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Pa RI PARTICIPATION & RIGHTS LETTER

WORKER'S INFORMATION AND CONSULTATION RIGHTS IN EUROPE

WHY THIS NEWSLETTER?

Dear readers,

Why have we decided to adopt a new tool - a newsletter - for the European trade union movement and the European Works Councils? Our decision was based on two main reasons. The first relates to the awareness that the economic and social challenges that await us are unprecedented. Globalization on the one hand and the growing importance of financial activities in the economy on the other have structurally changed the way companies, in particular large multinationals, operate. New terms, such as off-shoring/delocalisation, cross-border merger and takeover bid, have become part of our



vocabulary and this means companies are no longer restricted by boundaries or frontiers. How can we deal with these new phenomena and be informed and consulted about them, without resigning ourselves to simply managing the social consequences? It isn't easy - given also the fact that the bargaining powers of trade unions, unlike those of the companies, are stuck on a national level. The risk of having to play in defence is extremely high, especially if we do not succeed in promoting and fielding all the resources we have available. One of our greatest resources are the EWCs, which represent the only transnational system available. EWCs are an important reality and are present in over 800 large companies, with around 11,000 representatives who deal with new problems and processes every day. We want to promote, assist, train and inform this great European trade union potential and the newsletter is an additional tool designed to help them. The second reason is a natural consequence of the first. Companies want to manage their choices unilaterally. Participation

is increasingly considered an obstacle, rather than an investment. For this reason, too often EWCs are only informed once decisions have already been taken and they are rarely consulted. We want to react to this approach, as we are convinced that participation is one of the decisive tools for improving the governance of a company. Unsurprisingly, companies with deep-rooted participation systems are also those that achieve the best economic results. For this reason too, the newsletter aims to defend and disseminate the reasons, values and experiences that make participation a decisive tool for the future, not only for the European Works Councils and the trade unions, but for Europe too.

Walter Cerfeda, ETUC Confederal Secretary

IN SUPPORT OF EWCS

BY CLAUDIO STANZANI, MANAGING DIRECTOR OF SDA ASBL

The functioning of a European Works Council depends primarily on the presence and on ability to exercise rights, which we could define as *conditions of effectiveness*. When these are present in the life of an EWC, we can be reasonably certain that this particular EWC functions. As largely emerges from the research carried out by the ETUC, aimed at revising directive 94/457/EC, and the priorities it highlighted, two such conditions are the training of members and the use of experts. First of all, the training of members: the sound



functioning of an EWC is favoured by the quantity and quality of training it offers its members. However, just over a third of the agreements provides for training as a right and regulates its content and implementation methods. In reality, apart from what is provided for by the agreements, the practice is much more diffused and for a significant number of EWCs, although not the majority, training opportunities regularly alternate with annual information and consultation meetings and actually accompany them. By training their members, the EWCs increase their ability to socialize, gather, exchange and debate, even through the use of common methodologies and information from individual countries and production plants, and their ability to prepare annual meetings with group management. Another objective of the training activity within the EWCs is to improve language skills; in fact, even basic knowledge of a common language

amongst workers' representatives would make it possible to overcome communication barriers without adding costs, it being understood that management has the obligation to provide translated documents and interpreting services during official EWC meetings and any steering group meetings. The other condition of effectiveness concerns the use of experts, both in the preparation phases and during discussions with management representatives. The most widespread practice, given also the limits imposed by the existing and unrevised directive, is linked to the presence of trade union representatives, appointed by the national unions or the European industry federations, in the role of experts (often as coordinators). This presence is and will always be a fundamental precondition in guaranteeing solidarity. In fact this presence, often opposed by the multi-

IMPROVING EWC ROLE THROUGH TRAINING AND EXPERTISE

nationals, performs the important task of keeping EWCs within the scope of the perimeter of trade union action and experience. However, in recent years, workers'

representatives in the EWCs have grasped the importance of the presence - not as an alternative to that of the unions - of experts who are more closely linked to the themes contained in the EWC work agenda and in discussions with management. Exercising the rights to information and consultation requires workers' representatives to possess an ability and capacity when dealing with management that very often is extremely difficult to find in the restricted field of trade union representation. For this reason, from today and increasingly so in the future it is essential for the European trade union movement to put together a preferably coordinated network of experts and assistants to support the role and the work of the workers' representatives within the EWCs.

