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PARTICIPATION & RIGHTS LETTER



WORKER'S INFORMATION AND CONSULTATION RIGHTS IN EUROPE

THE RECAST EWC DIRECTIVE – CURRENT DEVELOPMENTS



The transposition period of the new European Works Council Directive into national law is coming to an end and will expire by 5th June 2011. It is now time to take stock of the on-going developments. This is important, since the directive leaves room for national governments to interpret its provisions and to include the content

of its further-reaching recitals in national law. Consequently the European trade unions are closely following the recent developments.

Transposition activities

According to information of the European Commission, the persons in charge of the preparation of the transposition laws in the national ministries are regularly meeting in a working group, organised by the Commission. These meetings, scheduled until the Summer break of 2010, aim at facilitating the dialogue between the member States and coordinating the transposition activities. The majority of member States are not expected to transpose the Directive before the end of the deadline for transposition. However, most member States have already contacted their social partner organisations, as confirmed by various national trade union organisations. In Austria, for example, tripartite meetings have been taking place to discuss crucial transposition issues. In Belgium, the social partners who are actively involved in the transposition process of the directive have been regularly meeting. Two member States have reacted faster than the others. In Portugal, the new EWC directive was already transposed in Summer 2009 by the previous government before the September 2009 elections ([download the Portuguese transposition law, in Portuguese only](#)), though not all the improvements desirable from a trade union point of view have been taken on board. In the UK, a public consultation on the draft transposition has been carried out between 19th November 2009 and 12th February 2010. On 6th April, a [bill amending the existing law on transnational information and consultation of employees](#) was submitted to the UK Parliament.

In this Issue

NEWS ON EWCs	3	NEWS SDA – INFOPOINT PROJECTS	10
NEWS FROM EIFs	4	RECENT EVENTS	11
NEWS FROM SEs	8	FUTURE EVENTS	12
NEWS FROM ETUC	9	PUBLICATIONS AND LINKS	13

The bill foresees that the changes shall come into force after the end of the transposition period (5th June 2011) even though transposition is scheduled to be finished before the elections of 6th May 2010. However, the bill only took on board some of the criticism expressed by the European trade unions during the consultation phase (European Industry Federations have individually participated in the consultation: Uni Europa has even released a [news article on its position](#), 12th February 2010).

In general the British transposition law stays close to the directive and leaves further clarifications open to the negotiating parties. For example, it does not consider to clearly transpose the recital on transnational matters. In comparison with the first draft, it has been revised in some areas specifying the interpretation of the directive. Therefore, specifications have been made on the means for SNB and EWC members. The entitlement of trade union representatives to attend the SNB meeting is mentioned, though only in advisory capacity.

Currently negotiated EWC agreements considering the recast directive

The European Industry Federations have drawn attention on the items to pay attention on when (re)negotiating EWC agreements during the transposition period ([see PaRL 4-2009](#) and [EIF common recommendations](#)). In virtue of special arrangements for the agreements signed or revised during the transposition period (Art. 14 (b)), they advise to anticipate the content of the new Directive in the agreement. This is important, since the agreement will continue on the basis of the legal obligations arising from the previous directive, even after the year 2011. In this context, it is worthwhile analysing recently signed EWC agreements. [PaRL 4 2009](#) has already reported on the new RR Donnelley EWC agreement, signed in October 2009, which takes into account the content of the recast Directive. In addition, the International Paper EWC agreement (pulp and paper sector) was signed on 12th January 2010 under UK legislation ([see ETUI EWC database](#), [Planet Labour article](#), February 3 2010). The agreement takes on board some parts of the new Directive, but does not apply all recommendations made by the EIFs. It now includes the new definitions on information, consultation and transnationality, but not the recitals on transnational matters. The agreement does not regulate the EWC members' training, and only mentions training coordination as a task for the select committee. There is no indication on the future application of the new Directive either.

On December 17th 2009, the Selex Galileo EWC (electronics defence sector) has been established under Italian law, resulting from the cooperation between an Italian and a British company ([download the EWC agreement](#)). They produce a common brand, while maintaining both companies with the same owner. The EWC agreement abides by the new EWC directive and regulates many new rights including the new definitions of "information", "consultation" and "transnationality" (with consideration of recital nr. 12). The agreement allows for the participation of two EMF appointed experts (one British and one Italian). It further foresees a 60-hour language training package for each EWC member. In addition the agreement provides for more detailed employee friendly regulation: One regular EWC meeting per year is foreseen, but either party may request a second one.

