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# PARTICIPATION & RIGHTS LETTER



WORKER'S INFORMATION AND CONSULTATION RIGHTS IN EUROPE

## TRANSPOSING THE NEW EWC DIRECTIVE (2009/38/EC) – DISCUSSION ON LEGAL ISSUES



The EU member States have to transpose the recast directive on European Works Councils (EWCs) into national law until 5th June 2011. On the occasion of a workshop organised by the SDA on 27th May, a number of trade unionists involved in the transposition process in their respective member States gathered in Brussels in order to discuss legal issues and challenges of the recast EWC directive.

Catelene Passchier, ETUC Confederal Secretary, recalled that the EWC recast directive was the outcome of lively discussions and compromises between trade union

and employer interests. As a result, the Directive partly lacks clarity and remains open to different interpretations. However, this blurriness of the directive is not necessarily negative, since it leaves room for more positive interpretation by judges. Nevertheless, European trade unions are now facing the challenge and the opportunity to ensure the best possible content of the national transposition laws in a clear and coherent way. Catelene Passchier also pointed out that the more harmonised the transpositions in the different Member States will be, the better the EWCs will work in practice. EWCs are transnational bodies influenced by the national laws of all the countries where they have representatives. As a result, it would be unhelpful, if an issue were to be solved differently in Belgium than in Luxemburg, for example. The aim of this workshop was therefore to exchange information and expertise and to create good contacts in order to coordinate the transposition activities in the Member States.

Concerning the EWCs' competencies, Rachid Brihi, Lawyer to the Bar of Paris, pointed out that the articles in the recast directive have left the actors of social dialogue without clear and accurate answers on the definition of transnationality and the link between EWCs and local works councils.

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The definition of the former is only extended in the recitals, which are according to him not legally binding but are only used to interpret the articles especially at Court. For Evelyne Pichot from the DG Employment of the European Commission, the recitals do have an impact even on the interpretation of national rules so that it does not matter whether Member States explicitly consider their content in their transposition laws. Concerning the latter, the Directive does not provide a clearly stated principle on how the articulation between the different levels of worker representation bodies should be arranged. Rachid Brihi therefore

expects a continuing dispute on this issue at national courts. National trade unionists stated that this question was to be interpreted according to existing national laws.

In absence thereof, however, European law prevails and information and consultation have to be conducted on both levels simultaneously. Regarding the operation and the role of EWCs, a lively discussed issue was the newly established training right for EWC members. In this matter, however, who controls the content of the training is unclear. In this regard the Austrian trade unions try to apply national regulations to EWCs. This would mean that employers have to pay for the training, while employees can choose the content.

They recommended that national trade unions should try to enhance the rights to training in national legislation. In addition, EWCs should also include the organisation of training in their agreements. Filip Dorssemont, from the Catholic university of Louvain, feels that there will be a battle fought and hopefully won by trade unions in the field of training. It is crucial that they do not yield EWC training matters to independent or employer-friendly agencies, but that they conquer this new market and provide for training themselves. In doing so, trade unions can have an impact on the functioning and on the policies of EWCs and they can ensure that EWC members are in a position to represent the interests of their colleagues.

The workshop also showed that in several member States trade unions were already closely involved in the transposition process. They are currently discussing with the relevant ministries or employer organisations. In Belgium, the Directive will be even transposed by the social partners in a national collective agreement. National trade unions might be interested to learn that the Commission is planning to publish the results of the discussions between representatives of national ministries in the Commission's transposition working group in written form by the end of 2010. However, it is the responsibility of the Member States to involve national social partners in the transposition process.

These were only some of the issues debated during the workshop. You can download the programme and the presentations of all speakers from the [SDA website](#).

SDA will also prepare a short publication on the outcome of the workshop within the next months. If further questions arise in your organisation regarding the transposition process, please also relate to the publications on the recast directive prepared by ETUC, ETUI and the European Industry Federations (see below).

## NEWS FROM EWCs

### EUROPEAN WORKS COUNCILS: A TRADE UNION GUIDE TO DIRECTIVE 2009/38/EC



This guide has been developed by the ETUC in order to help trade unionists and practitioners dealing with European Works Councils around Europe play an active role and get the most out of the new provisions of the recast EWC directive 2009/38/EC. It is an article-by-article legal commentary, written in an accessible style so that it can be used by everybody interested in European Works Councils and their functioning. The guide analyses the provisions of the recast directive and compares them with the previous directive. It interprets the provisions from a trade union perspective, but also mentions other types of readings on critical issues. [Download the English version from the ETUI website.](#)

A German and a French version will be published until September.