BRITISH AIRWAYS MUST CONSULT EUROPEAN WORKS COUNCIL. LABOUR COURT SUSPENDS OUTSOURCING OF CUSTOMER SERVICE DEPARTMENT

by JUTTA SELIGER

The Brussels labour court stopped British Airways on 6 December 2006 from transferring their Customer Service Department at Vienna airport to the ground handling company Fraport. According to an emergency decision (injunction) the companies' management was forced to open an information and consultation procedure with the European Works Council within 24 hours. The ruling which management failed to put aside in further court proceedings marks a milestone in European and Belgium labour law. Ten years after the implementation of the European Works Council Directive employee rights on transnational information and consultation were confirmed for the first time ever by a Belgium court.

REORGANISATION IS TRANSNATIONAL AND MEANINGFUL CONSULTATION REQUIRED

The lawsuit was presented to the Brussels court as British Airways had chosen to register their initial European Works Council agreement in Belgium in 1996, as by that

time the United Kingdom was not covered by the EWC Directive yet. Having received a mandate of the European Works Council the six leading EWC delegates (the "Bureau") initiated the procedure being advised by their standing expert and a Belgium lawyer. Whereas the company management argued the outsourcing of the airport staff in Vienna was to be considered solely as a national subject under Austrian law, the EWC stated in an open letter to CEO Willie Walsh that the reorganisation would fall into the remits of European consultation and would have a significant trans-



national dimension. The EWC was able to give proven evidence to the court that the outsourcing in Vienna was related to similar initiatives in Prague, Paris, Zurich and Geneva all implemented in the course only one year. The court ruling supports in all relevant aspects the argumentation of the European Works Council: It was confirmed that the restructuring has a transnational dimension as several outsourcing announcements were made in various European countries over a short period of time. Even more importantly, the judgement confirms the rights of the EWC "as a restructuring in one country can possess a transnational character if the decision was taken in another Member State" (see Court Ruling).

British Airways was ordered to pay a fine of 2.500 Euro for every day of delaying the opening of consultation. When the employee representatives had renewed the EWC

constitution in 2005 they succeeded in introducing a much stronger definition of consultation as it exists in many other multinational companies. Consultation has to take place in the planning phase and includes relevant documentation. Once management decides not to follow the advice of the EWC a second round of consultation will take place in view to reach an agreement.

DISCIPLINARY ACTION AGAINST EWC CHAIR AND NEED FOR COORDINATION

After the EWC Chairperson had travelled to Vienna to talk to local employees as entitled by the EWC agreement, she was forced by management via an SMS message



to leave BA premises immediately. The days following the court hearing she received two formal warnings of being dismissed by management for gross misconduct. However, EWC delegates representing a total of 20 countries had decided unanimously to be brave and to stand firm against the companies' management.

As the EWC has no own financial resources and management refused payment for any legal costs such as lawyer fees, travel or translation of documents, the EWC was extremely grateful to the financial and political support of the European Transport Workers' Federation (ETF) which included a motion against the company. The ETF has also put a EU funded project in place to built up a network of EWC Coordinators and EWC delegates where a European strategy on litigation forms part of the agenda. The British Airways case particularly underlines

the need of an alignment of EWC activities and national union and works council strategies as the local works council in Vienna could not resist the tremendous pressure of management and finally signed off a transfer agreement just a few days before the court ruling was made.

REACTIONS

EWC expert Hellmut Gohde who advises apart of British Airways various EWC's such as Deutsche Post (DHL), TUI or Oracle commented: "*We do not need to wait for the necessary revision of the EWC Directive; we can enforce the adherence of existing rights already today if necessary. The BA judgment and the cases at Gaz de France and Beiersdorf set precedence and are very encouraging for EWC delegates from other companies as well*". Meanwhile even some management consultancy firms like the admit that this kind of court rulings could be "highly embarrassing for European HR Directors" and now offer risk assessments for managers for "*not being the next victim*".

For more information contact:

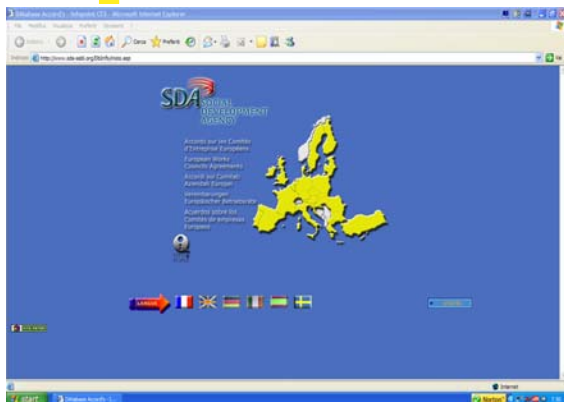
Hellmut Gohde - EWC Expert, H.Gohde@euro-br.eu www.euro-br.eu

NEW AGREEMENTS FROM THE DATABASE

Agreements for the establishment of new European Works Councils or the revision of existing agreements. For further information please consult the SDA online database "European Works Councils Agreements" on the website: www.sda-asbl.org.