There are specific regulations on confidentiality, stating that confidential information has to be labeled as such and may not be mentioned in the minutes of meetings to be arranged by management and the select committee.

Activities by the European Trade Union Confederation and Institute

In order to support the transposition process, the ETUC will shortly publish an information leaflet on the changes of the EWC directive from an ETUC perspective ([to be downloaded on the ETUC website](#)). Furthermore by the end of April, the ETUI will release a trade union guide to the EWC recast targeting national trade union experts, EWC members and civil servants working on the transposition of the recast directive ([to be downloaded on the ETUI website](#)).

NEWS ON EWCS



WWW.EWCDB.EU

DEVELOPMENTS IN THE EWC DATABASE

The two separate databases on European Works Councils managed respectively by the Social Development Agency asbl. (SDA) and the ETUI were merged around the end of 2009. These databases had distinct profiles: the SDA database contained analyses of the integral texts of EWC agreements, whereas the ETUI database collected information on the multinational companies covered by the EWC directive and on those with EWCs, and included the texts of EWC agreements (original signed versions plus translations in various languages), data on the number of EWCs, on their agreements and on some of their qualitative aspects. The new database, which now merges the SDA data, is officially named the ETUI EWC database and it combines the two major features of the previously distinct databases: figures on EWCs, agreements and companies, as well as content analysis of the agreements. Consequently, it provides the most complete information on EWCs currently available.

The integration of the results of the SDA's content analysis of EWC agreements was not just a mere problem of data importation. The analytical framework was totally redesigned from scratch in 2008 by SDA and ETUI, relying on feedback from the European Industry Federations. It henceforth includes more than 80 criteria, providing a thorough insight into arrangements in various EWC agreements. On the basis of the new analytical criteria, ETUI and SDA started to reexamine the agreements available (around 1350 currently). The analysis will continue throughout 2010 and will be followed by a report. As the analysis progresses, some intermediate results will be presented gradually (from March 2010 onwards) on the [www.ewcdb.eu website](http://www.ewcdb.eu). The website is being substantially updated in other areas since March 2010, providing more statistics on EWCs, free graphs and an inventory of EWC-related court cases.



RESTRUCTURING IN EWCs

The 2010 ETUI Publication "Benchmarking Working Europe" draws attention on how EWCs are impacted by restructuring issues in the current crisis. The ETUI EWC database reports about 2260 cases in 553 companies with an active EWC that had been involved in a merger or purchase process between 1990 and 2008. Since both former and new EWC directives provide for EWC competence in anticipating and managing change and its impact on workers, one might suspect that EWCs have been able to actively impact restructuring. However, former research prevailed that despite employees being affected by restructuring, their EWCs often obtain scant information about its reasons and consequences. Regarding the recent crisis, empirical evidence on how EWCs are involved in restructuring is scarce, but the article collected information on several examples. Some EWCs have been involved in signing framework agreements in response to the crisis (Arcelor Mittal, GM Europe). In other cases, EWCs have been reported to give opinions on measures proposed by companies in the wake of the crisis (Fiat, HP, Dexia, Pinault-Printemps/La Redoute). Alongside individual EWC actions of which knowledge is incidental, a more coordinated approach has been undertaken by Uni Europa. On 01/10/2008, the European trade union federation for services and communication asked its representatives on 51 European works councils in the finance industry to request without delay extraordinary meetings to discuss on the impact of the financial crisis. This proposal was immediately taken up notably by two severely hit banks, Fortis and Dexia. On the other hand, cases have been reported in which EWC rights have been ignored. This was the case for Anheuser-Busch InBev where the sale of all of its subsidiaries in nine Eastern European countries to a financial investor was announced by central management on 15/10/2009. The management took this decision without informing the EWC, resulting in an action by the European trade union federation for the food industry, EFFAT, which considered the possibility of taking legal action.

The report also raises the question whether the EWC recast directive improves the conditions for EWCs to impact management decisions on restructuring. Even though the directive does not contain any amendments that directly and specifically enhance EWCs' capacities to deal with restructuring, some changes might help EWCs contribute to discussions on company restructuring. First, the improved definition of information and consultation guarantee that EWCs receive information in due time and that consultation is considered as inherent component of the decision-making process. Secondly, the EWCs are encouraged to form a select committee to coordinate and steer the EWC work. The EWC agreement may also extend the EWC's capacity to react quickly and efficiently to extraordinary situations, resulting for example from restructuring or crisis. Thirdly the recast directive offers the possibility of stronger links between EWCs and national or plant-level employee representation bodies. However, the text also points out that important trade union demands to improve EWCs capacities to impact restructuring have not been implemented in the recast directive. First the minimum frequency of EWC meetings (once per year) has not been increased. And secondly the definition of transnationality has not been clarified, providing management the possibility to prevent EWC involvement in restructuring cases unilaterally classified as purely national or local. You can [download Benchmarking Europe 2010 on the ETUI website](#). For this article see chapter 5, pp. 66-72.

