



“Working together for European recovery: workers’ involvement in companies’ future as a cornerstone.”

# A Toolkit for EWCs





# CONTENT

Foreword

4

Part 1: European Works Councils: legal and practical references:

5

Introduction

5

Setting up an EWC

6

The content of an EWC agreement

10

The notion of transnationality

10

The definition of information & consultation

12

The scope of confidentiality

14

EWC resources

16

The linkage of European and national information & consultation processes

18

What is the timing of events? What is going on?

22

Decisive factors influencing EWCs at SECTOR LEVEL

25

Part 2: The framework of social relations and information-consultation-participation in different legal national systems

26

Overview of Information & consultation and participation rights in the EU

27

ANNEX: Exercises for EWC members to improve internal functioning of EWCs

30

# FOREWORD

Now in existence for 20 years, European Works Councils remain under constant scrutiny. On the one hand, EWCs are unique:

- As senior management and European workers' representatives meet regularly to exchange information and conduct consultations on key economic, production and social issues, EWCs give workers the opportunity to influence company strategy before final decisions are made.
- With strategic decision-making power shifting from local to European, if not global, management, EWCs help to ensure that dialogue takes place with decision-makers at the appropriate level.
- EWCs constitute a unique place where workers' representatives from all over Europe can meet, discuss and develop European solidarity as well as coordinated trade union responses to company strategies which, all too often, aim at pitting production sites and workers against each other, across borders.

On the other hand, however, even though improvements can be seen in the 2009/38/EC recast directive, and in some cases in the quality of information provided to workers, we are still a long way from improving the quality of the agreements signed and from achieving the effective consultation of workers' representatives.

In response to these challenges, this toolkit has been designed by Syndex<sup>1</sup> to support workers' representatives (Special Negotiating Bodies, EWCs and trade unions) in concluding better EWC agreements with management.

Particular attention has been paid to the new rights and obligations enacted in the 2009 directive in support of the renegotiation of agreements and encouraging the adoption of linkage processes between national and European information and consultation bodies. Several concepts – such as “information” and “consultation” – have been clarified, removing the legal uncertainty surrounding them.

Overcoming national cultural and legal barriers is also possible: the toolkit provides a short and useful comparison of industrial relations systems in Europe with a view to promoting our understanding of them and how they interact.

Finally, in order to get workers' representatives to adopt a more proactive approach to their European mandate, several exercises are proposed for EWCs to train and improve their functioning.

With this toolkit, workers' representatives will be better equipped to stand up for their rights and influence management decisions towards achieving social progress.

<sup>1</sup> This toolkit is the outcome of a two-year Commission-funded project for training EWC members and trade union officers called “Working together for European recovery: workers' involvement in companies' future as a cornerstone.” It has been managed by Syndex in partnership with the ETF, EPSU, IndustriAll Europe and UNI Europa. Additionally, for more information on EWCs and multinational companies, the European Trade Union Federations have adopted guidelines and policy papers that are available on their respective websites.

# European Works Councils: legal and practical references

## PART 1

### INTRODUCTION

#### Directive 2009/38/EC

“Procedures for informing and consulting employees as embodied in legislation or practice in the Member States are often not geared to the transnational structure of the entity which takes the decisions affecting those employees. This may lead to the unequal treatment of employees affected by decisions within one and the same undertaking or group of undertakings.” Recital 11 of the Directive.

“The arrangements for informing and consulting employees need to be defined and implemented in such a way as to ensure their effectiveness with regard to the provisions of this Directive.

To that end, informing and consulting the European Works Council should make it possible for it to give an opinion to the undertaking in a timely fashion, without calling into question the ability of undertakings to adapt.

Only dialogue at the level where directions are prepared and effective involvement of employees’ representatives make it possible to anticipate and manage change.” Recital 14 of the Directive.

→ Setting up an EWC is complex. This toolkit has been issued to help worker’s representatives who wish to set up a European Works Council (EWC) or to revise their agreement.

→ It is also made for EWC members who wish to improve the coordination between national and European bodies of worker participation. Linking processes and actions at national and European levels to ensure efficiency is a real challenge that should be tackled in the interest of all.

# The legal framework



## Setting up an EWC

Negotiations to set up an EWC can be long (up to 3 years) and complex. Workers representatives have specific rights with regard to setting up an EWC.

To which situations does Directive 2009/38/EC apply?

**In compliance with the principle of continuity, Directive 2009/38/EC does not apply to:**

✓ Agreements signed before 22 September 1996, date on which the first EWC Directive of 1994 came into force.

✓ Agreements concluded in compliance with the 1st EWC Directive of 1994 signed or revised between 5 June 2009 and 5 June 2011.

✓ These agreements can be renewed and revised without having to apply the 2009 Directive.

**Directive 2009/38/EC applies to:**

✓ New agreements.

✓ All agreements signed and revised between 22 September 1996 and 4 June 2009 or signed and revised since 6 June 2011.

✓ All agreements In case of significant change of the company structure (e.g.: a merger with another company) under certain conditions.

# Reminder of the prerequisites for establishing an EWC in an undertaking

Directive  
2009/38/EC

2

A country  
from the EU 28 +  
Iceland, Liechtenstein  
or Norway

At least 1,000 employees  
in the  
EU + EEA

150 employees  
in at least two  
different countries

- Thresholds for the size of the workforce are defined on the basis of the average number of employees, including part-time employees, employed during the previous two years.
- FIGURES ARE CALCULATED ACCORDING TO NATIONAL LEGISLATION AND/OR PRACTICE



## How is the company covered by the EWC?

Directive  
2009/38/EC

3

### Identify the 'controlling undertaking'

→ An undertaking that can exercise a dominant influence by virtue of ownership, financial participation or rules which govern it.

→ i.e. when the undertaking:

- \* Holds a majority of subscribed capital;
- \* Has the majority of votes in governing bodies; or
- \* Can appoint more than half of the members of the administrative, management or supervisory body.

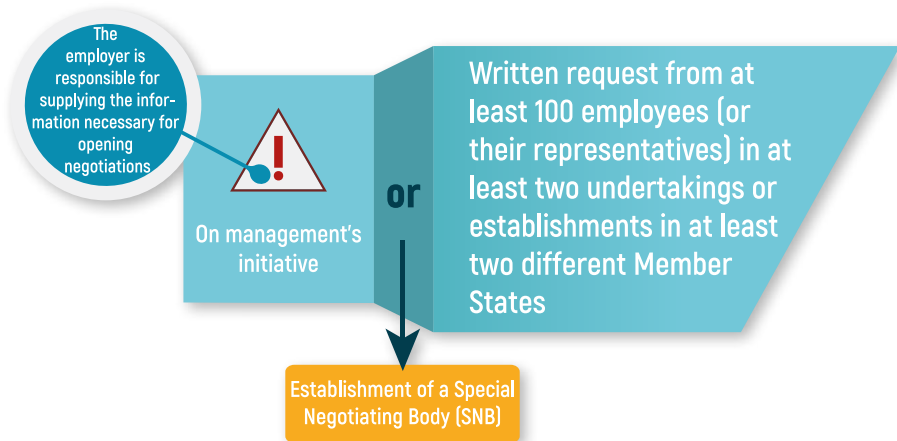
Directive  
2009/38/EC

4 & 5

## Process for establishing a EWC

# STEP 1: The initiative can come from management or from employees

Who is the management responsible for setting up the SNB? The Central management is in charge. Should the Central management not be located in the E.U. or EEA, it can nominate a management representative of their choice in Europe. Should it not do so, the management responsible will be the one from the country where the greatest number of workers are employed.