2006

On 1st March 2006 the ALCAN Inc group revised its EWC agreement (revision of the agreement dated 04/09/1996). The Alcan group is based in Canada and includes the French group Pechiney. It is one of the world's main suppliers of bauxite, alumina and aluminium, as well as being one of the leading suppliers of manufactured products and packaging. Thanks to this agreement, which complies with French law, the ALCAN EWC replaces two European organisations already operating in Pechiney and Alcan.



ON 9TH MARCH 2006 an agreement was signed for a new EWC in the DOMETIC group, a Swedish company that produces various electrical appliances and equipment.

ON 22ND MARCH 2006 the CIBA Speciality Chemicals group EWC agreement was revised (revision of the agreements signed on 3rd April 1998 and 1st July 2005 respectively). Although it is a Swiss group, the EWC is inspired by Belgian law.

ON 26TH JUNE 2006 the FCI group signed an agreement for a new EWC. The agreement signed is founded on French law. The FCI group operates in the electrical and electronic connectors sector.

ON 4TH JULY 2006 the CARADON Plumbing Limited group EWC agreement was revised (revision of the agreement dated 1st May 1997). This agreement is inspired by British law. The CARADON group operates in the plumbing sector.

ON 11TH JULY 2006 an agreement was signed for a new EWC in the MONTUPET group, which specialises in the design and production of aluminium parts. The agreement signed is founded on French law.

ON 22ND SEPTEMBER 2006 an agreement was signed for a new EWC in the Dutch group SIGMAKALON, leader in the paints sector.

ON 8TH NOVEMBER 2006 an agreement was signed for a new EWC in the Italian group ISEO. The agreement is unusual because the group, which produces locks and padlocks, is a medium-sized company with a total of 684 employees throughout Europe.

2007

ON 26TH JANUARY 2007 an agreement was signed for a new EWC in the Italian bank group UNICREDIT. The group is present in 27 European countries and thanks to its 146,000 employees represents one of the leading European bank groups.

The agreement, signed by the special negotiating body with the assistance of UNI-Europa Finance, has a number of innovative aspects. With regards to corporate social responsibility, the agreement prefigures the possibility to formulate common opinions with regards to training and professional career paths, health and safety in the workplace, equal opportunities, the fight against any form of discrimination and the environment. The agreement also provides for the participation, as permanent members, of workers' representatives from EU candidate countries (Croatia and Turkey), as well as those from Bosnia, Russia, San Marino, Serbia, Switzerland and the Ukraine.

SOON IN THE EWC DATABASE



EWCs IN TWO CYPRUS BANKS

February 2007 two EWCs agreements were signed with Marfin Popular Bank and Bank of Cyprus. These are the first EWCs established with Cypriot companies and they contain provisions which go beyond the legal requirements of the EU directive. These agreements cover Cyprus, Greece and the United Kingdom.

For further information: oliver.roethig@union-network.org

EWC IN BAUER VERLAGSGRUPPE

On 01/02/2007 a new agreement with Bauer Verlagsgruppe came into force. The EWC is subjected to German law.

For further information: ivonne.jackelen@union-network.org

EWC IN MEDIASET

On 14/12/2006 a new agreement with the Italian based Mediaset was signed. For further information: Johannes.studinger@union-network.org

ON-GOING NEGOTIATIONS TO ESTABLISH A EUROPEAN WORKS COUNCIL (EWC)

BCD, Georgia-Pacific, Integra/Unilog, Johnson Newspaper, National Bank of Greece, Oracle, Rossel S.A., RR Donnelley, Schott Gruppe, Transcom

For further information: ivonne.jackelen@union-network.org

ON-GOING NEGOTIATIONS TO ESTABLISH A EUROPEAN COMPANY (SE)

BASF wants to become an SE. The Board of Executive Directors and the Supervisory Board of BASF resolved to propose to the Annual Meeting on 26 April 2007 the transformation of BASF Aktiengesellschaft (AG) into a European Company (Societas Europea, SE). The EWC (Euro Dialog) and the BASF Works Council have commissioned Robert Oswald, senior employee representative, with organizing the special negotiating body (SNB) which should start its work in June 2007. For further information: www.corporate.basf.com/en/investor/se/praesentation.htm?id=37shoAESpbc1W1