The trade union guide complements the other publications on the new directive, namely the more political ETUC leaflet on the content of the directive (see next article) and the [common recommendations of the European Trade Union Federations](#) on how to (re)negotiate EWC agreements during the transposition period, i.e. until June 5 2011.

### THE NEW EUROPEAN WORKS COUNCIL DIRECTIVE - THE ETUC INFORMS



The ETUC has recently published a flyer presenting the content of the new European Works Council Directive, explaining the improvements made and pointing to crucial issues to be considered when interpreting the directive. Even though the new Directive does not respond to all the trade union demands made, the ETUC is satisfied that EWCs will be better equipped with the tools they need for a stronger right to information and consultation. The flyer is available in English, German and French on the [ETUC website](#).

### TRANSPPOSITION OF DIRECTIVE 2009/38/EC IN ITALY

On April 28, CNEL (the National Council for Economy and Labour) held a meeting with the Italian social partners aiming at reflecting on the experience of EWCs established on the basis of the Italian transposition law of the Directive of 1994 and to launch an encounter between the social partners in order to prepare the ground for the transposition of Directive 2009/38/EC in Italy. The meeting was attended by Claudio Stanzani, Director of SDA, and Evelyne Pichot, representing the European Commission.

A significant number of representatives of management and employees of the Italian multinational groups with a EWC were also present. On June 7th, the Italian trade union confederations CGIL, CISL and UIL have written a joint letter to CONFINDUSTRIA requesting a meeting to deal with the text of the new directive in order to define, if possible, a common position on its implementation by the deadline of 5th June 2011.

### NATIONAL PROCEDURES FOR APPOINTING SNB AND EWC MEMBERS



The ETUI has launched a new tool on the worker-participation website allowing a comparison of national procedures for appointing members to the Special

Negotiation Body during EWC negotiations and European Works Councils themselves. The result of the comparison can be found [here](#).

## TOWARDS ADVANCED PRACTICE FOR EFFAT EWCs



Last year EFFAT, the European federation of food, agriculture and tourism trade unions, has conducted the “Towards Advanced Practice” project to support their key EWC trade union officers. Lately a publication was released containing the key results. It first provides detailed positions for key trade union officers on how to deal with the new EWC directive. Second it explains the facts, effects and challenges of the global crisis and proposes activities and strategies EFFAT could pursue. Finally it gives advice on how to deal with external EWC experts and presents the EFFAT policy on negotiating with transnational companies at the European level. These topics might be also interesting for EWC coordinators and EWC members in other sectors.

The brochure is downloadable in English, German, French, Spanish, Italian, Polish and Swedish from the [EFFAT website](#). [Direct link to the English version](#).

## NEWS FROM EUROPEAN INDUSTRY FEDERATIONS



### EWC PROJECT OF UNI COMMERCE

On 14 April a seminar on the EWCs in companies based in Nordic countries and the UK (Tesco, H&M, IKEA, Jysk, Marks&Spencer, Sportsdirect.com, Ahlsells, ICA among others), was held in Helsingør, Denmark. 30 shop stewards and union representatives participated in the seminar. Participants learned about the special role EWCs have in promoting decent work, implementing global agreements in global retail companies and how working with and within EWCs can be organized. More seminars on EWCs will be held this year covering companies based in France and Germany. For more information on the project please read the [Uni Commerce bulletin](#) and contact [Fabrice Warneck](#).

### UNI EUROPA GRAPHICAL CONFERENCE ON MULTINATIONALS

The 3rd UNI Europa Graphical conference on Multinationals met in London with over 60 delegates from 19 countries present representing 14 European Works Councils. Participants were asked to complete a survey questionnaire on the strengths and weaknesses of their respective EWCs prior to the conference. The results were collated and analyzed by researcher David Tarren who highlighted areas EWCs should concentrate on in future. An overview of the state of affairs in EWCs within the UNI Europa sphere of influence was provided and the recast directive and the implications for graphical unions and for UNI Europa Graphical's policy on European Works Councils were explained. The conference identified the importance of both increasing the co-operation between UNI, national unions and EWC office holders and strengthening the information and consultation mechanisms. For more information on the conference, please contact [Claudia Saller](#). [Link to article](#) (May 21 2010),

### CIRCLEPRINTERS EWC DECLARES OPPOSITION TO CURRENT COMPANY POLICIES

During its meeting on 16th June 2010 in Brussels, the EWC of the CIRCLEPRINTERS Group released a declaration on the unacceptable policies of the group.