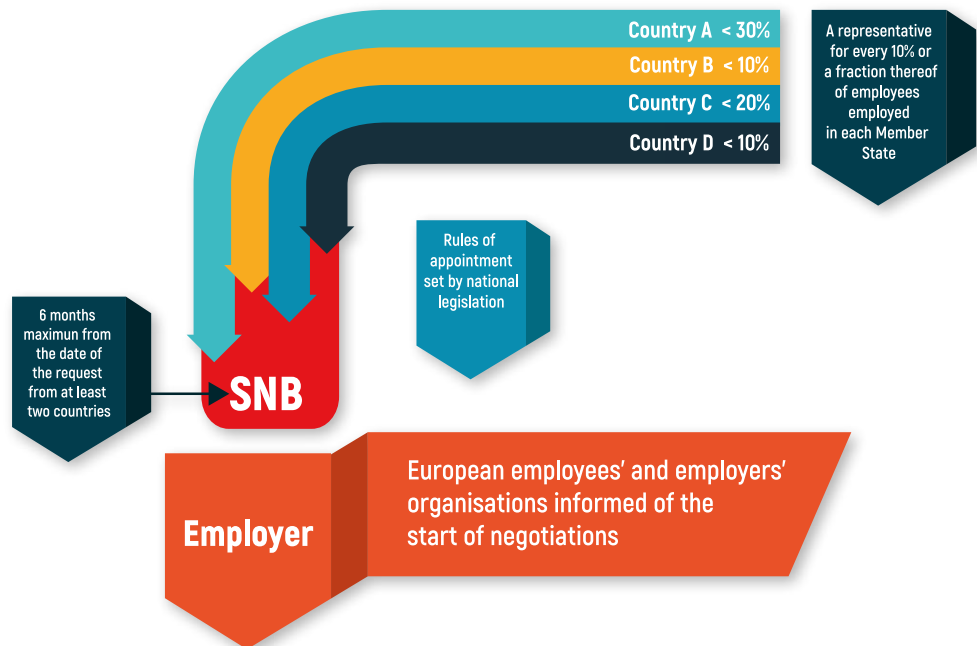


Directive  
2009/38/EC

5

## Establishment of the SNB

# STEP 2: Nomination or election of members





Directive  
2009/38/EC  
5

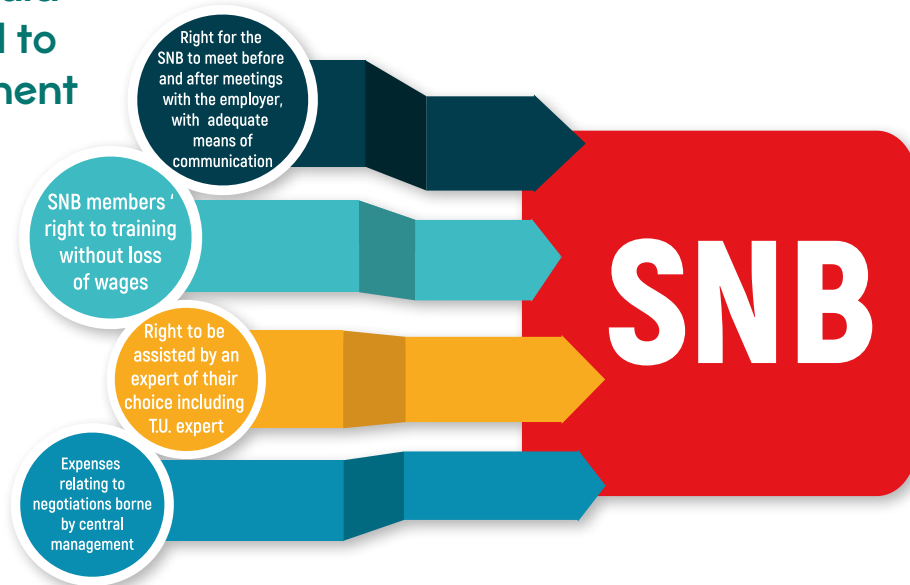
## STEP 4: Outcome of negotiations



Directive  
2009/38/EC  
5

## STEP 3: SNB members already have many rights and resources

They should be asked to management



# The content of an EWC agreement

An EWC agreement must cover the rights and obligations of the company-level social partners and the resources available to the EWC. An EWC agreement is legally binding.

## The content of the agreement according to Article 6 (2) of EWC Directive 2009/38/EC

The agreement must specify:

✓ The undertakings of the Community-scale group of undertakings or the establishments of the Community-scale undertaking covered by the agreement,

✓ The composition of the European Works Council, the number of members, the allocation of seats,

✓ The functions and the procedure for information & consultation of the European Works Council and **NEW since 2009:** the arrangements for linking information & consultation of the European Works Council and national employee representation bodies,

✓ The venue, frequency and duration of meetings of the European Works Council.

✓ Where necessary, the composition, the appointment procedure, the functions and the procedural rules of the select committee set up within the European Works Council,

✓ The financial and material resources to be allocated to the European Works Council,

✓ The date of entry into force of the agreement and its duration, the arrangements for amending or terminating the agreement and the cases in which the agreement shall be renegotiated and the procedure for its renegotiation, including, where necessary, when the structure of the Company changes.

**HINT:** it is important to also clarify the method by which the employees' representatives shall have the right to meet to discuss the information conveyed to them without management.

## The notion of transnationality

Management often refuses to inform & consult the EWC because the question raised is supposedly not "transnational". The previous Directive did not provide any definition and the agreements signed izvvn the last 20 years reflect this issue. The new Directive however, provides some guidance in Recital 16 of the 2009 Directive as described in the diagram to better understand the definition provided in article 14.


# EWCs deal solely with transnational issues



## How to judge the transnational nature of a matter? ... A few tips

✓ This matter is of recurring debate between management and employee representatives: management bodies tend to limit transnationality only to cases in which at least two Member States are involved.

In reality, two elements need to be taken into account: the location and the level at which decisions are made, plus the impact on employees

✓ In practice, many topics or projects are transnational. Here are a few examples: 

### 1. Planned investment in a Member State

- Decision often taken at central management level
- Impact on group finances with direct or indirect repercussions for the undertakings/ establishments located in other Member States (demands in terms of results, un favourable trade-offs on investment and activity location, etc)

### 2. Planned relocation / outsourcing of a department situated in a Member State to a country outside of the EU

- Project as part of strategy developed at central management level
- Decision may be made in a Member State other than the country concerned
- Projects may proliferate in different Member States

# The definitions of information & consultation

Information & consultation are key words not subject to negotiation. It is good practice to paste their legal definition into the EWC agreement in order to avoid unnecessary debates.

## The EWC's right to information and how it is exercised

✓ Article 2.1 f) of EWC Directive 2009/38/EC defines "information" as: "the transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it"

✓ "information shall be given at such time, in such fashion and with such content as are appropriate to enable employees' representatives to undertake an in-depth assessment of the possible impact and, where appropriate, prepare for consultations with the competent organ of the Community-scale undertaking or Community-scale group of undertakings"

✓ The information should be provided:

- Prior to an EWC meeting and within a reasonable time (in a timely manner)
- In writing, be complete and comprehensible
- With strategic and relevant content
- Throughout the year depending on the frequency, content and modalities defined jointly by management and the EWC or the select committee
- In the native language of each EWC member
- After setting the criteria for confidentiality.