NEWS FROM THE EU

CORPORATE SOCIAL RESPONSIBILITY

In May 2006, the European Commission published a Communication entitled "Implementing the partnership for growth and jobs. Making Europe a pole of excellence on corporate social responsibility" (COM (2006) 136 final, of 22 March 2006.) and launched an Alliance of European companies for CSR, with voluntary affiliation through a simple declaration procedure. The stakeholders are not vested



with any formal role. The Communication elicited a clear, negative reaction from the trade unions and non-governmental organisations. Specifically the ETUC thinks that even today CSR must embed elements such as multilateralism, accountability and transparency and a mandatory framework for social reporting and for companies and managers to take responsibility for the consequences of abuses or misdemeanours. The European Social and Economic Committee and the Parliament repeatedly recalled such elements in some opinion papers. Experience of EWCs which have been engaged in CSR shows that this is the sole and correct approach. ETUC warmly invites the

European Commission to act in accordance with them and to open a new momentum for CSR in Europe. Further information:

http://ec.europa.eu/employment_social/soc-dial/csr/index.htm

MODERNISATION OF LABOUR LAW AND EMPLOYMENT FLEXIBILITY

European Commission launched a new Green Paper on the future of Labour law in Europe. Modernization of Labour Law means to deal with workers' protection on the workplace and on the labour market. Planning national and European measures, the Green Paper seems to promote "flexibility" without safeguarding "security". This unbalanced approach concerns the European trade unions: too many points stay unclear. In particular EWCs, which are every day called to manage restructuring processes, want to know which instruments they have to accompany change and to protect those who have to pay more due to restructuring processes.

Further information:

http://ec.europa.eu/employment_social/emplweb/news/news_en.cfm?id=189

CORPORATE GOVERNANCE. WHO DOES DECIDE IN THE EUROPEAN COMPANIES?

Increasing company mobility and improving transparency and accountability of corporate governance are the objectives of the Action Plan launched by the

Commission in 2003. After four years, the ETUC realises that a lot have been done to increase the capacity of companies to exploit the internal market (27 countries this year). The directives on cross-border mergers and on take-overs are the most relevant results of the action plan. Quite less has been done to balance the companies' corporate governance which is indeed focused on the relationship between shareholders-managers but there is no room for other stakeholders. Two new directives will be approved this year: on shareholder rights and on the transfer of the official seat. The ETUC has been always claiming (with success till now) for an intensive involvement of employees and the defence of the existing participation rights.

Further information:

http://ec.europa.eu/internal_market/company/modern/index_en.htm

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE ON THE REVISION OF THE EWC DIRECTIVE

The EESC has identified three main points which should be taken into consideration for a rapid updating of the Directive 94/45:

- The coordination of the information and consultation provisions of Directive 94/45 with those directives dealing with the same questions such as Directive 2001/86 on SEs and 2002/14 on Information and Consultation;
- an adjustment of the number of worker representatives on the Special Negotiating Bodies (SNBs) and in the EWCs need to reflect the EU enlargement. The directive had set a maximum membership of 17, which at the time corresponded to the number of countries covered by the directive;
- the recognition of the right of national and European trade unions to take part to SNBs and EWCs and to have the right to have recourse to trade union experts.

In accordance with the EESC document, the European Commission should proceed at least for an update of the existing directive. It is not a proper revision of the text. It means to make the existing legislation coherent with the new institutional and economic context in which the legislation should be applied. ETUC welcomes the EESC opinion and hopes that this could help breach the ideological barrier that employers have raised to avoid any change in the existing text of the directive.

Further information:

http://eescopinions.eesc.europa.eu/EESCopinionDocument.aspx?identifier=ces\soc\sc220\ces1170-2006_ac.doc&language=EN

THE CALLS FOR PROPOSALS UNDER THE SOCIAL DIALOG BUDGET LINES ARE PUBLISHED

Three calls for proposals are published where trade unions and bodies of workers representation can apply for funding in 2007. These calls are financed under three budget lines which are managed by DG Employment and Social Affairs of the European Commission. The budget lines are the following:

04.03.03.01 "Industrial relations and social dialogue";

04.03.03.02 "Information and training measures for workers' organisations";

04.03.03.03 "Information, consultation and participation of representatives of undertakings".

Further Information: <http://www.sda-asbl.org/> and

http://ec.europa.eu/employment_social/emplweb/tenders/index_calls_en.cfm

NEWS FROM THE EUROPEAN INDUSTRY FEDERATIONS



UNI-EUROPA

UNI-EUROPA FINANCE MEETING ON ALLIANZ SE

On 28 February, the Allianz Network of UNI-Europa Finance met in Munich to discuss the experiences of the founding of the Allianz SE and the future tasks in representing workers' interests in the group. 25 colleagues - union officers, national and European workers' representatives in Allianz - looked at the question of how the restructuring process has been dealt with in Germany, Italy, France and the UK. The meeting was part of a project, with financial support of the European Commission, on "Creating transnational employee involvement in Allianz SE"

Further information: oliver.roethig@union-network.org

CONFERENCE ON THE ESTABLISHMENT OF EWC NETWORKS

The meeting, which was held in Brussels 5-6 February 2007, looked at the experiences of EWCs and gave an outlook on best practices. Key topics were also: CSR, EWCs in Central and Eastern Europe and Allianz SE.