The EWC is opposed to the group's policy which aims at compensating the loss of sales only by cutting back on payroll instead of responding to the needs of the industrial clients. There is a steady decline of jobs in all the countries where the CIRCLEPRINTERS Group operates: in only one year, 168 jobs have been scrapped and this figure does not include the non-replacement of retiring workers and the non-renewal of temporary contracts. Where there is no reduction of wages, wages are simply frozen or the increases seem to be more of a pittance than real wage increases. As to investments, there is no coherent group concept and the different countries must find their own financial means to carry out investments. However, when it comes to restructuring or liquidating companies, then the "group" can find the funds to finance operations.

Download the resolution on the [Uni Europa website](#).

For further information please contact [Claudia Saller](#).

### THE AMCOR SNB DENOUNCES JOB CUTS

Members of the Special Negotiating Body of the Amcor European Works Council vehemently denounce and criticize the way the group's management is restructuring and cutting jobs, which result in the dismissal of colleagues. They invite the group's management to quickly join social partners to engage in real negotiations in order to find the more acceptable possible solutions to both sides of industry and to maintain good relations within the group. For more information, please contact [Claudia Saller](#) and visit the [website of UniEuropa](#) (June 18th 2010)



### EXCHANGING SECTOR EXPERIENCES AMONG EWCs IN THE GLASS SECTOR

A seminar has taken place recently as part of a EWC project organised by EMCEF for five industry sectors under the 04.03.03 budget line of the European Commission. The seminar for EWCs from the glass branch took place in Stare Splavy, Czech Republic on 19-21 May. The latest developments of this industry in Europe and future challenges for employee representatives and unions were addressed. Participants compared their experiences to learn from each other. The recast directive was also a topic of the 3-day seminar. Additional seminars for the energy, pharmaceutical and chemical sectors will be carried out later in the year. More information on the seminars including documents is available on the [EMCEF website](#).



### RIO TINTO EWC RESOLUTION

On 12 April 2010, the Rio Tinto EWC launched a resolution which expresses its mutual assistance to and solidarity with the locked-out mine workers, banned from the Boron (California) facilities by Rio Tinto for having defended their right to a decent work and collective bargaining agreement. They firmly condemn the behaviour of Rio Tinto's Management, which challenges and jeopardizes labour laws and the labour protection of workers in California, in Europe and across the world, with the aim of increasing shareholders' revenues. The resolution is available on the [EMF website](#).

## BOSCH EUROPEAN ACTION DAY

On 22nd February, on more than 30 Bosch sites in Europe, over 11.000 workers participated in a European Action Day organised by the Bosch EWC and the EMF. They were fighting for employment in their company and calling for a coherent and consistent industrial policy and for consequent social responsibility of their employer, alongside with their colleagues in Cardiff, who started a strike that same day. Prior to this, Bosch had announced the closure of this site in Wales. Their slogan was "Enough is enough! Bosch workers in Europe defend their jobs". They also condemned plant closures in general; over the past two years, 14 different production sites were shut down by Bosch in Europe. More information is available in the [EMF newsletter](#).

## NEW EXTENDED INTERNATIONAL FRAMEWORK AGREEMENT FOR PSA

On 20th May 2010 a new extended International Framework Agreement on social responsibility was signed between the management of PSA Peugeot Citroën and the EMF and IMF. Through this worldwide framework agreement, PSA Peugeot Citroën wishes to re-formalise its commitments in favour of fundamental human rights, responsible development and the protection of the environment. They wanted to include commitments for the promotion of environmental protection within the scope of this agreement. Moreover, the provisions relating to occupational health and safety have been strengthened. This agreement, a vehicle of social progress, must also be the basis for relations with the stakeholders – public authorities, industrial partners, suppliers, customers, shareholders and non-governmental organisations. Indeed, the signatories consider that the implementation of these commitments requires the involvement of the national or local actors in these fields in order for long-term social progress to be made. For more information, please contact [Bart Samyn](#), EMF Deputy General Secretary and visit the [EMF website](#).