✓ According to Article 2.g), "consultation means the establishment of dialogue and exchange of views between employees' representatives and central management or any more appropriate level of management,"

✓ Consultation must be effective, i.e. it must be exercised:

"at such time, in such fashion as to enable employees' representatives to express an opinion on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which may be taken into account within the Community-scale undertaking or Community-scale group of undertakings."

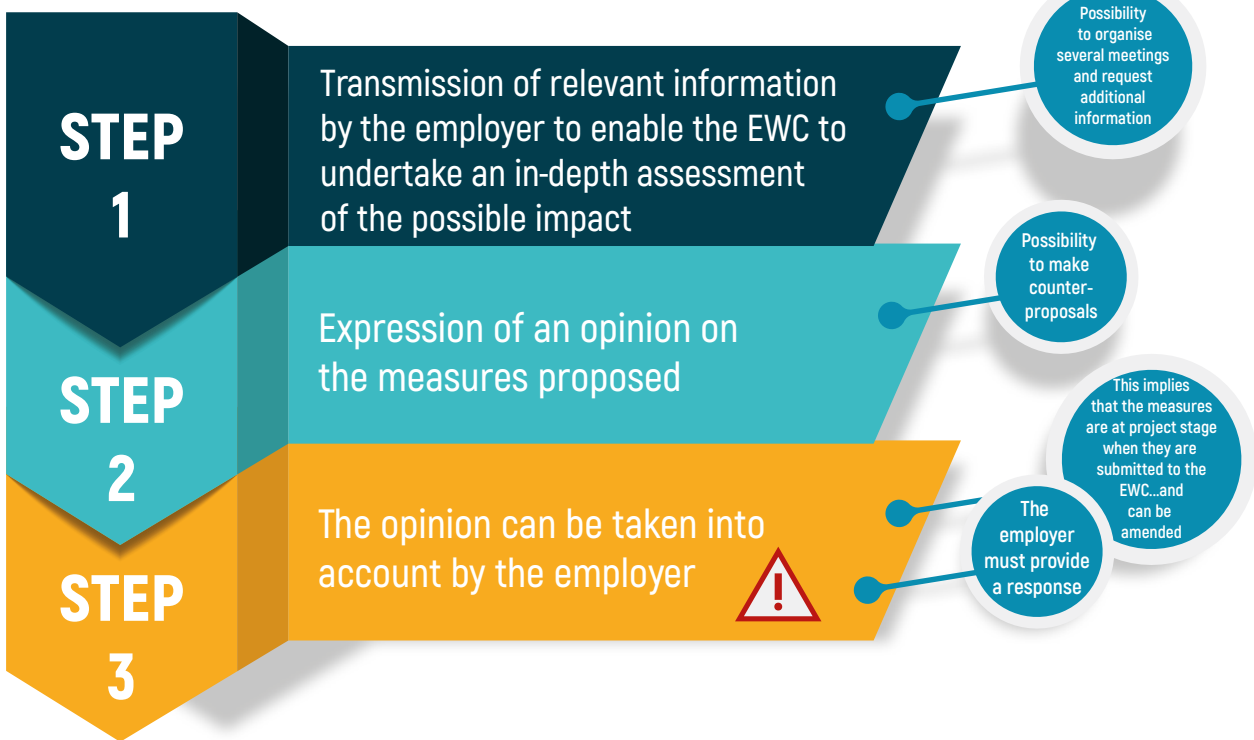
# Achieving meaningful information & consultation: provisions within the Directive

Directive  
2009/38/EC

2

## WHAT THE DIRECTIVE SAYS

Within  
reasonable time



RESULTING POSSIBILITIES

# Taking tangible action

... A few tips



## The scope of confidentiality

In many cases, management classifies as confidential all information provided to the EWC. What can be done to prevent such abuse?

# The issue of confidentiality

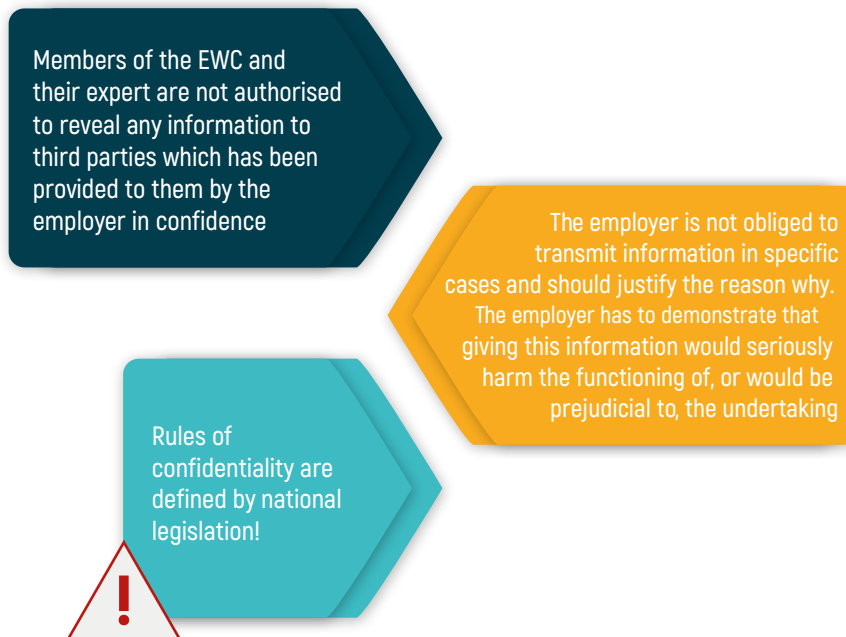
Directive  
2009/38/EC

8

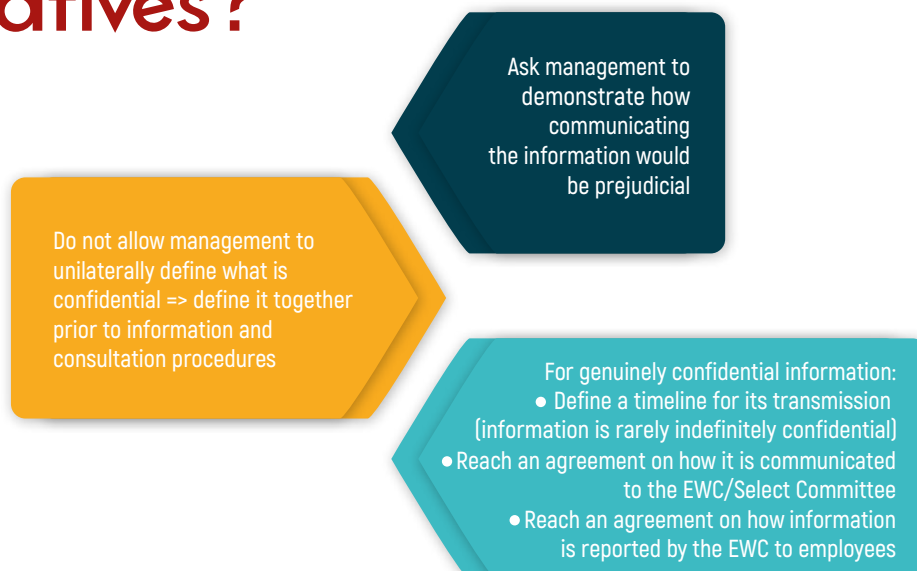
However, the Directive also allows EWC members to feedback the national bodies of workers' representatives or even workers directly. At the same time, national workers' representatives also have right to access confidential information.