The conference was a follow-up to three workshops that were organised in Denmark, Germany and Austria in which the differing experiences of selected affiliates concerning European Works Councils were discussed.

Further information: oliver.roethig@union-network.org

EWC WORKSHOP: ERSTE BANK, KBC, IF, AND BNP PARIBAS (VIENNA, 15-16.01.2007)

The last workshop in this project brought together the four banks and employee representatives of further Austrian multinationals to exchange experiences on work in EWCs. A particular focus was on operations in Eastern and Central Europe.

Further information: oliver.roethig@union-network.org

MACMILLAN FORCED TO SET UP A CONSULTATION A BODY

Global publisher Macmillan has been found in breach of employment laws after a complaint to the UK's Central Arbitration Committee by Amicus. The ruling forces the company to set up an employee-elected information and consultation body to cover all Macmillan employees in the UK.

Further information: adriana.rosenzvaig@uniglobalunion.org

FRANCE TELECOM ENGAGING IN GLOBAL SOCIAL DIALOGUE

The France Telecom group has committed to the opening of discussions regarding a global works council. Olivier Barberot, head of human resources at France Telecom, made this offer to both European Works Council and UNI France Telecom Alliance. Both groups will send delegates to the discussions, in which UNI will act as joint expert. The decision to pursue a global social dialogue model, a longstanding desire of the UNI France Telecom Alliance, follows the conclusion of a global agreement on fundamental labour standards, concluded between the company and UNI in December 2006 and demonstrates France Telecom's continued commitment to responsible and effective social dialogue.

Further information: telecom@union-network.org

ACCESS THE UNI-EUROPA NETWORKS ON MULTINATIONAL COMPANIES AND EWCs

Gravure sector:

<http://www.union-network.org/unieuropagraphicalgravurevc.nsf/index?openpage>

Property Services: <http://www.union-network.org/unieuropapropertyewcnetwork.nsf>



EMCEF - EUROPEAN MINE, CHEMICAL AND ENERGY WORKERS' FEDERATION

CONFERENCE "ENERGY POLICY AND RESTRUCTURING - THE ROLE OF INFORMATION, CONSULTATION, PARTICIPATION AND SOCIAL DIALOGUE IN THE ENERGY SECTOR OF THE EU NEW MEMBER STATES AND ACCESSION COUNTRIES"

Prague, 23/03/2007 - Over 50 employers and employees representatives from 15 European countries came together for the conference on energy policy and restructuring. The conference, organized in close cooperation with EURELECTRIC, focussed on the condition of the social dialogue in Central and Eastern Europe and addressed "hot issues" like the European energy policy, its impact on restructuring processes and its consequences for the employment. Alternative scenarios were presented and the social impact of different strategic approaches discussed. The conference was also a success for the social dialogue in the energy sector.

Further information: <http://www.emcef.org/euproj.asp?job=epr>

SETTING UP OF "DOMINO GROUPS" IN COMPANIES OF THE ENERGY SECTOR

Rapid changes in the Energy sector require new methods from trade union side. "Domino Groups" aim at transferring knowledge and skills from one generation of EWC representatives to the following one on the basis of accumulated experiences. Involved in this method of a "domino effect" are companies such as GdF, EdF, Vattenfall, Endesa, E.On, ENEL, ect. The main seminar took place in Florence from 18-20 December 2006.

Further information: Peter Kerckhofs (Coordinator of the EWC Committee of EMCEF), e-mail: pkerckhofs@emcef.org



EPSU - EUROPEAN FEDERATION OF PUBLIC SERVICE UNIONS

ENERGY CONFERENCE

In March 2007 EPSU organized an energy conference, with SDA (Social Development Agency) support, to consider the European Energy Package of the European Commission and to discuss the implications with 140 representatives of the trade unions and (European) works councils.