ETF

## UNIONS WIN AGREEMENT WITH DHL

Trade unions in Belgium have won a package for DHL Express workers affected by the transfer of the company's European headquarters. They signed the agreement with DHL on 31st March. The settlement follows a long and drawn-out dispute over DHL Express managers' plans to move its European headquarters from Brussels to Bonn, Leipzig and Prague, as well as further afield to Costa Rica. The company's local and regional activities are expected to continue. The European Works Council, both its Belgian members and its Presidium, played a key role in achieving the settlement. The deal provides guidance and support for those moving to a new location; a "motivational fee" for the period running up to dismissal and redundancy remuneration. In addition, the agreement aims at retaining jobs, for example through redeployment. The union leaders issued a statement saying that it was crucial to restrict the number of jobs cut. It was also positive, they said, that local activities were not to be affected; this aspect was all the more important given the fact that European activities were being transferred elsewhere. For more information, see [ITF News Online](#).

## AIR FRANCE KLM GROUP RENEWS ITS EUROPEAN WORKS COUNCIL FOR FOUR YEARS

This body called Air France KLM European Works Council (AFKLEWC), created in 2006, represents 104.000 employees of the group in Europe. Born from the merger of the Air France European Works Council and KLM Euroforum, the AFKL EWC has already four years of experience.

On 28th April, 2010, the AFKL EWC members unanimously renewed a protocol agreement for the period 2010-2014. This protocol, significantly improved in comparison with the previous version, also takes into account the provisions of the new European Directive of May 2009. Among others, a unanimous approval could be found on the following points: Its scope and its definitions of the concepts of information, consultation and of transnationality, the resources obtained for its operation and the training offered to its members. On 17th June, the new body appointed in Amsterdam the seven members of the Select Committee and a General Secretary.

In a Group where the combination of the main departments (Cargo, International Commercial, Marketing / program, IT) is already a reality, where all the teams around the world are already joined and in co-location, where the European market represents an important stake facing the emergence of giant markets (India, China, Brazil), the AFKL EWC is a major instance for the follow-up of the Group strategy and for the defence of the interests of 104.000 employees.

On March 31st, management and the EWC signed a framework agreement on the reorganisation of sales agencies in European airports. Since the role of these agencies is likely to be changed, the partners agree that activity studies will be undertaken at local level where local social partners are to be consulted on parameters, processes and decisions. However, the EWC will be informed on the outcomes and can intervene in case of lay-offs. More information on the [EWC website](#). Information on the framework agreement on [Planet Labor](#), May 5, 2010.



## ACTIVITIES OF THE FERRERO EUROPEAN COMMITTEE

In its newsletter Euronotes, Ferrero EWC members from both the employee and employer side are reporting on their work. During the last meeting of the Ferrero European Committee the workers' representatives have been informed and consulted about current company developments. The discussion triggered various reflections on the need to an even stronger emphasis towards workers' information assets and competences acquired by EWC experiences. The EWC meeting was preceded by a preparatory encounter of the worker representatives in order to revise the comparative data sheets on timetables and employment contracts. They further drafted a new joint training project for in-depth investigation of workplace health and safety issues. The newsletter also includes an interview of an Italian EWC member about the worker representation system at Ferrero Italy, organised by unitary workplace union structures.

Download the newsletter in [Italian](#), [English](#), [German](#) and [French](#).

## PROTEST OF TEKEL WORKERS IN TURKEY

Following the sale of the TEKEL (Turkish tobacco and alcohol monopoly) tobacco manufacturing activities to BAT in February 2008, the Turkish State retained control over the 40 warehouses where leaf and semi-processed tobacco was stored.

EFFAT-affiliated Tekgida-Is which represents the workforce at TEKEL, continually sought negotiations with the government over the future of the 12.000 warehouse workers. And now, after having ignored the union's calls for negotiations, the government has taken the drastic decision to close these warehouses, leaving 12.000 workers jobless and affecting a further 40 thousand people together with their families at the end of January 2010. Since they will become temporary workers, they will not be part of a union. The workers are strongly worried also because severance payments, overtime wages and employment guarantees for the future will be eliminated as well.