→ Confidentiality: an issue often emphasised by employers as the reason for not communicating information.

→ What the Directive says:



## How to ensure that confidentiality does not impede EWC's prerogatives?



# EWC resources

The legislation accords important rights to EWC members although their effectiveness is dependent on the resources allocated to them by the EWC agreement.

## EWC operating resources

The Directive provides for resources to be allocated to EWC members, but in very general terms.

Directive  
2009/38/EC  
**6 & 10**

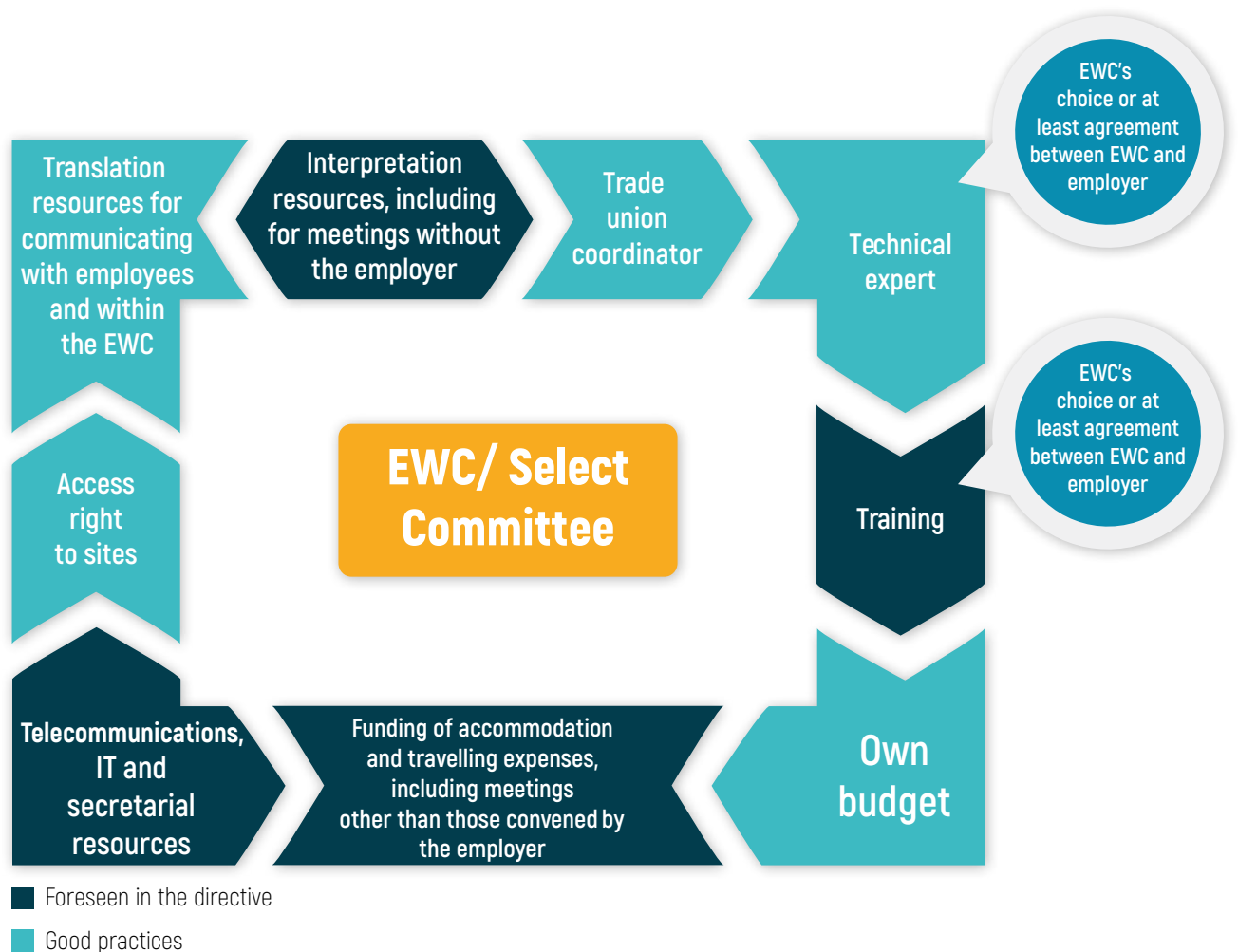
EWC Resources	Article of the Directive
The EWC agreement should determine the financial and material resources allocated to the EWC	Article 6
In so far as is necessary for the exercise of their representative duties, EWC members shall be provided with training without loss of wages	Article 10
The members of the European Works Council shall have the means <u>required</u> to apply the rights arising from this Directive, to represent <u>collectively</u> the interests of the employees in the company	Article 10.1

**HINT:** The Directive's subsidiary requirements provide more details and help to lay the foundations for the negotiations. These subsidiary requirements should be considered as minimum standards:

- The EWC can request assistance from experts of its choice.
- Expenses for one or more external experts are borne by central management.
- Operating expenses are borne by management (financial and material resources): meeting organisation and interpreting expenses, accommodation and travelling expenses.



# Negotiate sufficient resources



## The right to training

**NEW**  
since 2009

### Article 10 of the Directive:

- "In so far as this is necessary for the exercise of their representative duties in an international environment, the members of the special negotiating body and of the European Works Council shall be provided with training without loss of wages"
- **HINT:** Training should preferably cover the whole EWC team to avoid knowledge gaps between members and to ensure that they speak with one voice. This creates more opportunities to build team spirit and confidence.
- As training is to be provided without loss of wages, it should take place during working hours.

Additionally, individual training may be an asset, for instance for languages.

# The linkage of European and national information & consultation processes



This linkage is extremely important to ensure the consistency and legitimacy of workers' representatives' views and actions. How can it be promoted?

## The notion of linkage in the Directive

- Provisions do not identify a priority forum linking European and national levels
- Therefore, it is necessary to clearly define in the EWC agreement how linkage is to be achieved  
There is a high dependency on national legislation, given the diversity in the way the Directive is transposed in the different Member States

**HINT:** Ideally, information should be simultaneous at European and national levels. Consultation should be finalised at European level, before the national consultations, to benefit to the national levels.



Provisions within the Directive	Article of the Directive
National legislation and/or practice may have to be adapted to ensure that the European Works Council can, where applicable, receive information earlier or at the same time as the national employee representative bodies, but must not reduce the general level of protection of employees.	Recital 37
<ul style="list-style-type: none"> <li>• The EWC agreement foresees arrangements for the links between information and consultation of the EWC and national employee representative bodies</li> <li>• If no agreement in place, Member States ensure that information and consultation processes are conducted at both national and European level</li> </ul>	Article 12

EWC members are required to report to employees



Provisions within the Directive	Article of the Directive
EWC members shall inform the representatives of the employees of the establishments or of the undertakings or, in the absence of representatives, the workforce as a whole, of the content and outcome of the information and consultation procedure	Article 10

### Who comes first? The rules

Information and consultation rights at transnational and national levels are complementary. They should not be confused.

→ **Scenario 1:** the EWC agreement describes the information and consultation process.