Further information: <http://www.epsu.org/a/2817>



ETF - EUROPEAN TRANSPORT FEDERATION

PROJECT: PROMOTING THE EWC-S IN THE TRANSPORT INDUSTRY

The ETF has recently re-launched its activities related to the EWC-s and the multinational companies. A project on Promoting the EWC-s in the transport industry, financed by one of the EU budget headings on social dialogue, is currently being run by the ETF. The project (November 2006 - July 2007) aims to map out the needs

of the ETF members in this policy area, to explore what could be the ETF role to this end, to enhance the trade union coordinating role in relation to the EWC-s and last but not least, to mobilise debate on a future ETF EWC policy. The project focuses on two target groups: trade union coordinators and unionists fulfilling the role of members of EWC select committees. A seminar for the first target group has already taken place in Prague, on 22 - 23 February, where 45 trade unionists from 14 countries representing sectors such as road, rail, aviation, logistics, courier express gathered together to get an overview on the developments in transport and to debate on topics related to the above aims and objectives. On 2 - 4 May, part of the same project, a second seminar will be held in Berlin, where we expect participation of unionists members of EWC select committees from 15 multinationals operating in transport, such as Air France KLM, British Airways, DP DHL, LSG Skycheffs, Dubai Ports World, TNT, UPS, Wincanton. Additionally, our intention is to invite colleagues who are prepared to set up new EWC-s - to benefit by the knowledge of their more experienced colleagues - in multinationals such as Deutsche Lufthansa, DSV Group, Maersk. We do expect that at the end of this project we will be in the position to start up a EWC network, as well as to get a very first outline for an ETF policy and strategy on multinationals.

EWC TRAINING

In parallel to the above initiative, the ETF has started a training and education programme on EWC-s. A first seminar was organised in Sofia with the support of the ETUI in March 2007. Transport unions from Austria, Bulgaria, Czech Republic and Romania were present. What we try to achieve is a better understanding of the EWC-s and a stronger participation of unions from the New Member States in these bodies, since Central and Eastern Europe remains one of the most attractive operational region for the multinationals.



EFFAT - EUROPEAN FEDERATION OF FOOD AND AGRICULTURE AND TOURISM TRADE UNIONS

10 YEARS OF EWCs

On the occasion of the coming into force of the guidelines for the foundation of European Works Councils (EWCs) on 22 September 1996, exactly 10 years ago, Harald Wiedenhofer, the then EFFAT General Secretary, pointed out that many employers' associations and individual firms wanted to prevent the adoption of the guidelines by any means possible. In the intervening time many undertakings have learned to live with the EWCs.

Further information:

http://www.effat.org/files/a55770edeb072aaf4bd8037431a0a4bc_1160566959.pdf



EMF - EUROPEAN METAL WORKERS' FEDERATION

EMF EUROPEAN FRAMEWORK AGREEMENT WITH AREVA

This innovative agreement is not a mere declaration of intent. It expresses a genuine commitment on the part of the signatories to improve standards of equal opportunities for men and women and for the professional integration of disabled people within all the structures of the Areva Group in Europe.

Further information:

www.emf-fem.org/press/press_releases/emf_european_framework_agreement_with_areva

UPCOMING EVENTS



ETUC

EWC CONFERENCE: "EFFECTIVENESS OF INFORMATION AND CONSULTATION RIGHTS OF EMPLOYEES AND THEIR EVOLUTIONS. AN ACTION MODEL FOR EWCs BEFORE THE CHALLENGES OF CHANGE" ON 20 APRIL 2007

The SDA and ETUC are convening a European Works Councils (EWCs) Conference with the aim to analyse the weaknesses and successes of the EWC experience and to identify new fields of work for the future. Further information: www.sda-asbl.org/

ETUC'S 11TH STATUTORY CONGRESS IN SEVILLE, 21-24 MAY 2007

Some 1,000 delegates representing all the ETUC affiliate organisations will take part. This major event in the European trade union calendar will debate the challenges that European trade unions are facing at the present time and define the strategies to be adopted over the coming four years. Further information: Congress homepage <http://sevilla.etuc.org/>



UNI-EUROPA

UNI-EUROPA FINANCE MULTINATIONALS TASK FORCE/EWC CONFERENCE 8-9 MAY 2007

The Conference is scheduled to take place in Brussels, Belgium. A main focus of the conference will be the ALLIANZ SE, its creation and development. Further information: oliver.roethig@union-network.org

EWC CONFERENCE OF UNI-EUROPA GRAPHICAL, 2-4 APRIL 2007

UNI-Europa Graphical recently hold its EWC conference in Budapest, Hungary. It focused on anticipating restructuring in the sector. More than 100 participants from 25 countries and representatives from UNI-MEI, EMF, EMCEF and EFJ were present. The conference was followed by a series of workshops on the enlargement and reinforcement of European trade union cooperation in CEECs. Further information: ivonne.jackelen@union-network.org

UNI-EUROPA PROPERTY SERVICES EWC CONFERENCE, 7-9 OCTOBER 2007

The first EWC conference of UNI-Europa Property Maintenance and Cleaning Services will be organised in La Roche, Belgium. Further information: fabrice.warneck@union-network.org



