

EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN: GOOD PRACTICES WITHIN THE EUROPEAN WORKS COUNCILS

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EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN: GOOD PRACTICES WITHIN THE EUROPEAN WORKS COUNCILS

1. GENERAL INTRODUCTION

1.1 The principle of gender equality and women in workers' representatives: gender equality and information, consultation and negotiation procedures.

A concrete recognition of the principle of gender equality was already present in the Treaty of Rome, at Article 119 (now amended), on equal pay for men and women for equal work. But it was not recognized as mandatory by the Commission, the Council or the Member States which, at the time, were more focused on the economic side of the European integration process. Gradually, a certain degree of professional equality between men and women was incorporated into Community and national legislation. Treaties, Directives, Resolutions and Recommendations were adopted in favour of women's rights, showing "a gradual widening of the sphere of activity envisaged and an increasingly detailed understanding of the global nature of inequality (...)"¹.

Looking at the proliferation of not only legislative interventions, nowadays the principle of equal opportunities between men and women seems to be one among few others receiving such attention. Article 141 of the EC Treaty, containing the principle of equal pay for equal work, provided the basis to adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women also in other matters of employment and occupation than only remuneration. Several directives consequently followed from 1975 on².

Besides the legislation, several other pieces of soft law deal with the principles of equal treatment and equal opportunities³, and attention has frequently been paid to the action programmes implemented by the Commission.

¹ M. R. Tavares da Silva, *Politiques de la Communauté et du Conseil de l'Europe*, in J. Martin (supervised by), *La Parité. Enjeux et mise en oeuvre*, Collection Féminin et Masculin, Presses Universitaires du Mirail, Toulouse, 1998.

² Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women; Council Directive 76/207/EEC of 9 February 1976, amended by Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002; Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security; Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes, amended by Council Directive 96/97/EC of 20 December 1996; Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood; Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC); Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes; Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex; Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC; Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

³ Communication from the Commission of 17 July 1996 'A code of practice on the implementation of equal pay for work of equal value for women and men' (COM(96) 336); Council declaration of 19 December 1991 on the implementation of the Commission Recommendation on the protection of the dignity of women and men at work; Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work, including the code of practice to combat sexual harassment (92/131/EEC); Council Resolution of 29 May 1990 on the protection of the dignity of women and men at work; Commission Recommendation of 24 November 1987 on

Initially confined to consolidating women's legal rights in the labour market, concern for equality gradually extended to the participation of women in the decision-making process, reconciling work and family, women's health and childcare. The current community action programme on equality between men and women was launched to cover the period 2006-2010⁴, with a priority theme for each year⁵.

Moreover, promoting equality between men and women has become a part of the European Employment Strategy in its own right: the Lisbon European Summit (2000) laid down a certain number of socio-economic objectives. Increasing the employment rate for women is one of the initiatives planned. In order to monitor the progress made in achieving socioeconomic objectives, the Commission drew up a list of structural indicators, among which one relates to the pay gap between men and women⁶.

Despite these provisions, formal - or legislative - equality does not necessarily lead to true equality. The already existing considerable legal regulation in the field of equal treatment and equal opportunities has been no guarantee for the elimination of discrimination in practice.

Generally speaking, in most cases nowadays women formally do have access to jobs traditionally done by men; however, although they have the same *jobs* as men, they do not do the same *work*, despite the higher rise in their levels of education and success at school and university compared to men. Due to this, it has to be pointed out that women entering traditionally male-dominated sectors of employment are still usually appointed to the lowest posts in the corporate pyramid or to those with the least renown or prestige⁷.

In particular, the low participation of women in social dialogue, consultation, negotiation and corporation decision making processes, following their scarce presence in the appointed bodies, in different institutions, at national and European level⁸, shows that the way to implement equal opportunities in all fields, and especially in tackling the vertical segregation, is still long.

This happens even though the balanced participation of women and men in *widely intended* decision-making bodies in the different spheres of life has been recognized as "an important condition for equality⁹ and as a requirement for democracy, as well as having a positive outcome for society (...)"¹⁰.

With regards to trade unions, even if the presence of women has recently slightly increased¹¹, their participation is dramatically scarce in decision making boards and forums where workers' consultation, dialogue, negotiations and in case decisions about actions take place: several studies and researches

vocational training for women (87/567/EEC); Council Recommendation of 13 December 1984 on the promotion of positive action for women.