Example 1: Two countries [A and B] are affected by mass dismissals: only the EWC Select Committee and workers' representatives from the two countries will meet management in view of the information and consultation process (geographic approach). **Hint:** this approach can be more effective. However, it may sometimes damage the EWC members' unity.

Example 2: In a case of transnational restructuring, the EWC Select Committee meets management to decide on the information and consultation process (case by case approach).

→ **Scenario 2:** nothing is written in the EWC agreement regarding the process. The EWC directive [recital 37] suggests:

- a) either EWC information consultation comes first OR,
- b) Information and consultation occurs at EWC and national level [no timing provided].

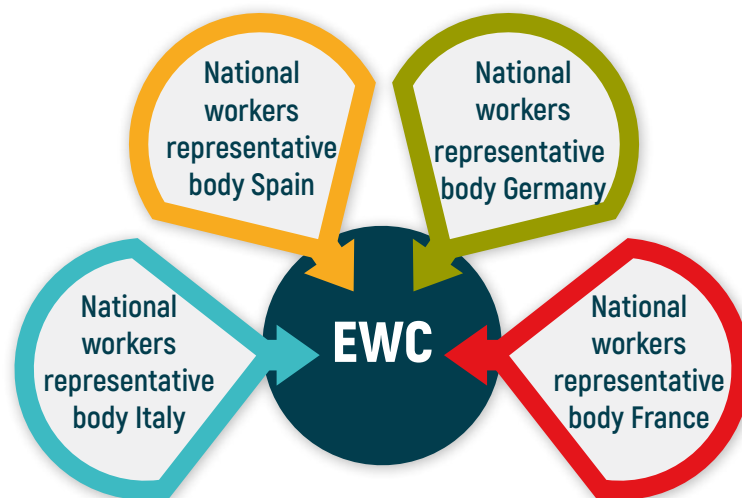
# National legislation implementing the EWC directive

The directive is transposed differently in several Member States.

## Here are some examples:

- **France:** information and consultation at both levels, no clarification of which level has priority. Domestic courts are very active regarding EWC jurisprudence.
- **Germany:** at the latest simultaneously at both levels, suggesting that EWC I&C should come first in principle.
- **Belgium:** simultaneously at both levels.
- **Italy:** in a “coordinated manner”.
- **The Netherlands:** as far as possible simultaneously at both levels.
- **U.K:** at both levels “within a reasonable time”.

## BOTTOM-UP APPROACH?



### Added value:

- Quality of information and consultation: EWC members may get valuable information from national information and consultation bodies. Their decisions are not solely based on central management information.
- Democracy: information and consultation involves all levels of workers' representation within the company.

### Limits:

- A weakening of the EWC: The EWC would lose the legitimacy given to it by the EWC directive. The EWC members are a “hostage” of national interests versus common transnational interests of workers.
- The timing of the process is not always relevant: The EWC information and consultation process may be frozen by national processes that may take a lot of time.

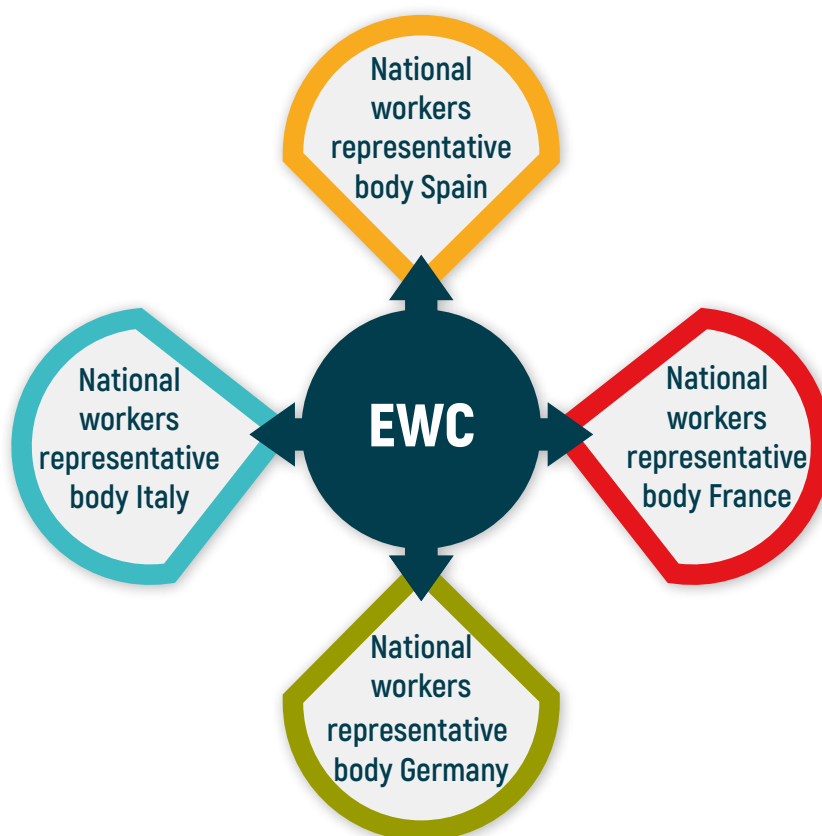
# TOP-DOWN APPROACH?

## Added value:

- EWC members should take a stand to the common benefit of all workers in the company, regardless of their country of origin.
- The EWC is recognized by management as a social dialogue partner. Win-win outcomes become possible.

## Limits:

The situation of individual EWC members is critical. Non-union members may not be aware of a company's national situation. They may not have the capacity or enough information to take a qualified decision.



## HINT:

Both E.U. and national levels should be strongly linked and exchange regularly. Both top-down and bottom-up approaches are needed and complementary. European and national trade unions should support the EWC members. They should make sure that the right people are on board where possible.

# What is the timing of events? What is going on?

Business as usual or restructuring? Information & consultation processes may differ according to each scenario.

## Business as usual?

- One or two meetings per year.
- The Select Committee keeps information flowing.
- internet or intranet, newsletter, working groups with a specific focus, ...
- New! Subsequent obligation for EWC members to inform national workers' representatives or the workforce as a whole of "the content and outcome of the EWC information and consultation procedure carried out" (Art. 10 [2]).

**HINT:** EWCs can be pro-active and push their own work program and activities (see exercises in Annex)

## Restructuring situation

Time might be running out:

- Management pressure to get an opinion from the EWC as soon as possible.
- European Commission to authorize merger & acquisition within 5 weeks?
- National information and consultation rules are strict and can have a longer timing, e.g. France from 2 to 4 months.
- Management raises the confidentiality issue regarding stock exchange rules (criminal law).

**HINT:** Can The EWC take an expert to assess the impact on jobs and working conditions?

## Restructuring situations:

What is going on? Management projects can have different consequences. The company can be merged, split, closed. The impact on jobs, working conditions and worker representation differs. Company culture following a change of management can change too – to the good or to the bad.

Who is affected and what rights do workers have? All countries in which the company operates are not necessarily affected by a restructuring measure.