EFJ - EUROPEAN FEDERATION OF JOURNALISTS

EUROPEAN WORKS COUNCILS IN THE MEDIA INDUSTRY: THE WAY FORWARD 20-21 APRIL 2007

Following a previous seminar on information and consultation that took place in Tallinn in 2004, the European Federation of Journalists organises a seminar on EWCs in the media sector, to take place in Sofia, with the support of the European Commission. This meeting will include discussions on results of good and bad practice, evaluate

practice of existing EWCs in the media sector and analyse the recent take over of Orklamedia by Mr. Montgomery (MECOM) and its impact on the EWC. For the time being, the unions of the sector are still facing major obstacles, partly due to the resistance of some employers. Unions also lack practice and implementation instruments. This project shall help member unions and representatives in media companies to overcome such obstacles. Over a dozen media companies will be considered during this seminar. The meeting itself will be locally organised by the EFJ partner organisation, the Bulgarian Union of Journalists - Podkrepa.
Further information: www.ifj-europe.org, e-mail: efj@ifj.org Phone: +32 2 235 22 00



EMCEF - EUROPEAN MINE, CHEMICAL AND ENERGY WORKERS' FEDERATION

EWC COORDINATORS' SEMINAR IN SUMMER 2007

Three 2-day training sessions are planned with around 66 participants which will take place in Germany, Spain and Hungary. The participants are EWC representatives from about 40 different companies from the chemical, glass, paper, ceramic and energy sectors and from nearly all EU Member States (including Romania). The special feature of this training sessions is the use of role-playing methodology simulating negotiations with various actors involved in company restructuring processes and other features of company changes.

Further information: Peter Kerckhofs (Coordinator of the EWC Committee of EMCEF), e-mail: pkerckhofs@emcef.org

OTHERS

TRANSPOSITION OF THE EWC DIRECTIVE 94/45/EC IN BULGARIA AND ROMANIA

Recently the English versions of acts transposing the EWC Directive into Bulgarian and Romanian law were made available. The transposition laws came into force on the date of Bulgaria's and Romania's accession to the EU.

In case of Bulgaria the act introducing EWCs contains provisions on employee participation not only in case of an EWC, but also regulations on employee participation in European Company (SE) and European Cooperative Society (SCE). At the same time Art. 157 and 333 of the Bulgarian Labour Code regulate some rights enjoyed by EWC's (as well as SE's, SCE's) members (respectively right for time-off for EWC meetings and protection against dismissal). The anchoring of some key rights in the labour code is to be seen as a positive element, since it grants EWCs rights in an act that is positioned higher in the legal hierarchy than a regular transposition act.

The Bulgarian Act - Law on Information and Consultation with Employees of Multinational Undertakings, Groups of Undertakings and Companies (National State Gazette No. 57 of 14.07.2006) - contains also some more precise definitions of information and consultation, as well as a bit more detailed provisions on confidentiality. Moreover, the regulation does not set any maximum limit of the experts that an EWC may convene at the cost of management. The SNB should have minimum 3 members (standard provision), but no maximum number of SNB members is set (Art. 6). Right to a preparatory meeting before a plenary session of the EWC is guaranteed in Art. 11 of the act in question. The law defines also a procedure for prolongation of EWC agreements in case of their expiration (Art. 10). In SNB one supplementary member for Bulgaria is allowed for each 25% of the total workforce employed in Bulgaria.

The Romanian Act (Law No. 217/2005 "On the establishment, organisation and functioning of EWCs"), on the other hand, is rather a standard transposition law. It contains a provision on consultation (art. 35) stipulating that in exceptional

circumstances EWC has the right to prepare a statement within 10 days from the announcement by management about planned measures belonging to EWC competence. In Art. 37 obliges EWC to share information with the employees of the company. Transitory provisions in case of expiration of a EWC agreement are also defined (SNB is replaced by the EWC whose term of office is about to expire). Articles 40 and 41 stipulate that management has to bear the costs for at least one expert (standard) and, interestingly, that management has to grant a EWC a special budget for their activities (this excludes the possibility of not laying down financial resources at the disposal of EWC). Regarding the issue of confidentiality of information the management is not obliged to give such information to EWC and EWC members cannot disclose it even after the expiration of their term of office. EWC, however, have a right to a court appeal within 30 days from refusal of disclosure of information on grounds of confidentiality. Art. 47 of the transposition act regulates imposition of financial fines in case of a) *obstruction of an establishment of EWCs and in cases of blocking the establishment*; b) *discrimination against a member of SNB or EWC* and c) *disclosure of confidential information*.

