importance for the workforce in terms of the scope of their potential effects or which involve transfers of activities between member states

- **definitions**

- information

transmission of data

at such time

in such fashion

with such content as are appropriate

that allow to

get acquainted with the subject matter and examine it

undertake an in-depth assessment of the possible impact

prepare for consultations



- consultation

the exchange of views and establishment of dialogue

at such time

in such fashion

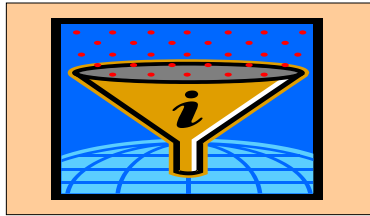
with such content as to enable

to express an opinion about the proposed measures

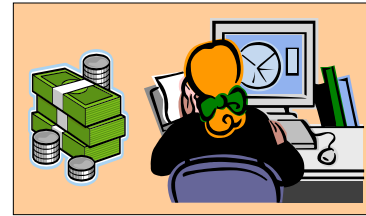
which may be taken into account



- **role of the representatives**



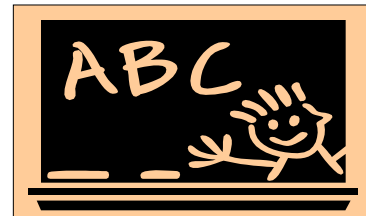
inform local representatives
or the whole workforce



to have the means required
to apply the rights stemming
from this directive



to collectively represent the
interests of the employees



provided with training
without loss of wages

- **link EWC / national bodies**

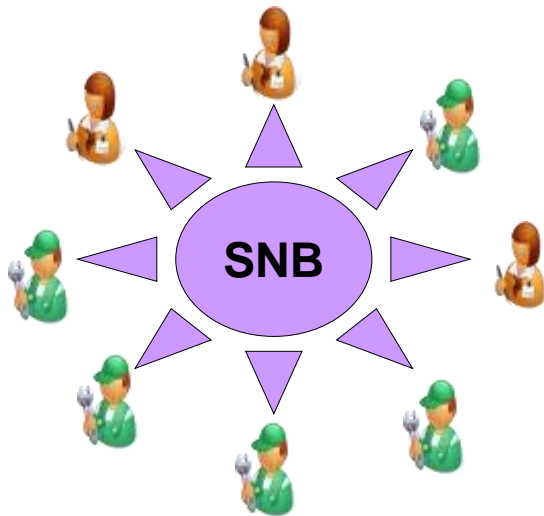
arrangements established by agreement

without prejudice to national practice

if no such arrangements : information and consultation on both levels

preamble : EWC informed earlier or at the same time

- **subsidiary requirements : application**

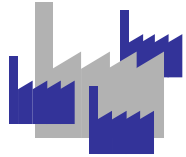


6 months

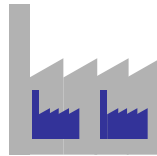


3 years

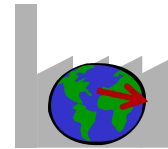
- **subsidiary requirements : competence of the EWC**



structure of the group



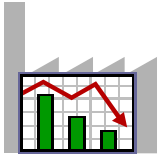
changes in the organisation



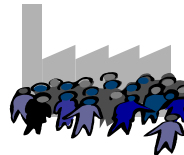
transfers of production



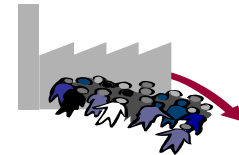
investments



economic and financial situation



situation and trend of employment



collective redundancies



development of activities, production and sales



new working methods

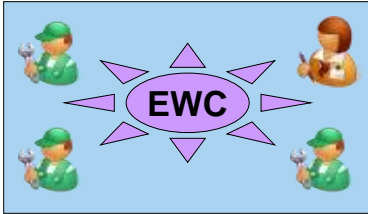


mergers, cut-backs or closure of undertakings

information

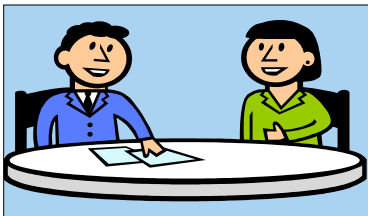
information + consultation
meeting with management, obtain a motivated response to any opinion