⁴ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010 COM(2006) 92 final, not published in the Official Journal.

⁵ For this period the main points on the agenda are the equal economic independence for women and men, the reconciliation of private and professional life, equal representation in decision-making, the eradication of all forms of gender-based violence, the elimination of gender stereotypes, the promotion of gender equality in external and development policies.

⁶ *Report on equality between women and men – 2007*, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit G.1, Manuscript completed in February 2007, Document drawn up on the basis of COM(2007)49.

⁷ S. Fortino, *La mixité au travail*, Editions La Dispute/SNEDIT, Paris, 2002.

⁸ Currently, women only represent 16.6% of members of the Convention on the future of Europe, and only 20% of the members of the Convention which prepared the Charter of Fundamental Rights were women, Report on the application of the gender equality work programme ("Gender Equality") (2001-2005) (2001/2266 (INI); FINAL A5-0197/2002; PE 305.488; 29 May 2002; page 10.

⁹ As for the 1996 Council Recommendation on the balanced participation of women and men in the decision-making process.

¹⁰ Report from the Commission to the Council on the implementation of Council recommendation 96/694/EC of 2nd December 1996 on the balanced participation of women and men in the decision-making process COM (2000) 120, not published in the Official Journal.

¹¹ ...and highly probably only due to the growing proportion of women in the labour market, Female trade union membership in confederations has increase from 40% in 1999 to 42,5% in 2006. *Women in trade unions: bridging the gap*, ETUC, 2006.

underline how low the rate of female representatives in “responsibility posts” and workers’ representation bodies is¹².

It is true that efforts like promoting positive actions and gender mainstreaming have been carried out in order to implement equal opportunities and increase the participation of women in decision making bodies, and in certain cases gave fruitful outcomes. Adopting precise strategies and policies to encourage the representation of women, setting specific training and awareness-raising for both women and men regarding equality, training to equip women for trade union activities, surveys, and the adoption of reserved seats/quotas/double candidatures are only the most common measures that have been undertaken – and still by only a very low rate of trade unions - to tackle the lack of female presence in responsibility positions within trade unions and decision making bodies.

Nevertheless, there is still insufficient awareness on the issue, research and statistics are still too few, sectoral and not widespread, and in general the information on the topic is undervalued: a proof of this can be seen in the scarce quantity and –sometimes- quality of information that trade unions at national and European level are able to provide when requested¹³.

The main obstacles remain. For example: women’s lack of time to take part in meetings, one of the main reasons indicated, is partially linked to traditional and unequal distribution of family roles, but it is also due to the way in which meetings and timetables are arranged. However, regardless of the clear identification of this issue, only 49% of the unions - 30 confederations out of 61 - have adopted concrete measures in order to help their female employees in these activities.

Beside these practical problems, the most important reasons restraining women’s access to positions of responsibility are still the dramatic ones relating to preconceived ideas and stereotypes regarding the role of women, which lead to attempts to dissuade them, those regarding the hostile reactions from colleagues, and those – worse still - relating to women's lack of confidence in their own abilities.

Therefore, systematic measures have to be undertaken in order to improve the implementation of the principle of equal opportunities and the presence of women in social dialogue, consultation, negotiation and decision making processes.

First of all, for the contribution women can give in such events: being present as negotiators, women can help to humanize the whole process, and, moreover, represent women’s interests in the boards they sit on.

In fact, one of the main reasons why measures towards increasing the participation of women in decision making are so few, is the low presence of women in decision making bodies - as if the cause of the issue is also its consequence. Such a question still represents a challenge.

With regards to the kind of intervention and paths to follow to tackle this inadequacy of equal representation and opportunities, it is essential to take advantage of bodies and instruments of joint consultation, negotiation and collective bargaining.

It is not only that the equality potential that joint consultation and negotiation can develop is very high. The most important factor to consider is that in its absence, the processes and the outcomes of consultation and negotiation themselves may in fact serve to underpin inequalities.

If workers’ representation mechanisms lack a gender perspective, it is very likely that their own conclusions and consequences will institutionalize discriminatory practices, entrench rather than challenge gender segregation of work, and operate on a male norm of employment, to the obvious disadvantage of women.