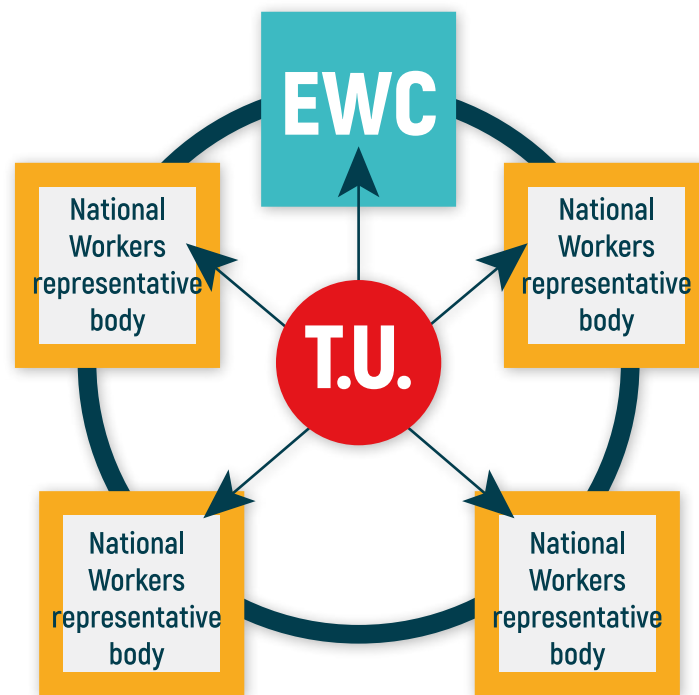
# Restructuring situations



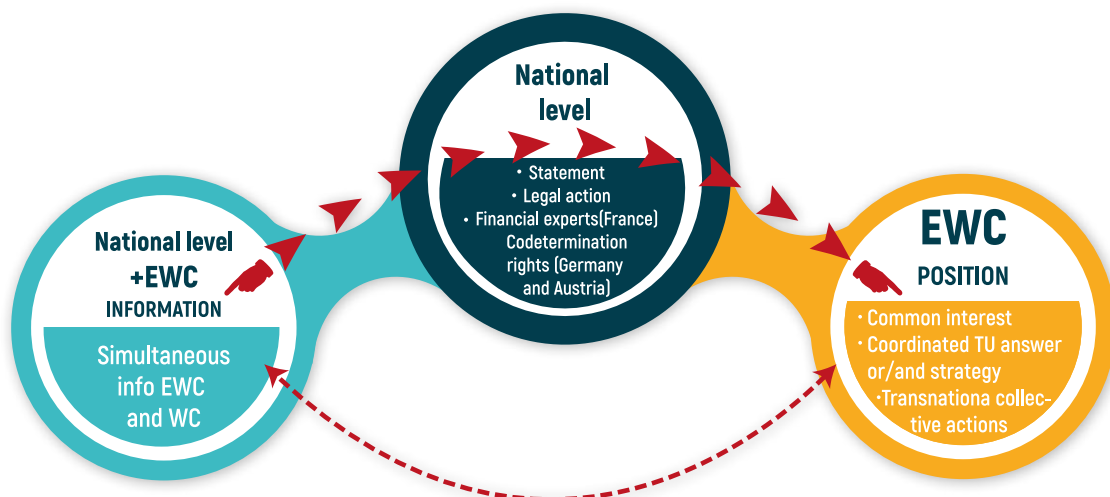
# GOOD European COORDINATION versus COMPETITION between NATIONAL INTERESTS

→ Coordinating transnational and national information and consultation levels can be part of a union strategy. No coordination means no worker voice. Good cooperation means influencing management decisions.

→ Good coordination requires a good knowledge of national information and consultation rules to gain time and influence.



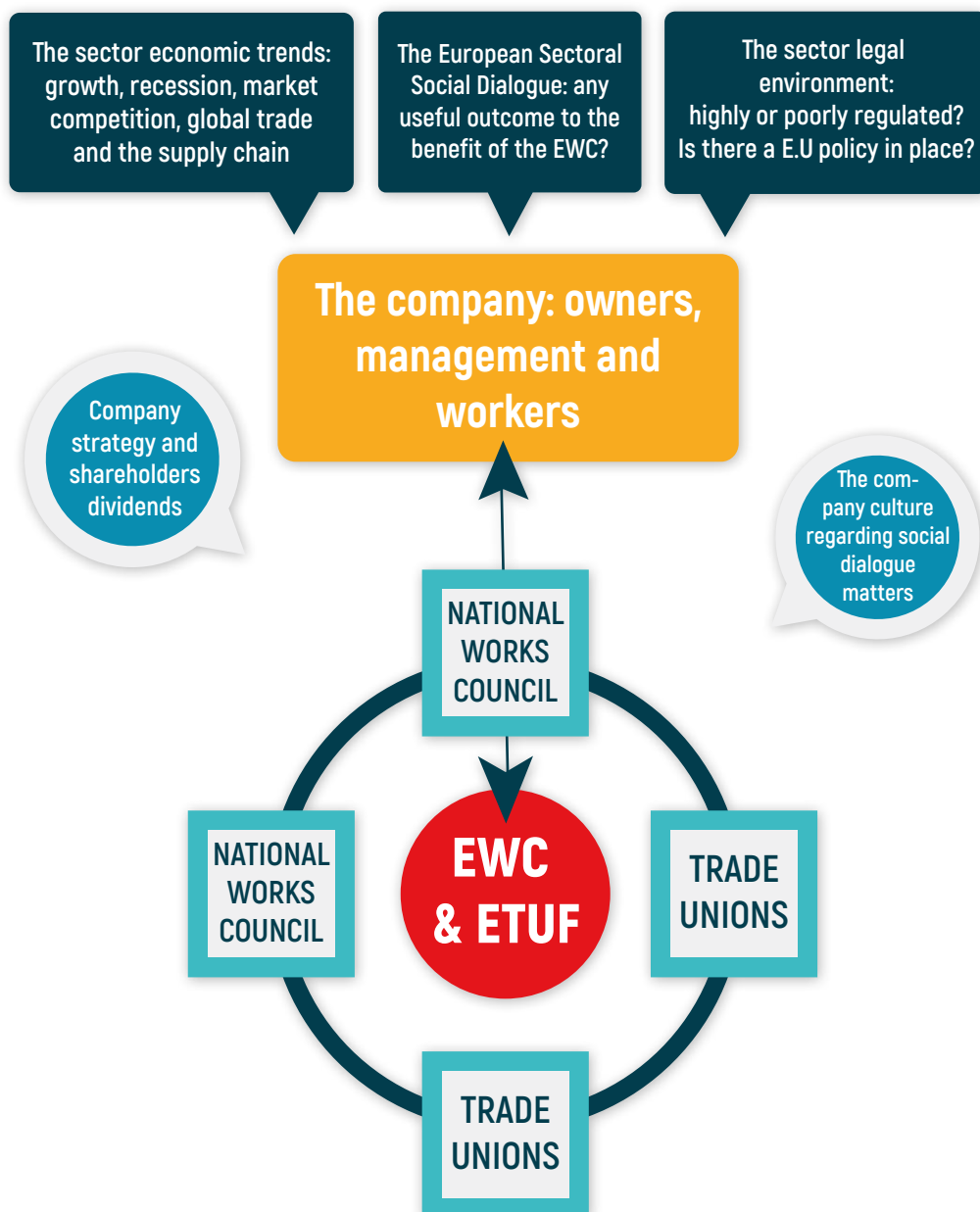
→ Information and consultation processes may be adapted according to the situation: peaceful or restructuring situations?.





# Decisive factors influencing EWCs at SECTOR LEVEL

Trade unions and their federations potentially have the capacity to influence all factors thanks to their common international, European structures and their respective confederal, sectoral and company representativeness. It is very important that EWC members (affiliated to a trade union organisation) contact their respective European Trade Union Federation to coordinate their activities.