- subsidiary requirements : practical arrangements



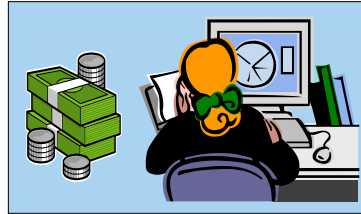
1/country 3 – 30

1 per 10% / country
or fraction thereof
(min. 10)

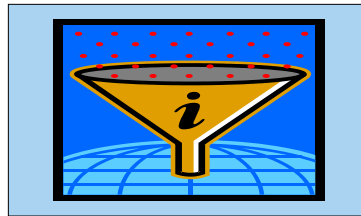


select committee max. 3,
where size so warrants

max. 5, where ~~size~~

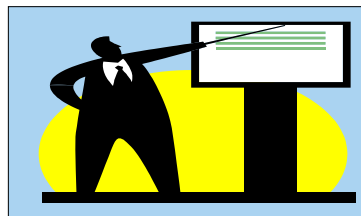


financial and material
resources

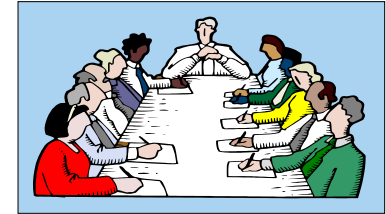


to inform the workforce

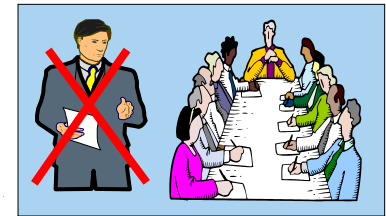
art. 10



1 expert paid



1 meeting / year

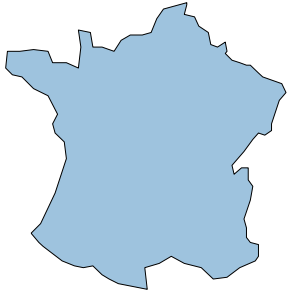


internal preparatory meeting



extraordinary meetings

- **which transposition ?**

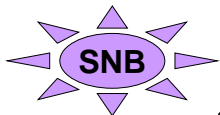


- country of central management for organisation of SNB/EWC
- other countries for the appointment/election of members
- sanctions that are effective, proportionate and dissuasive

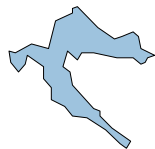
- **France : Law N° 96-985 of 12 November 1996**



- some extra specifications



- appointment by the unions among the elected members of the company or group works council or among the union delegates in the group ; if there is no union representation in the group in France : election by entire workforce



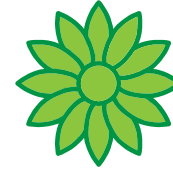
- representatives from other countries (non EU, non EES) can be associated without the right to vote



- 120 hours per year for the secretary and the members of the select committee not including the meetings

- **some other examples**

- Netherlands
environmental care
one expert per item on the agenda
- Belgium
trade unions can submit claims
the necessary time to inform all workers
- Sweden
1 extra internal meeting/year
right to pursue claims before courts
- Spain
60 hours/year for all members
list of serious/very serious infringements
- Portugal
25 hours/month
minor/serious/very serious infringements for every article



see activity “analysing the quality of your agreement”

A EUROPEAN WORKS COUNCIL WHAT IS IT FOR ?

some informal indications

informal indications

- directives 1994/45 and 2009/38
- transposition in national law
- your agreement

IS THAT ALL ?