¹² H. Dean, *Women in Trade Unions, Methods and good practices for gender mainstreaming*, ETUI-REHS, Institute for the Equality of Women and Men, Brussels, 2006; I. Dumont, A Garcia, *Women in trade unions: making the difference. Research on Women and Decision-Making in Trade Union Organisations. Study of the existing Literature and Survey carried out among organisations affiliated to the European Trade Union Confederation*, 2000; I. Bleijenbergh, J. de Bruijn, L. Dickens, *Strengthening and mainstreaming equal opportunities through collective bargaining*, European Foundation for the Improvement of Living and Working Conditions, 2006.

¹³ The last survey led by the ETUC in 2006, op. cit., shows some significant figures: 10% of the National Trade Union Confederations is not able to provide data on the percentage or figures of their female members. 5% of them only provided a rough estimation, due to a lack of a specific processing method capable of generating this information.

This can occur because of the historic coverage and traditional priorities of collective bargaining, which have often excluded women¹⁴.

On the contrary, it is particularly worth to try to achieve the objective of an effective increase of gender equality through bodies and instruments of negotiation and collective bargaining -defined in the broadest sense to include all forms of joint consultation and regulation, also under a “strategic” point of view.

These methods represent complementary instruments to legal interventions in promoting, mainstreaming and strengthening equal opportunities, if not as substitutes. Whereas the influence of law has been found to be stronger if the emphasis is on positive measures to promote equality rather than measures to simply counter discrimination, negotiation and collective bargaining are meant to apply this more proactive approach, design this kind of measures and implement them in a more immediate manner.

They offer a number of potential advantages in terms of flexibility, acceptability, enforcement and participation. The social partners have this opportunity to choose a more flexible attitude in the promotion of equality, and, therefore, a route to develop targeted and tailored measures that suit companies and national traditions, sectoral and local circumstances, and different organizational contexts.

Such a tailored approach is likely to be more acceptable and workable than imposed universal methods (although these may also be necessary): where equality measures emerge through joint regulation, resistance to them may be lessened.

At the same time, an equal opportunities perspective may offer excellent possibilities for improving and modernizing the internal processes of those representation bodies as well: the way decision making takes place can be influenced by gender mainstreaming. And in general, all the democratic forums where discussions, negotiations and - in case - decisions about positive actions take place should include the presence of those directly affected by the matters, women in this case.

1.2 A possible role for European Works Councils in the implementation of the equal opportunity principle.

The important role of joint regulation in gender equality can be carried out within European Works Councils. Mainstreaming equality into the work and functioning of EWCs means that gender equality can have a potentially high impact on several areas of negotiation, information and consultation.

These supranational structures were created with the aim of helping to bridge the gap between corporate decision-making and the workforces throughout Europe. The experience of EU-level workers information and consultation has been very diverse, and there is certainly room for improvement, in particular with regards to the legal framework in which EWCs operate, which does not give them sufficient tools to discharge their role in a fully efficient manner yet.

Nonetheless, on some occasions – and in spite of the legal limitation - these forums have demonstrated their capacity to be able to accomplish workers’ participation in delicate issues, and to influence – if not determine - the terms and conditions of employment for large numbers of citizens in Europe: their positive intervention in managing company restructuring¹⁵ has been recognized also by the European Commission¹⁶. Their existence could therefore represent a key mechanism for mainstreaming equality in employment.

¹⁴ I. Bleijenbergh, J. de Bruijn, L. Dickens, cit.

¹⁵ In the sense of the positive and effective role that EWCs can play, A. Martin, C. Stanzani (Project Manager), *Challenging change: Methods of Action for EWCs. Effectiveness of information and consultation rights of employees and their evolutions. An action model for EWCs before the challenges of change*, Social Development Agency and ETUC, with the financial support of the European Commission, April 2007.

¹⁶ “European works councils have an essential role to play in anticipating and managing restructuring operations”. The Commission calls for “promoting best practice in the way that European works councils operate, with a view to making them more effective, more especially with regards their role as agents for change”. Communication from the Commission *Restructuring and employment Anticipating and accompanying restructuring in order to develop employment: the role of the European Union*, COM (2005) 120 final.