For more information on the situation in Turkey, see the summary of events made by EFFAT. The ETUC also published some material on EU-Turkish relations after a project aiming at bringing together workers from Turkey and the EU through a shared culture of work. The survey made for this project and the training modules are available on the [ETUC website](#).

### **EFFAT's 'BIG BEER' CONFERENCE**

In June 2010 EFFAT held a successful conference in Blankenberge, Belgium, for representatives of workers in the world's four biggest beer companies: AB InBev, SAB Miller, Heineken and Carlsberg. All these companies have grown very big very quickly through acquisitions over the last decade and all are increasingly outsourcing work - especially in logistics. As they all also have EWC agreements which recognize EFFAT, this European federation wanted to help their workers' representatives look at how they can best meet the common challenges they face at European and Global level together. EFFAT organized the conference for over 100 key trade union officials and workers' representatives with the support of its Global Federation the IUF. This ensured international guests from North America, South America, Africa & Asia. The conference also included participation from the European Transport Workers Federation (ETF) who discussed the logistics giants that many outsourced workers have ended up working for and they agreed on further cooperation over outsourced beer logistics workers. Delegates discussed the many common challenges they face: defending their jobs, their terms and conditions of employment and work/life balance in the face of outsourcing as well as cost cutting & the use of precarious employment. The conference saw the launch a new website - [beerworkers.org](http://beerworkers.org) - which EFFAT hopes will allow all workers in 'big beer' to continue exchanging information and making common cause. For further information contact [Simon Cox](#).



### **EUROPE'S ELECTRICITY COMPANIES AND CORPORATE SOCIAL RESPONSIBILITY**

The final meeting of EPSU-SDA project on Learning and practicing – a project for the European Energy sector by which EWCs compared their work and methods took place in Brussels on 8th June. A report which looks at the European electricity companies, CSR policies and involvement of EWCs was published on this occasion. It established that of all the companies that do have CSR policies, only a limited number endorse all the international standards considered. Many do not report according to global standards. The results of a survey of European Works Council representatives are included: they are poorly informed and consulted. There is a gap between formal policies and proper implementation. The report ends with recommendations for EWC representatives and trade unions. Jan Willem Goudriaan, EPSU General Secretary said: "Not all companies provide transparency. A more binding European framework or legislation on disclosure of information on environmental, social and governance issues is needed. The report shows that this is not a problem for most companies but a small minority does not play by the rules." More information and the full report are available on the [EPSU website](#).

## NEWS FROM SES

### EUROPEAN COMMISSION CONFERENCE ON SEs: WORKER PARTICIPATION IS NO NEGATIVE DRIVER

The debate on the Ernst&Young study, initiated by the European Commission on 26th May 2010 which gathered some 120 participants, has not confirmed the Study's findings on the role of workers' participation as a 'negative driver', particularly detrimental to the attractiveness of this particular form of European company. The SE study is the point of departure for the review of SE Regulation 2001/2157/EC. During the conference the Study's sweeping conclusions were revised and subjected to detailed examination in particular via the contributions of practitioners, from both employers' and employees' side. Leading SE managers argued that the SE allowed them to pursue their business aims in the Single market in an easier and more efficient manner. Especially the option of cross-border merger with the subsequent transfer of seats, the freedom to maintain or change the company structure and the simplification of transnational restructuring of business and enterprise were highlighted as main reasons for making use of the SE legal form. Workers' representatives pointed out that the existence of co-determination in the SE supervisory boards increased the employees' level of acceptance of changes for the benefit of companies and the expansion or the maintenance of employment. Furthermore the negotiations between special negotiation body and management ensured intercultural learning in a European body. Therefore the participation of employees in the SE was deemed useful, from the point of view of practical experience.

Catelene Passchier (ETUC) made clear that a discussion on adapting the law in this respect required the consultation of the European social partners.

A comment on the conference by Dr Norbert Kluge, coordinator of the European Worker participation Competence Centre (EWPC) at the Brussels European Trade Union Institute (ETUI), can be downloaded on the [worker-participation website](#).

The conference has been video-recorded and can be watched on the [Commission website](#).

### NO UNDERMINING OF WORKER CO-DETERMINATION („MITBESTIMMUNG“) BY EUROPEAN COMPANIES (SE) OR FOREIGN LEGAL ENTITIES IN GERMANY

**Hans Böckler  
Stiftung**

Fakten für eine faire Arbeitswelt.