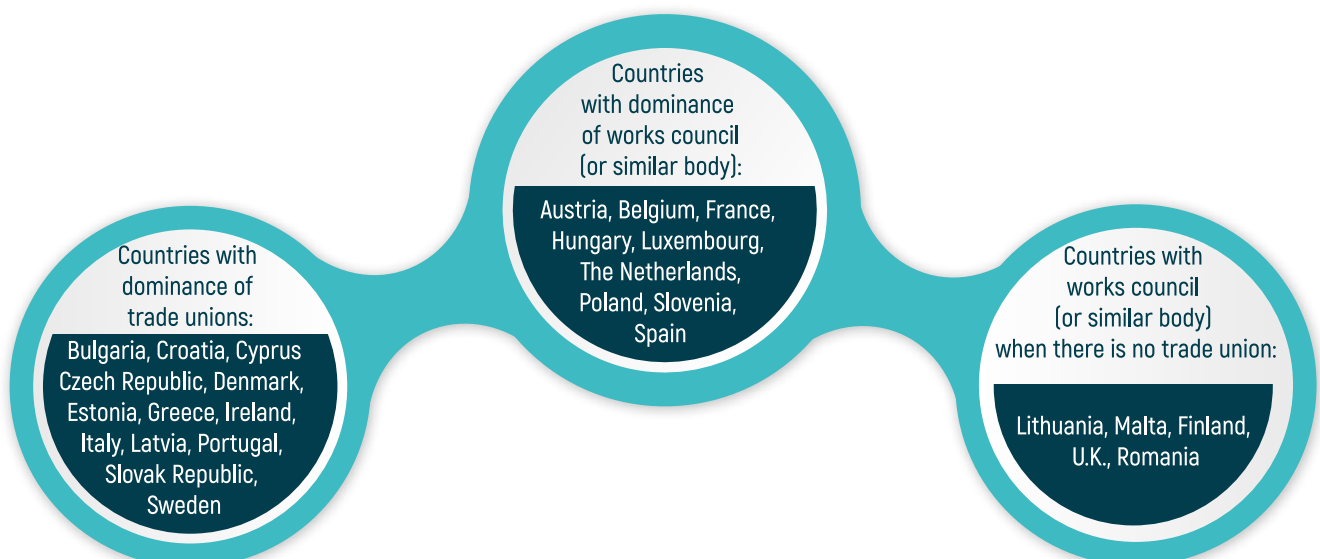
# PART 2

The framework of social relations and information consultation participation in different legal national systems

# Overview of Information & consultation and participation rights in the EU

## The information & consultation systems in the EU

- In the vast majority of cases in the European Union employees and their interests are represented by unions.
- The unions take part in collective bargaining, take responsibility for defending employees and also benefit from a right to information (or sometimes even a right to consultation as is the case, for example, in Portugal and Greece) in areas that concern them.
- There are, nevertheless, exceptions. In Germany, Austria, Spain and the Netherlands it is the works councils that represent employees.
- Within the EU, information & consultation rights are generally granted to works councils or similar structures.
- Works councils have only been in existence for a short time in CEE (Central and Eastern Europe) countries (from 2000 onwards) and are less present. In practice their role is minor compared to the powers vested in the unions. However, several countries have opted for a model close to the German one, like Hungary and Slovenia.



- The classification of countries according to their legal system can sometimes be misleading. In practice, the role of trade unions can be very important even if it is not reflected into the legislation.
- In France, the works council members are elected on the basis of trade union lists of candidates for the first round and open to the non-union members when quotas are not fulfilled (second round). Trade unions are very active at the company level where they exist.
- The United Kingdom and Ireland do not have works councils. In these two cases, participation at individual sites depends on the presence of the unions or the voluntary creation of representative bodies (workers associations). In Sweden the unions have a monopoly on employee representation. There are no other representative bodies.
- The countries that are exceptions to the rule are Greece and Portugal, where these prerogatives are exercised by both unions and works councils, as well as Finland (elected representatives only in the absence of unions).
- In Italy the situation is a little more specific. The rights to information & consultation are exercised by "RSUs". These are unified committees (created in 1993) made up of all unions present in the workplace. Two-thirds of RSU members are elected by the workforce, while one third is appointed by the unions.
- In Germany, Luxemburg, the Netherlands and Austria, works councils have shared decision-making and co-management rights called co-determination on social issues, salaries, human resources and working conditions.
- Furthermore, current legislation contains quite detailed provisions concerning the information that the employer should provide to employee representatives. In some cases, the law regulates the time allowed for employee representatives to fulfil their functions, as well as rules on:
  - \* The representativeness of elected officials (Germany, Belgium...),
  - \* The frequency of meetings (Austria, Belgium, Denmark, Spain...),
  - \* The right to training (Denmark, Netherlands, Luxemburg) and
  - \* Sometimes, the possibility for the works council to solicit the help of an outside expert at the cost of the company (France, Belgium, The Netherlands).
- In the majority of Member States that joined the E.U. as from 2004, information and consultation rights are exercised by the unions. In some cases the law nevertheless allows for the possibility of electing employee representatives:
  - \* Countries with a single employee representation system and in which information & consultation are conducted with the unions: Cyprus.
  - \* Countries with a single employee representation system - the union - and in which the law nevertheless allows for the election of employee representatives for non-unionised employees: Estonia and Latvia.
  - \* Countries with a single employee representation system - the union - for information & consultation, but where the law allows for a second system of representation in sites where there are no unions: Bulgaria, Lithuania, Malta and Romania.
  - \* Countries with a dual system of representation - works councils and unions - for each workplace: Hungary, Slovenia, Slovakia and the Czech Republic (since the 2008 reform).

→ In several countries, the legislation is relatively unstable with regular changes regarding the union and works council roles. This is the case in the Slovak Republic, Poland and Romania for instance.

→ The situation has changed in Poland. Originally, it was the unions that elected works council members, with free elections only where there were no unions. In July 2008, however, the Constitutional Court ruled that this legislation was anti-constitutional because it did not respect the right to equal treatment and employees' right not to belong to a union. The employees now elect Works council members.

## Employee company board representation in Europe

The vast majority of E.U. countries have adopted legislation for workers to be represented at the decision making level. There are few exceptions but absence of legislation does not necessarily mean non-existence in practice.

Again, and similarly to information and consultation, there are great differences between countries as showed in the following table.

### 3 types of systems exist in Europe (source: ETUI)

No representation at board level	Representation in state owned and municipally owned companies	Representation in both state owned and private companies
Belgium, Bulgaria, Cyprus, Estonia, Italy, Latvia, Lithuania, Malta, Romania and the United Kingdom.	Czech Republic, Greece, Ireland, Poland (where companies in the process of being privatised are also covered), Portugal and Spain.	Austria, Croatia, Denmark, Finland, France, Germany, Hungary, Luxembourg, the Netherlands, Norway, Slovakia, Slovenia and Sweden.

Each national legislation differs as regards multiple criteria including: threshold for companies to be covered, proportion of seats given to employees, participation in the supervisory board or in the board of directors, conditions for eligibility to become a representative.

These differences have a major impact on employee's representative's room of maneuver to act in favor of workers interest. Finally, the link between board-level representatives and EWC is not established although in practice certain EWC agreements may encourage it.

# Exercises for EWC members to improve internal EWC functioning

Tested by them, these exercises have helped EWC members understand the importance of cultural differences and the urgent need to better coordinate their actions.