AN EWC = A COMMUNICATION NETWORK BETWEEN WORKERS REPRESENTATIVES OF THE SAME GROUP OF DIFFERENT COUNTRIES

- information for the “small” countries, that would be isolated without EWC
- information country A → country B, C... can be posted immediately
- does not have to be limited to transnational matters
- meetings paid by management
- exchange of best practices
- transnational solidarity
- transnational agreements ?



etui.

informal indications



mergers, cut-backs
or closures



transfers



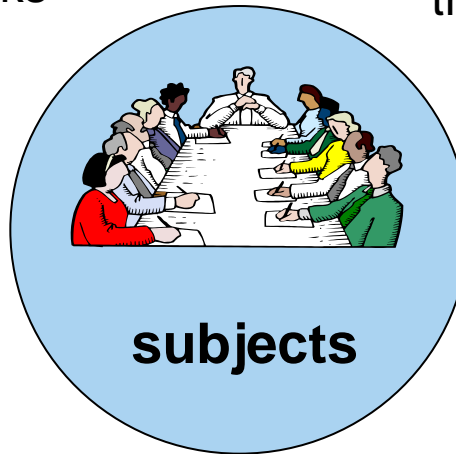
investments



production and sales



economic and
financial situation



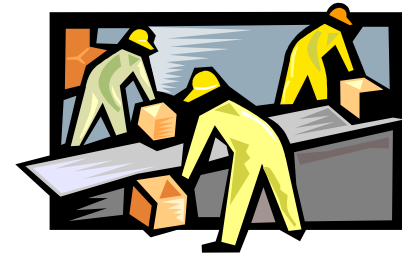
employment



collective
redundancies



changes in the
organisation



new working methods

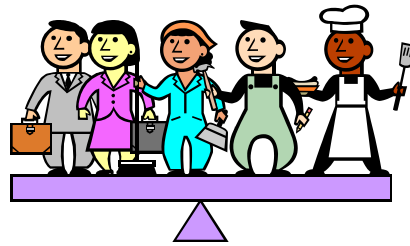


structure

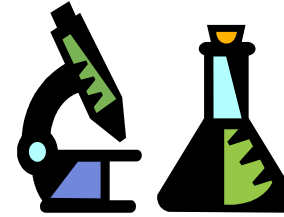
informal indications



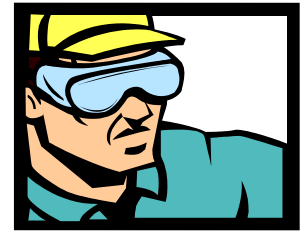
parental leave



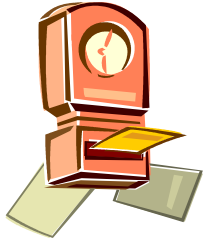
equal opportunities



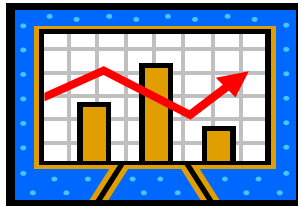
research &
development