NEWS FROM EUROPEAN INDUSTRY FEDERATIONS

 **UNI EUROPA**

EUROPEAN WORKS COUNCIL OF DEUTSCHE TELEKOM AG STRENGTHENS EUROPEAN COOPERATION



Different working conditions, different legal foundations, different languages, and different cultures: the employees of pan-European groups of companies are far from pulling together when cross-border decisions are to be made. Cooperation between European works councilors continues to be difficult, although it is more important than ever before in view of the current economic situation. With the support of an EU funded project, the European Works Council (EWC) of Deutsche Telekom AG has strengthened its pan-European cooperation between employee representatives. Eight fields of activities

were developed with respect to the future work of the EWC. They include, among others, the professionalization of external communication, the enhancement of networks and the improvement of one's own skills.

The programme demonstrated that the Social Dialogue at the national and European level and the ongoing improvement of internal communication are a warrant for efficient and sustainable EWC activities.

[More information on ver.di-innotec website.](#)



TOWARDS A NEW SAP EWC AGREEMENT (SYSTEMS APPLICATIONS AND PRODUCTS)

Following the request of several employee representatives of the SAP subsidiaries in Spain, France, Belgium and the Netherlands the SAP Executive Board has agreed - with the support of the German central works council - to open negotiations to form a SAP European works council. In January 2010, the nomination process started on the special negotiating body (SNB) in the various countries under the respective national

provisions. On the basis of the German EWC Act, one representative from each EU country in which SAP has a subsidiary and three representatives from Germany will co-operate in the SNB. The German SAP Group Works Council and the initiators for the creation of a European works council have appointed a ver.di expert to follow up the negotiations with the employers. The negotiations will start immediately after the nomination of the SNB members.

More information in the EWC-Newsletters of ver.di and of GPA djp.

NEW IBM AGREEMENT



After several months of negotiations with the central management, the European Works Council of IBM was able to conclude a new EWC agreement. The most difficult issue here was to determine what national legislation should constitute the basis for a new agreement. The previous agreement was based on French law, as the IBM European headquarters was located in France. By shifting the European headquarters to several locations (Zurich / Madrid / Dubai) there was no clear assignment anymore. In such cases, the EWC Directive stipulates that the legislation of the country with the largest number of employees is to be applied, and in the case of IBM, the German

law will be relevant. The central management of IBM protested a long time against this until they agreed with a legal advice of the ver.di federal administration thereby unblocking the situation. The new EWC agreement is now based on the German law. It also allows improvements in training and information matters. Furthermore, the EWC of IBM now has its own homepage on the intranet with accessibility for all IBM employees in Europe.

More information in the EWC-Newsletters of ver.di and of GPA djp.



EMF

CORUS EWC CONDEMNS TATA CORUS

In December 2009, the British steel manufacturer Tata Corus announced that it would mothball Teesside Cast Products (TCP). It was the result from the decision of an international consortium to pull out of an agreement to buy steel from TCP.

The European Works Council of Corus declared that it opposed this decision. It conducted a campaign to keep the plant in production, in order to support the workers threatened with job losses. The EWC also denounced the practices of Tata Corus, which had ignored the established regulations on information and consultation by communicating its decision to the press before all the appropriate employee representatives were informed.

Further information on the GFTU website.

EWC OF LUCCHINI GROUP CONCERNED ABOUT ITS RELATION TO MANAGEMENT AND DEVELOPMENTS IN THE GROUP

The European Works Council of Group Lucchini met in a special session on 22nd and 23rd March 2011 at Piombino with management representatives. This meeting had been requested by the delegates, having learned in a newspaper article that SeverStal had bought all Lucchini's shares, to sell them again immediately in turn. During the discussion, the delegates did not learn more than what they already knew by the Italian Ministry of Industry, except that there were statements of interest, both from the side of investment funds and large industrial groups. The employee's side of the EWC has expressed their concern about the resulting situation. They requested that the Lucchini group meets the requirements of prior information and consultation: it is unacceptable to release workers only a "communication" without any chance to be informed in advance and subsequently have the opportunity to discuss. They have proposed to Lucchini's management to develop in the determining coming months another kind of relations, and more direct contacts between management and EWC. They have reaffirmed that they would not accept any solution involving layoffs and plant closures and stressed the need to safeguard the integrity of the Lucchini group. The EWC delegates have decided to support their claims also by organizing a European day of action. The date of this event is to be decided jointly with the unions.