The legal status of European Company has been chosen by more companies in Germany than in any other EU member State. However, most frequently the aim was not to bypass or level off the co-determination rights which were relatively stronger in Germany as compared to the rest of Europe. Only in some cases, it was the very

motive for this choice. That is the conclusion of a new evaluation of the current data on SE developments by the Hans-Böckler Foundation. In another study, the Foundation also showed that the multiplication of foreign legal forms in Germany was no piece of evidence of measures aiming at escaping the co-determination plights.

#### *Development of the operational SEs in Germany*

Only a minority of the operational German SEs was either "co-determined" before the change of legal status, or was a stock company (AG) under German law. "Escape from the Aktiengesellschaft" as summoned by many consultants and legal scholars, "is certainly not the right expression", says Dr. Roland Köstler, an expert in company law at the Hans-Böckler Foundation. The thesis according to which some German groups may have chosen the European legal status in order to restrict "co-determination" cannot be sustained with the current figures, Köstler says.

In large companies where there was previously numerical parity or third participation of employees on the supervisory board, they remained preserved even under the new legal form. The largest group among the operational German SEs is composed of those 48 companies, mostly small ones, which had previously no worker co-determination system in their legal status. Only in a small number of companies, are there indications that the shift to the status of SE had something to do with co-determination: the legal status was changed when the number of employees came closer to one of the thresholds. As in the case of SEs the structure of co-determination can be negotiated, and in such situations, workers' participation can be "frozen" at a lower level. The growing number of European companies is an indication, according to Köstlers analysis, that the SE functions as a cross-border complement to the companies under national law: "The SE has established itself, but there is no predatory competition, for example, to the AG," he said.

*Increase of the number of companies with (combined) foreign legal status in Germany which would fall under German co-determination legislation otherwise*

An enquiry commissioned by the Hans-Böckler Foundation in November 2009 has shown that in Germany there was an increase in the number of partnerships under foreign legal status, which because of their size should normally enforce "co-determination" under the corresponding German legal form (Mitbestimmung). Overall, the number of cases increased since 2006 from 17 to 37. Considering the 694 (practically) paritary companies and about 1500 companies with third-party participation, the figures do not suggest any significant escape from co-determination. As a result, the study comes to a similar factual situation as is the case with the European company (SE). However, an extension of the legislation on co-determination from foreign companies onwards helped prevent that this room without co-determination would continue to grow in Germany. Download the [press release on SEs in German](#); Contact: [Dr. Roland Köstler](#), Hans-Böckler-Stiftung. Download [Auswertung zu ausländischen Rechtsformen in German](#). Contact: [Dr. Sebastian Sick](#), Hans-Böckler-Stiftung.



## NEWS FROM ETUC

### EUROPEAN DAY OF ACTION

On September 29, to coincide with a meeting of European Finance ministers, the European Trade Union Confederation (ETUC) will organise a European Day of Action. As European Governments move collectively to slash public expenditure, including jobs, pay and pensions, while the European economy is fragile and vulnerable to a renewed recession, the ETUC is to mobilise a collective trade union response. This will be centered on a big demonstration in Brussels but the ETUC is calling on affiliates to take the maximum possible degree of action in all the countries of the European Union. More information is available on the [ETUC website](#).



*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.*

### **SDA IS ORGANISING TWO EVENTS FOR EWC PRACTITIONERS**

On 27th and 28th September, SDA will invite EWC practitioners such as EWC members, coordinators and involved trade unionists to Brussels for a workshop organised in the framework of the Infopoint Project. Discussions will aim at clarifying the debate around the practical interpretation of trans-nationality (and therefore EWCs' field of competence), and will tackle the question of articulation between the European and local levels of information and consultation. Further information will be available soon on the SDA website: [www.sda-asbl.org](http://www.sda-asbl.org).

In Spring 2011, SDA will organise an EWC conference dealing which will deal with the potential impact of the recast directive on EWC practice and raise the profile of EWCs in cases of corporate restructuring.