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PUBLICATIONS / REPORTS

PATHS TO PROGRESS: ACTA AND CONTRIBUTIONS OF THE PATHS TO PROGRESS PROJECT 2006

Under this project, an "innovation expert group" composed of academics and other experts were asked to generate new ideas on the new trends which could improve the management of information, consultation and participation of employees in Europe in the context of the development and competitiveness strategies of the most prominent industrial sectors, and on the need to deal with company restructuring, mergers, take-overs and relocations. This collective work was co-ordinated by Prof. Brian Bercusson from London King's College. The summaries of the contributions have been translated in a number of languages.

This publication can be downloaded from: <http://www.sda-asbl.org/>

NEW VADEMECUM ON THE SUBMISSION OF A PROJECT UNDER EC 04030303 BUDGET LINE 2007

This publication is a guide for the social partners intending to submit a project under the 04030303 EC budget line. It provides assistance to any eligible promoter throughout the preparation of the bid. It covers various aspects of the project preparation work, including an explanation of the objectives of the call for proposals; practical hints on how to deal with the SAGA form; useful tips about how to structure a project description and to estimate a budget. The text also includes examples of awarded projects. This publication can be downloaded from: <http://www.sda-asbl.org/>

ANALYSIS OF THE SDA INFOPOINT DATABASE "EWC AGREEMENTS", 2006

This is a quantitative and qualitative analysis of the SDA database of European Works Councils agreements. The analysis will illustrate the relevance of the different criteria in which the included agreements are broken down. It wants to illustrate the

possible consequences of including or excluding certain clauses in an EWC agreement. In addition it offers a few on most recent formal trends and evolutions to be discovered in agreement. Overall it can serve as an interpretation guide to the database. This publication can be downloaded from: <http://www.sda-asbl.org/>

CASE STUDY ON BEST PRACTICES IN EWC FUNCTIONING, 2006

This case study is focusing on the most relevant cases of functioning of European Works Councils. It wants to comment on practices in the involvement or non-involvement of European Works Councils in accompanying restructuring of multinational enterprises, enlargement of the Council itself due to the accession of the new EU Member States and the possible role of EWCs in the establishment and the monitoring of certain types of codes of conduct and/or framework agreements

This publication can be downloaded from: <http://www.sda-asbl.org/>

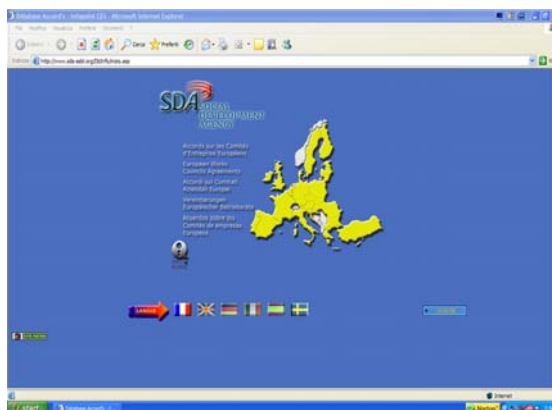
TOWARDS A EUROPEAN LABOUR IDENTITY. THE CASE OF THE EUROPEAN WORKS COUNCIL (2007), EDITED BY MICHAEL WHITTALL, HERMAN KNUDSEN AND FRED HUIJGEN.

The transnational character of the EWC makes it an ideal microscopic structure through which the wider discourse surrounding identity - especially when associated with globalization, Europeanization, and mobility - can occur. This publication examines not only the workings of the EWCs, utilising individual case studies, but also analyses and assesses the link with the broader discussions on European Identity as well as European trade union co-ordination and solidarity. This publication can be obtained at Routledge Research in Employment (Hb: 978-415-40396-2)

THE FORGOTTEN RESOURCE: CORPORATE GOVERNANCE AND EMPLOYEE BOARD-LEVEL REPRESENTATION. THE SITUATION IN FRANCE, THE NETHERLANDS, SWEDEN AND THE UK (2007), EDITED BY LIONEL FULTON, PUBLISHED BY HANS-BÖCKLER-FOUNDATION.

The study shows that the corporate governance codes that have been introduced in each state are very similar despite the different traditions of corporate governance in the four countries. One clear result is that these codes largely neglect the role that employee representatives play at board-level. The evidence, presented in the study, is that employee representatives on company boards are overwhelmingly seen as positive.

EWC DATABASE INFOPOINT-SDA



The EWC Infopoint-SDA Agreements Database has been developed and run as part of the Infopoint project (supported by the European Commission) for a number of years. It contains the analysis of EWC agreements from copies of signed originals in five languages: English, French, German, Spanish and Italian. The SDA collects the agreements in co-operation with European Industry Federations, analyse the agreements and input the information gathered into over sixty searchable fields. The database currently covers over 730 agreements and is constantly updated.

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