EFFAT/ ETF



EWCs IN TOURISM

In December 2009 the ETLC (European Trade Union Liaison Committee on Tourism) launched a project to support EWCs in the tourism branch. One task will be to enable the EWCs to cope with the impact of the economic crisis. A major problem in the sector however is that many tour guides, tour managers and animators which are employed by companies that have been relocated to Switzerland. As a consequence, the employees are now excluded from European labour law and EWC coverage. The project aims therefore at investigating their work conditions and working out proposals for improvements. In this context the [ETLC website](#) will be further developed to improve the information and consultation structures in the sector. The project is related to the [European Trade Union Charter on Tourism](#) which was launched by the European Tourism Forum in October 2009. It underlines the need for quality employment, respect of workers' and trade union rights and social dialogue; it claims equal treatment for mobile and migrant workers, and calls for proper information and consultation of workers and trade unions in case of outsourcing, subcontracting, restructuring and the entry of investment capital in travel, transport and tourism companies. *Further information.*



STATEMENT ON AB INBEV RESTRUCTURING

The European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) issued in March a statement on the restructuring of Anheuser-Busch InBev. They express their opposition to AB InBev management's will to cut 10% of the European workforce and make a number of recommendations.

AB InBev management should engage with EFFAT and national trade unions to maintain secure jobs and develop a long term future for its European employees if it wants to avoid damaging the company's brands and fomenting further conflicts with its workforce. It should agree with EFFAT on a set of minimum standards that the company must follow if the management ever proposes restructuring plans in future. It also should provide timely information and consultation with the European works council at the planning stage of any future proposals for significant transnational changes. Finally, EFFAT urges the decision makers in AB InBev not to allow the situation to deteriorate further in this way and to take up these challenges. EFFAT also declares they are ready to start coordinated European actions if necessary. *For more information.*



TRADE UNIONS DISCUSS E.ON RESTRUCTURING PLANS



As part of the 03 project "Multinational company restructuring: tackling the impact of the crisis through stronger transnational trade union coordination", trade unions organizing workers in the German electricity and gas company E.ON met in Brussels to discuss the implications of restructuring plans. They will have a significant impact on the workers and their families with job cuts and outsourcing as main topics.

Unions are concerned about their workers all over Europe, but specifically about the announcement to close a call center in Raleigh, UK, a region with severe unemployment problems. Furthermore, not in all countries are social plans negotiated and not in all countries do they have long term protection clauses for workers which will be outsourced. The unions considered the role of the national and European level consultation and use of the EWC's information and consultation rights. A proper European framework is required for company-wide restructuring.

For more information on the meeting, see the EPSU website.

UNIONS SIGN TRANSNATIONAL AGREEMENTS WITH GdF-SUEZ

The trade unions representing workers in GdF-Suez signed two transnational agreements with management on 23rd February 2010. The agreements deal with health and safety and forward-looking management of employment and competencies (GPEC). Both agreements represent a step forward in the on-going discussions in GdF-Suez to achieve a high level of protection and involvement of the workers in the company. The health and safety agreement will be applied by GdF-Suez also to its subsidiaries outside of Europe. The GPEC agreement is remarkable not only for the timely involvement of the workers and their unions in long-term planning and adjustment within the company but also for the reinforcement of the dialogue at local, territorial, national and European level. Both agreements can be found on the EPSU website.

EUROPEAN WORKS COUNCILS AND CORPORATE SOCIAL RESPONSIBILITY IN THE EUROPEAN ENERGY SECTOR

The first outcomes of an EPSU research conducted with the Dutch research group SOMO on the impact of EWCs on the CSR policy in the European energy sector have now been published. The competence of EWCs on CSR is manifold: while some EWC agreements make explicit reference to it, others mention CRS only implicitly (referring for example to CSR issues but not to the term "CSR" itself), and still others do not mention it at all.

Nevertheless, EWC members in the energy sector surveyed in the framework of the study almost unanimously indicate that it is important for the EWC to be involved in developing and implementing a corporate social responsibility policy. In principle, this aim is backed by the European Commission and the European electricity sector social partners (including Eurelectric for the employers' side), both of which express the importance and desirability of dialogue on CSR issues between employee representatives (e.g. the EWC) and a company's management.