The implementation of the principle of equal opportunities in the European Works Councils, can be considered both in terms of the presence of women among their members, and their activity in information and consultation.

As mentioned above, the importance of these workers' representation and participation bodies resides in the fact that, 12 years after their legal institution, and in spite of the difficult legal context in which they operate (due to the formulation and the substance of the directive that created them) they have widely and actively contributed to the development and the reinforcement of the European Social Model, which includes gender equality among its objectives.

As active instruments of employee representation and established supranational bodies for transnational dialogue at company level, they are not only "the" forums for information and consultation rights for employees in multinational companies in EU. They also represent the introduction of elements of democracy into the workplace at Community level and, in several cases, into the practice of corporate governance. A significant number of EWCs, about 50% of them, have been active for more than 10 years, which means a collective experience and expertise of EWC members participating in these bodies, EWC coordinators from European Industry Federations assisting them, and trade union officers supporting their role: all this represents a powerful potential developed over years in many challenging situations such as restructuring, collective redundancies, mergers and take-overs.

Actually, the question of the legitimacy of these international bodies as actors eligible to conduct transnational collective negotiations and conclude relevant agreements is an open issue, which is not to be discussed in detail here. But it is worth mentioning some points of the debate.

As for Directive 94/45/EC¹⁷, in fact, "the competence of the EWCs shall be limited to information and consultation (...)", so it would be possible to argue that EWCs, when negotiating and signing transnational collective agreements, are going beyond their competence which should instead remain confined to the two explicitly mentioned functions. On the other hand, it would also be possible to say that this *negotiating* activity is in fact a step forward and very effective form of consultation.

The potential of the EWCs has indeed found a way of manifesting itself in a dense activity of negotiation, and over the years has brought to conclusion approximately 90 joint texts signed in 60 multinational companies on the most varied themes of social and labour interest.

And, after all, it is a fact that those texts, whether known as *transnational agreements*, *transnational texts*, *transnational negotiations*, or *joint texts*, do exist. If it is not technically possible to name them *transnational collective agreements*, as a legal framework of transnational collective bargaining does not exist, it is true that they are signed in major multinational companies, employing high numbers of staff, and active in many countries¹⁸.

It is also true that the areas referred to in these joint texts do undoubtedly represent fragments of coverage of collective bargaining at national level: the range of issues¹⁹ covered encompasses subjects such as fundamental rights (CSR), trade union rights, health and safety, *equal opportunities* (fourth place), training skills, wages, social dialogue, working time, subcontracting, environment, restructuring and others²⁰.

Being voluntary in the sense that there is no legal framework or obligation for such negotiations at European level within a company, two thirds of these texts are co-signed by both an EWC and an international or European trade union organization. This operation should somehow bring them into the category of the agreement signed by social partners at European level in the framework of voluntary social dialogue, more or less binding for the national affiliates to the signatory parts. This is the case of one of the two examples of good practice – and good practice indeed – analyzed in the last section of this paper: the European

¹⁷ Especially Article 1 (a) of the Annex "Subsidiary requirements".

¹⁸ The aforementioned collective agreements are mostly signed with multinationals having their headquarters in France, Germany, the Nordic countries or the USA.

¹⁹ The items are listed in order of the share of the agreements in which a provision on a given topic appears. R. Jagodzinski, *Involving European Work Councils in the transnational negotiations – a positive functional advance in their operation or trespassing?*, in *Perspektywy Rozwoju partycypacji pracowniczej w polsce w warunkach unii europejskiej*, Wydaw Uniwersytetu Łódzkiego, 2006.

²⁰ E. Pichot (European Commission), *Transnational texts negotiated at company level*. Presentation for the ETUC Summer School, Seville 2006.

Framework agreement on equal opportunities reached between AREVA and EMF, has been bargained by the EWC which played the fundamental role of initiator and negotiator, and has been signed by the unionized representatives of the EWC on behalf of the EMF.

This innovative agreement is not a mere declaration of intents: it expresses a genuine commitment on the part of the signatories to improve standards of equal opportunities for men and women²¹ within all the structures of the AREVA Group in Europe. The agreement identifies relevant indicators to assess the progresses achieved and lays the groundwork for the establishment of a follow-up committee in which the European Works Council will again play a central role.