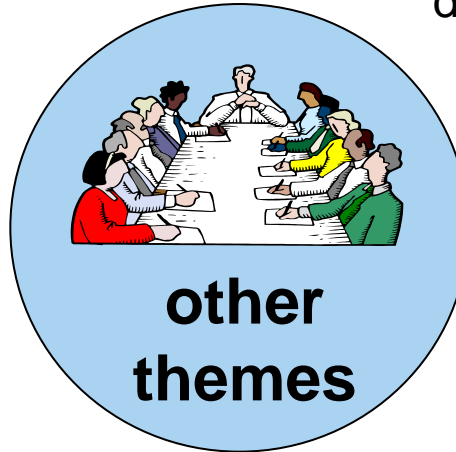
health & safety



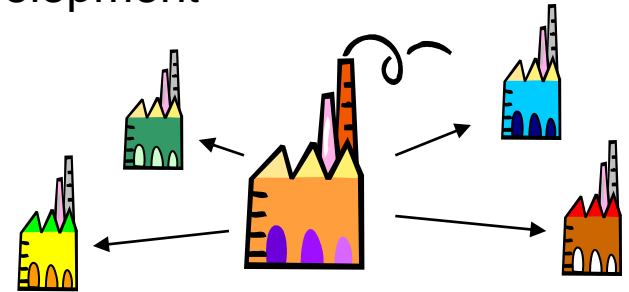
working time



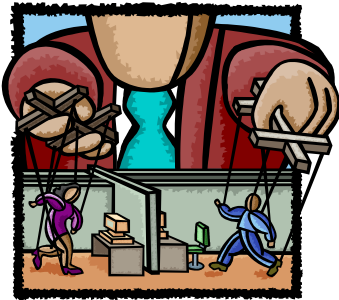
profit sharing



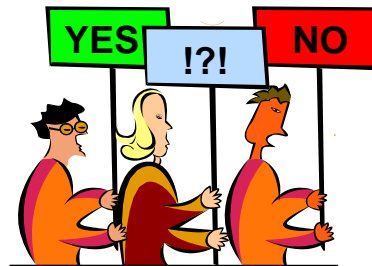
**other
themes**



subcontracting, outsourcing



social responsibility
sustainable
development



union rights



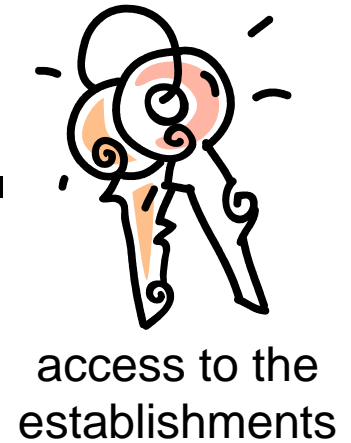
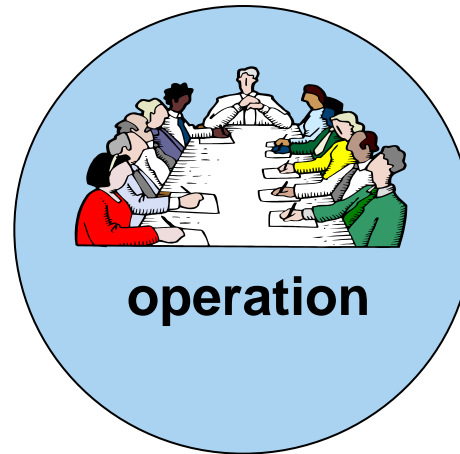
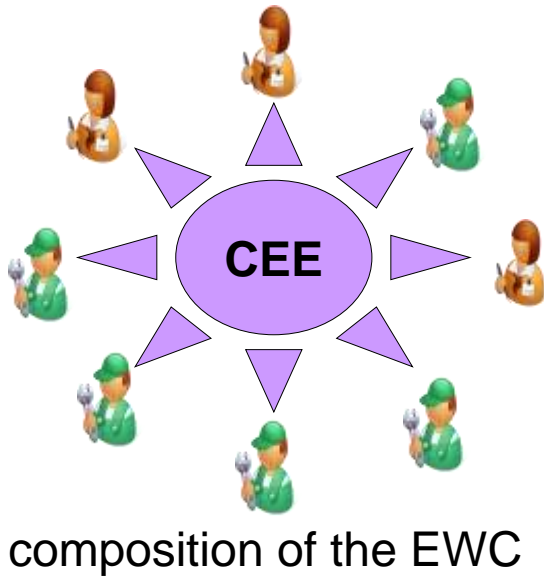
environment



vocational
training

etui.

informal indications



etui.

informal indications

- **transnational agreements ?**

- no legal framework, not the competence of the EWC !
- global framework agreements
negotiated by the international union federations ex. EMF :
“The EMF supports the development of a negotiation role in multinational companies. Through the negotiation of framework agreements both at European and international level, the EMF seeks to secure minimum standards for workers with a view to improve working conditions and avoid undercutting on social standards.”
- role of the EWC ?