Nevertheless, many EWC representatives consider the current role of the EWC in developing and monitoring CSR policies to be less than satisfactory. Survey respondents cite the lack of mandate of the EWC to discuss those issues and the fact that CSR is just not (consistently) on the agenda of the EWC. Other respondents express their desire to discuss more thoroughly the company's annual CSR/sustainability reports. Although there is a real desire to do so, many EWC representatives admit that, in order to engage meaningfully and constructively on CSR issues, additional resources and expertise are needed for EWCs in order to overcome the complexity involved in monitoring the company's progress and to prevent the EWC from simply being used as a "green washing" contraption.

With a few exceptions, EWC representatives consider insufficient the efforts by energy companies to tackle issues such as employee uncertainty about globalization and climate change. Some respondents express their concerns about companies using CSR as a public-relations undertaking and worry about the narrow focus on shareholder value. While several EWC representatives feel that trade unions' efforts to assist EWC members in coping with CSR topics could be improved, the previously mentioned electricity sector social partners' joint statement on CSR is widely welcomed and appreciated. [Further information on the EPSU website.](#)



EXCHANGING SECTOR EXPERIENCE AMONG EWCs

EMCEF is currently organising an EWC project for its sectors financed by the 04.03.03.03 EC budget line. Five seminars for the five different sectors (paper, glass, energy, pharmaceutical and chemical) will take place throughout 2010 in order to strengthen the cooperation between EWCs and trade unions and to allow EWCs to compare and exchange their practices.

Furthermore EWCs should develop a longer term perspective instead of reacting on current developments and consider the opportunities of the new directive.

The first seminar for the EWCs in the paper sector was organised in Sweden on 15th - 17th March. More information about this EMCEF project allowing EWCs to exchange experiences per sector as well as seminar documents are [available on the project webpage.](#)



NEWS FROM SES

MORE THAN 500 ACTIVE EUROPEAN COMPANIES

According to the database of the European Trade Union Institute (ETUI), the number of active European Companies (SE) now exceeds the total of 500 of last February. Currently, more than 80 workers representatives from about ten Member States are board members. However, the majority of them are SEs without any employees ('empty SEs') and/or do not even have a specific business purpose ('shelf SEs'). "This is the reason the European Trade Union Confederation (ETUC) demands that the new Commissioner reflects on this issue in the upcoming review of the SE regulation, and

that he pinpoints ways to close this loophole”, said Catelene Passchier, ETUC Confederal Secretary. More importantly, the positive experiences with employee involvement in “normal” SEs, show the ETUC’s view of the way forward: more democracy at the workplace makes the European Internal Market competitive in a socially responsible way, therefore strong guarantees on worker participation should be a natural ingredient of any future initiative regarding European Company Law. The first opportunity will be the forthcoming review of the SE regulation, which is due to take place later this year. It is also essential to ensure that the worker participation standards set by the SE Directive are not lowered in any subsequent EU legislation in the field of company law, such as the recent proposals for a possible European Private Company statute. [ETUC press release 04/03/2010](#)

OVERVIEW OF CURRENT STATE OF SE FOUNDATIONS IN EUROPE

Within the last three months, 60 new SEs have been added to the [SEFactsheets](#). By April 1st 2010, they counted 543 established and 15 planned SEs. Out of those, however, only 136 companies are considered as normal, seven more than three months ago. The [ETUI’s worker participation website](#) further provides an overview of the current state of SE foundations in Europe, showing graphs and detailed information on SEs.

COMMISSION ACTIVITIES ON SEs : REPORT, CONSULTATION, CONFERENCE

Under the SE Regulation, the Commission is required to report on its practical application five years after its entry into force and to put forward amendments where appropriate (Article 69). To provide a sound factual basis for the report, the Commission launched an external study in December 2008, which was published on March 23rd, 2010 on the Commission website ([Download the final report, legal mapping](#) (appendix 1), [inventory of SEs](#) (appendix 2), [questionnaire used](#)). The Commission is currently conducting a [public consultation](#) on the results of the study amongst the relevant stakeholders also to provide input to the Commission to be used in the preparation of its report on the application of the SE statute. Deadline for responses will be May 23rd 2010. On May 26th 2010 the Commission will finally organize a Conference on the SE Statute ([download programme](#)). On this occasion, the experiences, problems and challenges so far, and possible improvements for the future, will be discussed in two panels, the first one related to the creation of SEs and the second one to issues concerning their operation. [Further information on the Commission website](#).

THE EUROPEAN COMPANY IN SPAIN

The SEEurope network has released a national report on SEs in Spain by Sergio Gonzalez Bergega and Holm-Detlev Köhler. It can be downloaded on the [worker participation website](#).