# Project: Exercises for EWC members

## NATIONAL INDUSTRIAL RELATIONS

### Exercise

#### Objective of the exercise:

To raise awareness for the cultural, legal and historical differences that make transnational cooperation difficult, specifically in the context of a European Works Council.

#### Scenario:

Before the annual EWC meeting, workers' representatives hold a preparatory meeting without management.

To gain an overall vision of the social and economic situation of the multinational enterprise (clothing sector), each representative is invited to provide an overview of the state of play in his or her country.

Representative **A** states that in his country the situation is catastrophic: management has announced plans to make 220 people in the logistics department redundant and has decided to outsource the activity without even consulting the Group works council. Social dialogue is stalled. He requests that this matter be raised the following day in the plenary meeting.

**B.**, the EWC Secretary, replies that this is not possible because this is a national matter outside the scope of the EWC. But she offers to discuss it face to face with management.

**C.** indicates that, as with A, closures are also taking place in logistics functions due to current financial

problems. Because the company has no works council in his country, it has no information on how the company will proceed with the potential layoffs. He informs the other members that a strike will soon be organized and requests the EWC to publicly declare its support for the strike. He asks the other EWC members to organize solidarity strikes.

**D.** explains that solidarity strikes are illegal in his country. Workers can only go on strike during negotiations over a collective agreement. Moreover, in his opinion, a strike to protect jobs in a bankrupt company makes no sense. The objective of any strike is to gain better wages.

**E.** replies that he would like to organize a solidarity strike but, to do so, the law requires that he ballot all employees in the country. That will take too much time.

**F.** says that this discussion is senseless, he is against strikes, and that the mandate of everyone in the room is limited to information and consultation.

#### Group-work.

Try to collectively assign a nationality to each character and give your opinion on the position of each of them.

Appoint a rapporteur to explain your choices and ideas.

# ROADMAP

## Exercise

We will follow up your activities together with your ETUF.  
Please provide the requested information below:

**Company:**

**Trade union and position:**

→ **1. Identify the objective of the work plan**  
**Please select 4 topics that you consider to be a priority for you:**

- Set up a Special Negotiating Body
- Negotiate a European Works Council (EWC) Agreement
- Renegotiate or amend an existing agreement
- Identify a trade union coordinator
- Identify a financial/ legal expert
- Gather more information on your company (mapping)
- Develop a network of EWC members and trade unionists in your company
- Continue the learning process on EWC legislation
- Learn a language
- Grow the union in your company
- Improve dialogue with management
- Find more resources to develop your goals (see question 3 below)
- Other:

→ **2. Explain the main actions that you want to accomplish before the next EWC meeting (for instance: organise a meeting, set up a network, meet the workers, meet management, ...):**

Action 1:

Action 2:

Action 3:

Action 4:

→ **3. Identify the main resources that you will need to carry out your actions (for instance: support from ETUF and Syndex, financial support, IT communication resources, support from your trade union, budget from management, translation, ...)**

Resource 1:

Resource 2:

Resource 3:

Resource 4:



→ 4.Timetable

<b>Month</b>	<b>Priority</b>	<b>Action</b>	<b>Resources needed</b>
<b>MARCH</b>			
<b>APRIL</b>			
<b>MAY</b>			
<b>JUNE</b>			
<b>JULY</b>			
<b>AUGUST</b>			
<b>SEPTEMBER</b>			
<b>OCTOBER</b>		Prepare report for EWC meeting	3 hours
<b>EWC MEETING</b>			

# Worksheet for Working Groups

## Sector-level meetings

### Note:

The following documents are required for the day:

- Activity report and/or work programme for your sector's European Social Dialogue Committee
- Your company's EWC agreement

### Activity:

Please answer the questions below based on joint discussions within your working group.

Before commencing discussions, appoint a session chairperson. Also appoint a different spokesperson for each question. This person will give an oral account of your joint conclusions during feedback in the plenary session.

Please ensure that your conclusions are written down (PowerPoint or flipchart) as they will be used in the final report.

### → Question 1: How can we improve coordination between your EWC and your sector's European Social Dialogue Committee?

**a)** Carefully read through the activity report and/or work programme for your sector's European Social Dialogue Committee:

- identify the points which could be raised or implemented within your EWC,
- identify contributions from your EWC which could promote sectoral social dialogue.

**b)** Does your EWC agreement allow for dealing with key questions relating to sectoral issues? If not, what can you do?

**c)** Draft an EWC work programme for the next two years for discussion with management. It should identify 5 priorities or topics to discuss, the required resources (research, expert, translation, meeting, mediatisation, etc.), the status of final joint documents (declaration, recommendation, good practices, charters, etc.) and implementation methods.

PRIORITY	RESOURCES	STATUS	FOLLOW-UP
1			
2			
3			
4			
5			
For example: Promote fair transition (new forms of energy and new jobs)	- Sector research by an expert - Questionnaire for employees - Bilingual working group	Solemn undertaking and statement to the press	Annual report to the EWC in plenary session

→ **Question 2: How can we improve the relationship between the European Works Council and national information & consultation bodies? How can we overcome national differences, notably when jobs are at stake?**

Some EWCs prefer waiting for national works councils to state their positions before issuing an opinion. Other EWCs issue an opinion on the basis of information from management only, without taking national positions into consideration.

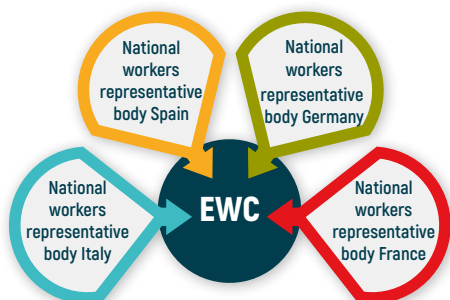
Take a look at the diagrams below and explain the advantages and disadvantages of each one.

**Diagram 1:** this diagram illustrates the situation whereby the EWC has to wait for national works councils to issue an opinion before giving their own (the countries cited are just examples).

**Diagram 2:** this diagram illustrates the situation whereby the EWC gives its opinion first and this opinion is then reiterated by national works councils.

**Diagram 3:** explain how coordination should, in the view of your group, take place.

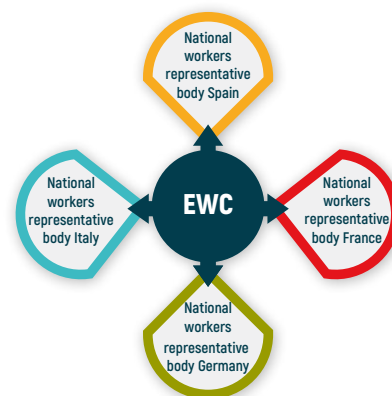
Diagram 1: BOTTOM-UP APPROACH



Advantages

Disadvantages

Diagram 2: TOP-DOWN APPROACH



Advantages

Disadvantages

Draw a diagram which, in your opinion, would enable satisfactory coordination at all levels

Good practices (diagram)

Advantages



# CONTACT

- Syndex Europe & International: Fabrice Warneck, Head of Syndex Brussels Office, [f.warneck@syndex.eu](mailto:f.warneck@syndex.eu)
- Syndex France: Gwenola Deroo, Syndex France, [g.deroo@syndex.fr](mailto:g.deroo@syndex.fr)



This document was financed by the E.U institutions  
Dated 31-10-2016