Besides the importance of the agreement from the point of view of the full recognition of the role of European trade union organizations²², the case is remarkable also in other aspects: first of all, the general management environment is particularly sensitive to the gender equality issue²³. Moreover, it is not a case that the chair of the EWC is a woman, as a woman is the top manager of AREVA. Also the former human resources general director was a woman, who has just been appointed to a higher position, and been replaced anyway by another woman. This proves that women can provide an added value to EWCs.

EWCs are important as forums not only for information and consultation in general, but also for the genuine involvement of the workers' representatives and trade unions. They are places to open the debate and produce positive actions for gender equality, possibly through the direct participation of women, including them in the processes that the EWCs can develop through their competencies of information, consultation, negotiation and even *lato sensu* collective bargaining (if proactive exchange with company management), independently from lack of legal framework to call it as such.

EWCs can be the democratic workers' representation bodies able to negotiate and conclude joint regulation, which offer the possibility of designing positive measures in the field of gender equality. They can provide ready-made policing and enforcement mechanisms.

As the balanced participation of women and men in decision-making in the different spheres of life has been recognized as an important condition for equality, EWCs, resting as they do on representative structures, provide a way of giving women - and men - a voice in the shaping of their own working conditions, enabling them to define their own needs and interests and to set their own priorities for action.

1.3 Methodology: outcomes of the analysis, their portability, and perspectives for a revision.

This analysis paper, besides few examples from existing literature, is drawn from the research of the provisions regarding equality between women and men carried out through 755 of EWCs agreements currently in force and about 90 joint texts²⁴ (differently named) negotiated, and in certain cases also signed by the EWCs with the management of their companies.

The examples given in this report should not be considered as ideal reference models, but, rather, as practical illustrations of what has been done in concrete situations.

²¹ and for the professional integration of disabled people

²² This agreement will need to be transposed to all the countries in which the Areva Group operates. EMF is the signatory part invested by a prior mandate by all the national trade unions affiliated at national level, which are committed to the implementation of the agreement throughout the company by virtue of a formalized internal consultation procedure.

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

²³ Interview with Bart Samyn, EMF Deputy General Secretary

²⁴ 755 agreements in force have been analyzed in total. Sources: [EWC Database Infopoint SDA](#) - Social Development Agency for the selection of provisions, available on line; ETUI-REHS EWC database for the text, both created with the financial support of the European Commission.

The quantity and quality of EWC agreements with good equality provisions varies. It also has to be considered that measures have been undertaken in some companies even in the absence of any clause, either in the EWC agreement or in other joint texts²⁵.

Although the selected cases exposed need to be understood within their particular contexts, they do offer the possibility for transposition: it may be possible in particular (but not only) within sectors, within transnational enterprises and between countries with comparable bargaining contexts.

It is in fact not a case that some of the most significant case studies reported herein have been collected within different sectors, even if with points in common. For example, the European Industry Federations EMCEF and EPSU, both active in the field of the suppliers of public interest goods like energy and water, have ground to share and also to further expand in the specificity of their own areas.

More generally, the examples in this report provide a starting point for debate and a potential guide for action.

Last, but not least, a remark has to be made with regards to the future possibility of the evolution of the European Works Councils, of the potential they can develop in the field on gender equality, and the current legislative framework.

In its 2004 resolution²⁶ on the strategy in view of the revision of the European Works Councils Directive, the ETUC considers the lack of legal protection towards equal opportunities as a reason, among others, to revise the current legislation.

With regards to gender balance, as women are still under-represented in Special Negotiation Bodies, EWCs and their select committees, the ETUC calls for the preamble to the Directive 94/45/EC to mention the importance of the promoting gender democracy.

Furthermore, it is requested that equal opportunities are included among those topics listed in the subsidiary requirements of the Directive as of particular relevance for EWC meetings, together with the issues of health and safety, training, education, and environment.

The results of the research provide figures that confirm the necessity of these revisions.

Besides the analysis of 90 joint texts (or social charters, or CSR joint agreements) which respond to the willingness of the social partners to negotiate and regulate the issue by themselves, the 755 EWC agreements currently in force have been read and analyzed: out of the total, only 92 agreements contain provisions related to equal opportunities.