NEWS FROM ETUC

EU 2020 STRATEGY: ETUC IS DISAPPOINTED

The European Commission published a communication on ‘Europe 2020’ strategy on March 3rd. ETUC is disappointed with this communication. According to John Monks, ETUC General Secretary, the Commission’s document does not give an answer to the key issues of the current European political debate, notably how to deal with the increase of unemployment, in particular youth unemployment, how to regulate the financial system avoiding the repetition of the previous errors, and how to overcome short-termism and relaunch real economy. The EU 2020 strategy follows the Lisbon Strategy defining the overarching objectives of EU policies for the next ten years. [ETUC press release](#) (March 3rd 2010); [Commission press release](#); [ETUI policy brief on the EU 2020 Strategy](#).



The aim of the SDA Infopoint is to assist project promoters in preparing, launching and monitoring their transnational co-operation projects in the fields of information, consultation and participation of workers under the 04.03.03.03 budget heading of the European Commission.

EVALUATION OF PAST 03 PROJECTS AND BRAINSTORMING ON FUTURE PROJECT IDEAS

In February 2010, SDA has invited experienced promoters of transnational projects in the field of information, consultation and participation of workers to a brainstorming workshop. Prior to the seminar, an on-line survey among the project promoters under the 04.03.03.03 budget line of the last years was conducted to collect basic information on the projects and to evaluate them.

The budget line has been mainly used for EWC trainings, often targeting national trade unions too. The main objective addressed has been to increase knowledge and exchange experiences on legal issues and industrial relation systems and to improve the practical coordination within EWCs. The survey found out that precisely these objectives could be met by the projects.

As a final step, the current project needs have been discussed against the background of the present economic crisis and in the light of the new recast directive. There is essentially a need to discuss specific issues (i.e. information on the recast directive, information on the situation in other company sites, strategic planning of proactive measures), to improve internal communication and to train soft skills (i.e. intercultural capacity, negotiation skills).

More detailed information on the survey and discussion results in the [SDA presentation](#) and via email (sda@etuc.org).

CONFERENCE OF THE MOL EWC



Between 23rd and 26th March 2010, the EWC of MOL (the Hungarian energy group) organised together with management representatives a conference in the framework of a transnational project under the 03 budget line of the European Commission. MOL was the first Hungarian-based company to establish a EWC in 2004 with representatives from 10 member States and observers from Croatia and Serbia. According to the EWC chairman, the MOL EWC is still a very young body trying to act as a European body in coordination with trade unions. During the three-day conference, presentations by different speakers and working groups have taken place. Among others a representative of the Hungarian ministry of Labour

and Social affairs intervened on the recent legislative developments in the sense of increasing social dialogue and tripartite dialogue on employment matters. Regarding EWCs, the minister announced that the transposition of the recast is not yet on table due to the elections in the beginning of April.

The aim of the project and of the conference was to improve the communication among EWC, national and local works councils as well as with management being especially important on the background of the recast directive. Thus first results of a study on the communication of the MOL EWC, conducted in the framework of the project, have been presented. Secondly it was underlined that communication is only a precondition for effective information and consultation which are fundamental rights.

For further information on the project and the conference please contact Margit Éblné Németh (MEblne@MOL.hu) and go on the [project website](#).

LAUNCHING OF THE REDITER PROJECT

The European REDITER project is aimed at making EWC members and managers in charge of employment relations familiar with issues related to the new directive. It was launched on 13rd January 2010 in Paris at the headquarters of the Association ASTRE-ES, its promoter. Seminars will soon begin in each of the five partner countries (France, Great-Britain, Germany, Spain and Romania).
For more information, see the [press release](#).

STRENGTHENING TRADE UNION ORGANIZATION MODELS IN TURKEY: BANK AND COMMERCE SECTORS

SDA was involved in this project, promoted by the Italian Institute for Trade Union Cooperation for Development ISCOS. It aimed at reinforcing models of unionisation at the workplace in Turkey and at enhancing the capacity to set up relations with workers in this country. Five trainings were conducted all over Turkey, whose outcome is reported in the [evaluation report](#).

RECENT EVENTS

CONFIDENTIALITY ON THE AGENDA OF THE EWC PLATFORM OF DUTCH EWC MEMBERS



The newsletter of FNV Formaat devotes an article to the issue of confidentiality. On 3rd December, the EWC Platform met in order to discuss on confidentiality of information and the way management sometimes makes use of its right to confidentiality. This is a core problem in many EWCs as management is quickly inclined to consider information confidential. Employees' representatives from various countries have diverging conceptions about how confidential information should be dealt with. During the meeting, the absence of legislation on this matter was underlined. Then concrete examples were provided to illustrate that someone like a EWC chairman can be in a very difficult situation when he is not allowed to communicate information he has received to anyone, whether EWC members or local employees' councils. The meeting was closed with an interesting debate on the question of who must be informed and consulted in the light of the revised directive.