### **BUDGET HEADING 04.03.03.03 – SECOND DEADLINE ON 3RD SEPTEMBER 2010**

The SDA Infopoint team would like to remind you on the second deadline for the submission of project proposals under the 04.03.03.03 budget heading on information, consultation and participation of workers in 2010. You have to submit your project application until 3rd September 2010 for projects commencing no earlier than 3rd November 2010 and no later than 22nd December 2010. The online application form has been reopened after the first deadline on 3rd May. You can download the call for proposal and further information on the application procedure on the website of the [European Commission](http://www.ec.europa.eu). The budget line is funding among others transnational meetings, trainings, papers and publications to strengthen employee involvement at company level, such as in European Works Councils, SE organs or national works councils. SDA experts are ready to support you in developing your project ideas and drafting your applications. Please also look at the updated [Vademecum](#) with detailed support for project promoters.

According to information of the European Commission, 18 projects have been accepted in the first deadline. The call for proposals has earmarked a budget of 4.1 million EUR for the second deadline.

### **EUROPEAN SOCIAL PARTNERS HAVE TO BE INFORMED ON THE START OF EWC NEGOTIATIONS; SDA WILL COORDINATE THIS FOR ETUC AND ETUFs, AND STRENGTHEN ITS MISSION AS EUROPEAN COORDINATION POINT FOR EWC ACTIVITIES**

Article 5.2.c of the new EWC directive foresees that "central management and local management and the competent European workers' and employers' organisations shall be informed of the composition of the special negotiating body and of the start of the negotiations". In order to secure an effective implementation of this obligation, the European Trade Union Confederation (ETUC) and BusinessEurope representing European employers have agreed on the following mechanism. Both organisations will provide a single contact email address in order to ensure an effective transmission of information from companies to the European social partner organisations. Both organisations will be responsible for disseminating the information to the competent social partner organisations in a timely manner according to their internal structures and procedures. On trade union side, the Social Development Agency will coordinate the information flow. Concretely, companies have to send an email to a special e-mail address managed by the SDA providing information on the start of EWC negotiations and the composition of the SNB.

The SDA will in turn forward this email to all the European Trade Union Federations (ETUFs) who will then have to assess whether one of their branches is affected. Potentially, more than one ETUF can be involved as some companies are active in more than one branch. The ETUFs will then notify their relevant national affiliates to enable them to get actively involved in the setting up of the EWC. In addition, the ETUFs will notify the companies concerned that they are the relevant European trade union organisations in the branch concerned, who should be involved in / or connected to the establishment of the EWC. In this way, the SDA will strengthen its mission as a co-ordination point for EWC activities in Europe. Up to now, it is essentially the contact point for project promoters who need help in developing and conducting training projects for EWCs, in addition to monitoring EWC activities, running an EWC database and providing regular information on EWC activities in its PaRL newsletter. The special e-mail address established for the purpose of this new information-obligation will be: [ewc@etuc.org](mailto:ewc@etuc.org). There will also be a website put in place, where companies can find explanations on how the process will work, and what information they are expected to provide. This website will get the following identity: [www.ewc-etuc.org](http://www.ewc-etuc.org).

### **OPERA PROJECT ENHANCED OPERATIONAL CAPACITIES OF EWC DELEGATES**

On May 28th the last training conducted in the framework of the OPERA project has been concluded successfully. It was financed under the 04.03.03.03 budget line of the European Commission and promoted by the Italian institute Sindnova. The seminar aimed at strengthening the motivation and the occupational skills as well as exchanging best practices among 24 EWC members coming from 5 European countries, several multinational companies and 6 trade unions. The discussion has revealed the range of different views and union positions on EWC activities as well as the need to communicate to a much greater extent between the different national actors of the same group present in the EWC. This is necessary to identify common pathways in order to work more efficiently and show solidarity with collective action at supranational level. According to Marco Bentivogli national Secretary of the Italian union FIM, investing in EWCs means “to take the pain to communicate with other cultures and sensitivity, overcoming corporatism and defensive approaches, so that the EWC becomes a permanent place of interchange; and to develop effective action in multinational companies, thereby building an important piece of international trade unionism.” For further information read the [workshop report](#) and contact SINDNOVA: [info@sindnova.eu](mailto:info@sindnova.eu).

### **TRANSNATIONAL MULTINATIONAL COMPANY RESTRUCTURING & TRADE UNION COORDINATION: EMCEF MEETINGS**

In the framework of the EU project “Transnational Multinational Company Restructuring & Trade Union Coordination”, the EMCEF organised in Brussels 6 seminars for the following companies: AGC, Bayer, Clariant, Dow, Pfizer and Vattenfall. More information on the seminars including, agenda, participant lists and minutes is available on the [EMCEF website](#).