- **Lhoist – charter for subcontracting**

- when is it possible ?
- what conditions for subcontracting ?
- information and consultation beforehand



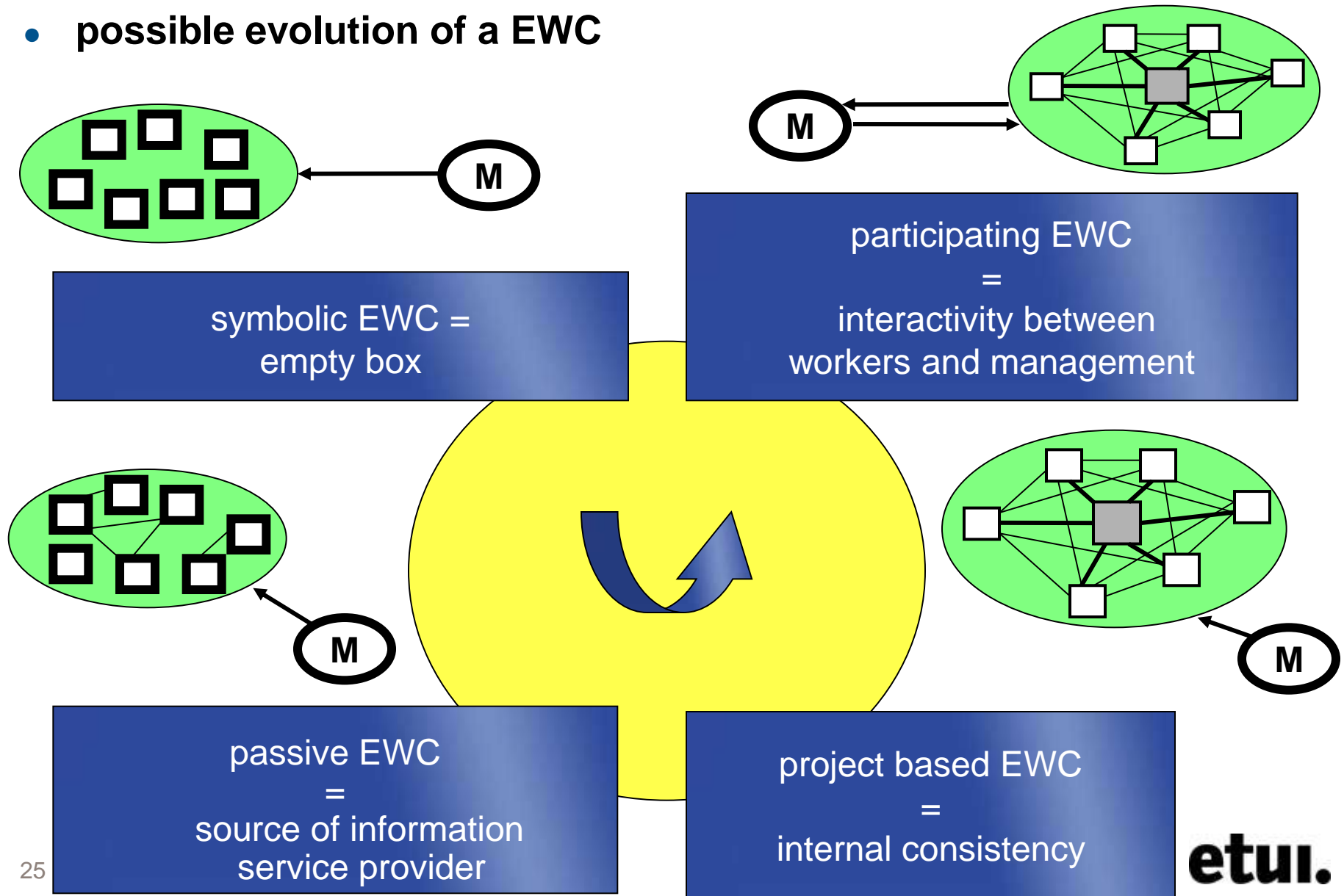
- **General Motors**

- European framework agreement for the restructuring 2008
- response to internal competition
- to avoid redundancies and closures