For more information on the meeting; [FNV Formaat's newsletter](#)

EUROPE ET SOCIÉTÉ: CONFERENCE ON THE IMPACT OF THE INFORMATION-CONSULTATION DIRECTIVE ON SOCIAL DIALOGUE IN THE MEMBER STATES (2002/14/EC)

On 27th and 28th January, Europe et Société organised a conference on the Impact of the information-consultation directive on social dialogue in the Member States. A working document on the topic prepared by Marie Meixner entitled "The Information-Consultation Directive of 2002: assessment and scope for industrial relations in Europe" is [available on the website](#). The author underlines the importance of the information and consultation of workers for the European social model and therefore the importance of the directive. The document is aimed at considering the impact of this directive on issues such as the diversity of national traditions and the concrete governance of undertakings. After an analysis of the directive's contribution for a reinforcement of democracy in undertakings, the document envisages the transposition of the directive as a double process – at national level and at undertaking level. It also assesses the state of transposition in Members States, which allows the author to examine the scope of the directive for the European social model.

ETUI TRAINING FOR EWC TRAINERS

The Education Department of the ETUI organised a workshop for trade union trainers from nine countries in January 2010 in Hamburg. They met to analyse the specific training needs of workers' representatives in company representation bodies at European level, to assess the impact of Directive 2009/38/EC, to further develop training methods and contents related to workers rights in multinational companies at European level and to exchange experiences. For more information contact Jean-Claude Le Douaron, education officer ETUI.

A EUROPEAN DIMENSION TO THE TRAINING OF EMPLOYEE BOARD-LEVEL REPRESENTATIVES

In the framework of the European Company Statute (SE) it has become obvious that the mandate of employee representatives at the board level of the company, encompasses a European cross border dimension in the sense that those reps are supposed to take into account the interests of the workforce not only from their own countries, but also from other European countries where the company runs its activities. SE's are of course not the only kind of companies running cross border activities, and there are probably several thousands of employee representatives taking part in decisions affecting the interests of workers in other countries in the boards of multinational companies not having opted for the SE statute. Therefore the ETUI organised a workshop to develop training concepts to improve the work and impact of employee board-level representatives. Employee board level representatives in SEs and MNCs as well as representatives from training institutes connected to trade unions consequently met in March 2010 in Helsingør, Denmark. They came to the conclusion that further training must focus on intercultural training activities and on the different regulations and cultures dealing with confidential issues. By September 2010 a project will be developed by SDA, ETUI and national partners to develop training materials and better train employee board-level representatives. For more information contact Norbert Kluge and Jean-Claude Le Douaron.

FUTURE EVENTS

SDA WORKSHOP ON THE TRANSPOSITION OF THE RECAST EWC DIRECTIVE

On May 27th 2010, SDA will organise a thematic workshop in Brussels with the title "One year after the adoption of the new EWC directive (2009/38/EC) - discussion on legal issues". The workshop will represent the occasion to gather experts among academics, trade unionists and practitioners, in order to discuss the difficulties and the opportunities of the transposition. On September 27th and 28th 2010 a more practical oriented workshop on the practical exercise of information and consultation rights is further planned by SDA.

For further information contact the SDA expert Marina Monaco.

ETUI EDUCATION: TRAINING COURSES FOR THE TRAINING PROGRAMME 2010/ 2011

ETUI Education, the education and training agency of the ETUC, will soon start its new yearly working programme. You can find the courses offered, such as language courses and trainings for worker representatives and trade unionists on specific topics on the ETUI website.

PUBLICATIONS AND LINKS

EUROPEAN COMPANY LAW VERSUS PARTICIPATION RIGHTS – HOW TO RESIST THE STEAMROLLER EFFECT

Séverine Picard, *Transfer: European Review of Labour and Research* 2010; 16 (1);pp. 101-106

Worker participation at board level is an essential aspect for employee involvement. Since participation rights must be exercised at the level of the company and companies go global, employee involvement must be transnational in scope as well. However, European level progress on participation rights has been rather limited. Instead, European company law provisions, such as the proposal on the European private statute, rather jeopardize existing national provisions on board-level employee representation (see PaRL 1/2010). In order to combat regime competition and to promote socially responsible European company forms, a horizontal approach to participation rights at European level is needed, according to the author.