## **RECENT EVENTS**

### **EUROPEAN COMPANY LAW AND CORPORATE GOVERNANCE – IMPORTANCE FOR WORKERS’ BOARD LEVEL REPRESENTATIVES IN COMPANY BOARDS**

From 1st – 3rd June the Worker Participation Competence Center (EWPCC) of the European Trade Union Institute (ETUI) organised a seminar in Brussels to discuss the current situation of worker participation on EU level and to debate on the importance and future role of worker participation in the European Company Law.

Among others a Commission representative presented the outcomes of the study on the application of the SE statute and the further policy steps of the Commission regarding the review of the SE regulation. Furthermore, preliminary findings of a study on Employee involvement in companies under the SE statute that is currently commissioned by the European Dublin Foundation have been presented. On the second day, Catelene Passchier, ETUC political secretary, made clear that the European single market needed stronger workers' participation in transnational companies. Its future role in European Company Law has been finally discussed. In contrast, Maxime Cerutti who was invited as representative of Business Europe made clear that the employers do not see a future of board level representation of employees in a piece of European law. Since any debate on the details of worker participation seems to end up ploughing the same old furrows, Cerrutti called for the status quo to be maintained as regards SE law. The enterprises affected could live with that.

A detailed report on the meeting and presentations can be downloaded from the [worker-participation website](#). For further information please contact [Norbert Kluge](#), ETUI/ EWPC.

### **REDITER PROJECT: CHALLENGES FACING EUROPEAN WORKS COUNCILS IN THE CURRENT CRISIS**

On May 13 and 14, 2010 about 70 Spanish EWC members and trade unionists met in Madrid to debate the challenges EWCs are facing in the current crisis. The workshop focused on the one hand on the possibilities the recast EWC directive offers regarding its transposition and application. On the other hand it was discussed, how EWC members' action and management capabilities could be improved in the current crisis. Here also recent cases of EWC crisis management were analysed and the key factors in international trade union action discussed. In addition the obstacles to establish new EWCs in specific sectors and business groups have been a topic of the workshop. The workshop was conducted in the framework of the REDITER project as a co-operation between the French institute Astrees and the Spanish Labour Asociados.

Further information: [http://www.astrees.org/fr\\_70\\_art\\_253.html](http://www.astrees.org/fr_70_art_253.html)

**The FERRERO EWC** met in Perugia on 16-18th June for a joint training session, where the first day was devoted to the theme of deepening Directive 2009/38/EC and the following two days to the topics of safety and of health at the workplace. The meeting was attended by experts from SDA and from the European Trade Union Institute (ETUI).

## **FUTURE EVENTS**

**IRES CGIL WORKSHOP** on *Worker participation and industrial democracy after the transposition of Directive 2002/14 on information and consultation - A European comparison*. The meeting will be held in Rome on 15th and 16th July 2010. [www.ires.it](http://www.ires.it)

### **COMMUNICATION COURSE IN ENGLISH FOR EWC REPRESENTATIVES**

A new session of the communication course in English for EWC representatives will take place from 4th until 8th October 2010 in York, UK. For more information, please contact [Vidia Ganase](#), communication and language adviser at the ETUI.

## PUBLICATIONS AND LINKS

### **NEW ITALIAN EWC WEB PORTAL: CAE-EWC**

SINDNOVA has just founded the new web portal [www.cae-ewc.eu](http://www.cae-ewc.eu) in Italian language dedicated to European Works Councils, and in particular to those ruled by the Italian legislation. The website aims at offering a friendly tool allowing quick access to key texts regarding EWCs, such as national and EU legislation, EWC agreements, analyses and comments on EWC practices and case law, with particular attention to the EWC 'Italian' reality.

The website has been shaped taking account of the requirements of workers' representatives sitting in EWCs and working in multinational companies, of trade union EWC coordinators and of those who undertake research and studies on multinational companies and workers' information, consultation and participations rights.

The website also contains a set of links, namely to the PaRL newsletter, published by the Social Development Agency.

The portal will also be the instrument that Sindnova will use in order to provide updates and news concerning the transposition process of the recast Directive 2009/38/EC into national legislation.

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