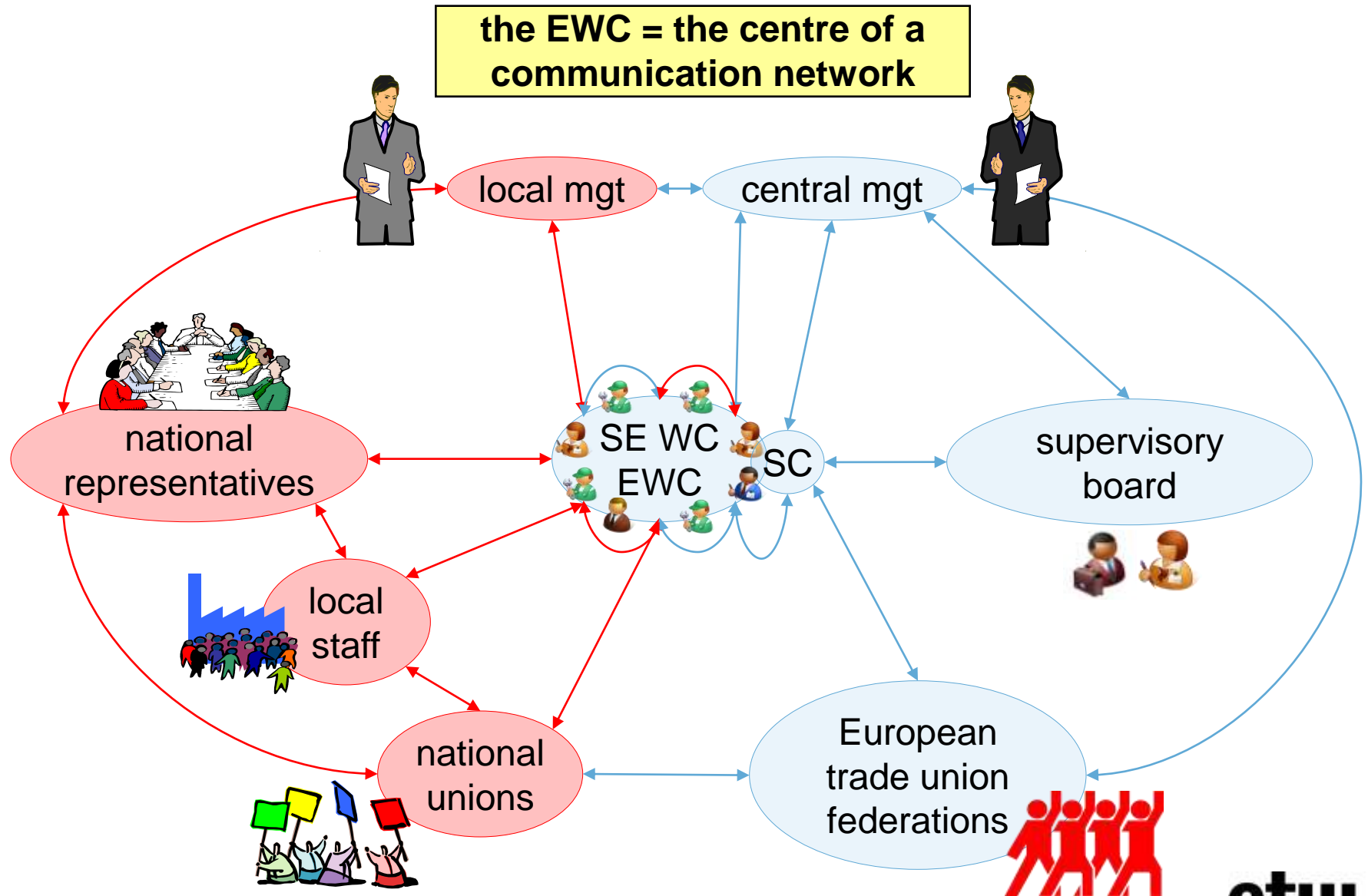


informal indications

- possible evolution of a EWC



informal indications



want to find out more ?

www.etuc.org

www.etui.org

www.worker-participation.eu

www.ewcddb.eu

www.sda-asbl.org

www.europa.eu