A horizontal directive devising minimum standards on participation rights should include the following characteristics: First it must only be applicable to companies with European dimension in order not to replace national company statutes. Second, only minimum standards should be set to allow Member States to provide for more favourable provisions matching with their national systems. Further it is necessary to prevent that having the registered office and the main place of business in different countries circumvents the application of employee participation rights. Ideally, a European approach to participation rights should leave as much freedom as possible to the social partners at company level, thereby allowing them to draw up the negotiated solutions best suited to their needs. Thus a directive should lay down aims but leave to the social partners to devise the means of achieving them.

However, standard arrangements should be applicable in the event of failure. Finally the directive should define the role and function of the employee representatives, the percentage of employee representative seats and selection procedure as well as provisions required for effective performance. You can download the article [here](#).



TRADE UNIONS AND TRANSNATIONAL PROJECTS - 7TH EDITION (2010)

This ETUI handbook provides guidance for trade unions to set up transnational projects and introduces all interesting budget lines of the European Commission. Its aim is: to explore the benefits of collaborating on projects with partners in other European countries; to introduce some basic skills for managing transnational projects; to demonstrate the need for fresh approaches in education and training; and to understand the role of the European Commission in supporting transnational initiatives in education and training. The edition will be available initially in English and French. Thanks to assistance from national

confederations, older editions are also available in Bulgarian, Croatian, Czech, English, French, Hungarian Italian, Polish, Romanian, Russian, Spanish and Swedish (paper version only). They can be downloaded for free on the [ETUI website](#).

EWCS AND TRANSNATIONAL COLLECTIVE BARGAINING IN THE AUTOMOTIVE INDUSTRY

Transnational collective bargaining (TCB) is a relatively new phenomenon. It refers to all negotiation practices to conclude agreements at the European and world levels. In their publication, Isabel da Costa and Udo Rehfeldt focused on the automotive industry where significant advances were achieved as regards to the TCB. Indeed, EWCS can now negotiate European agreements on employment protection and employees are represented beyond European borders. The authors analysed the action of the trade unions and EWCS in five automobile firms.

They also examined the evolution of trade union strategies as well as the importance of coordinating the transnational industrial action undertaken by the European Metalworkers' Federation and by the International Metalworkers' Federation.
[Link to the publication](#) in French.

DATABASE OF EWC COURT CASES

The [database on European Works Council agreements](#) gathers a collection of law cases of [national courts](#) and of the [European Court of Justice](#) that refer to how EWCs function or to EWC rights. This list is not exhaustive but represents the initial results of an ongoing project related to the issue carried out by the ETUI.
If you want more information, please contact [Romuald Jagodzinski](#).

REPORT FROM BRITISH COUNCIL'S EWC

The British Council teaches English all around the world. It established an EWC in 2006. After years of top-down management, both management and employee representatives agreed to sit down to find a way to get things working better. After one year and a half of talks, a new agreement was signed. This marks a turning point in the British Council's history, as management now informs the employees about its decisions and may even consult them in the future before decisions are to be made. For more information, see the [FNV formaat EWC newsletter 2010 Nr.1](#)

THE CONTRIBUTION OF MIDDLE MANAGERS FOR THE IMPROVEMENT OF TRANSNATIONAL PARTICIPATION, INFORMATION AND CONSULTATION IN EWC

A project conducted by Eurocadres was focusing on the role professional and managerial staff plays in EWCs and on the contribution they can give for a better functioning of it: According to the [final publication](#) the professional and managerial staff is of major importance for the functioning of EWCs due to their responsibility, experience and knowledge. They often have more information on employment policies and corporate strategies and know better the business. They can further improve the communication between workers and their representatives ensuring the circulation of information necessary for co-operation within and outside the company. After all, professional and managerial staff are workers like all others and should be recognised as such in the EWC as well. Further information can be found on the [project website](#)

GERMAN WORKS COUNCIL PRIZE 2010

Until April 30 2010, works councils can apply for the German Works Council Prize 2010. You can hand in initiatives or projects conducted in 2008-2010 to improve work conditions, to keep or create jobs or to cope with the crisis.
Further information and the application form can be found in German language [online](#).

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CONTRIBUTIONS BY:

Anne Allard, Amélie Annet, Natalie Glück, Romuald Jagodzinski, Norbert Kluge,
Alex Martin, Marina Monaco, Catelene Passchier, Claudio Stanzani.

MANAGING DIRECTOR: Claudio Stanzani