The wording obviously differs from text to text: in some cases they mention “equal opportunities”, in others “positive actions”, but hardly ever “equal treatment”. These terms usually refer to the issue as one of the possible topics regarding *employment*, on which the EWC members are entitled to be informed and consulted during the meetings. It is also remarkable that these references to equality are always at the bottom of an explanatory list, and after other subsidiary topics the EWC has to be informed and consulted on.

Also in comparison to other generic provisions on employment as objects of information and consultation, gender equality is considered much less: out of the 755 agreements, among the EWC competencies 301 mention the issue of health and safety, 215 working conditions, 208 training, and only 92 equal opportunities.

In only 15 of these 92 agreements in question, attention has been paid to the composition of the workers’ representatives, in the sense that they should reflect the gender balance of the workforce. It also has to be reported that some of these mentions are contained in the “Memorandum of understandings” and annexes to the agreement, whose legal importance within the economy of the agreement itself is not clear.

From these figures and the reference to the Directive, it is possible to make two conclusions.

On one side, the provisions found in those 92 EWC indicate the potential of equal opportunities issues on European Works Council agendas. Even if the figures are quite discouraging, the even low consideration to the issue is still due to the decision made by management and Special Negotiation Bodies in the phase of

²⁵ This influences the total number and nature of examples that can be found and used. One case is constituted by Sanofi Aventis Group, whose steering committee is chaired by a woman and composed of 4 women and one man.

²⁶ <http://www.etuc.org/a/578>

negotiation of the agreement. This proves how important and fruitful it can be to promote and strengthen equal opportunities by forms of joint consultation and regulation, which may represent complementary instruments to legal interventions: they offer a number of potential advantages relating to flexibility, acceptability, enforcement and participation.

Nevertheless, these initiatives can not substitute legal provisions, given the importance of the principle in question, and the potential that can be developed by the EWCs in enforcing it. In this sense, the European Works Council Directive 94/45/EC may be seen as a missed opportunity as far as it did not provide for gender balance in the membership of negotiating bodies nor did it specify equal opportunities (nor men's and women's terms and conditions of employment) as an explicitly required subject for consultation. This only confirms the necessity for a revision of the EWC Directive, which remains a top priority among the ETUC requests to European policy-making institutions.

There is still a last remark to be made: indeed there is overwhelming support for the revision agenda proposed by the ETUC and supported by European Industry Federations. However, one of the largest surveys ever realized among EWCs representatives²⁷, conducted in 2004 by Jeremy Waddington on behalf of the ETUC and six EIFs, shows that the only issue on which less than half the EWC representatives agree on proposing a revision is 'gender balance according to workforce composition'.

This reflects the majority male composition of EWC representatives²⁸. If just female EWC representatives are considered, there is a large majority in favour of this revision issue²⁹.

2. EQUAL OPPORTUNITIES IN THE TEXTS OF THE EWC AGREEMENTS

2.1 Equal opportunities as a competence of the EWCs

The figures illustrated above constitute a first result of the analysis of the 755 EWC agreements currently in force. As mentioned above, provisions regarding gender equality are present in only 92 agreements, in different ways.

Out of these 92 agreements, 76 provide for equal opportunities only as possible object of information and consultation by the European Works Council. 10 agreements contemplate it only as a criterion to take into consideration for a gender balanced composition of the workers' representatives within the company, and only 6 agreements provide for equal opportunities in both senses.

The first and largest group of agreements refers to the issue as one of the possible topics regarding *employment*, on which the EWC members are entitled to be informed and consulted during meetings. The wording may vary from text to text: "equal opportunities", "positive actions", and "equal treatment" are the expressions used *quasi* they had the same meaning.

It is also remarkable that these references to equality are always at the bottom of an explanatory list, and appear after other subsidiary topics the EWC has to be informed and consulted on.

²⁷ The study conducted by Jeremy Waddington, on behalf of the ETUC and six EIFs can provide some information on the composition of the existing EWCs. This study is the largest survey ever realized among EWCs representatives: it covered 196 different companies, over 470 works council representatives (number of responses returned over 2 392 distributed, with a responding rate of 19,8%), coming from 24 different countries. J. Waddington, *The views of European Works Council representatives*, Brussels, ETUC, 2005, available on line: <http://www.euro-workscouncil.net/pdf/waddington.pdf>. The updated data, including the last responses arrived after 2005, are available on the European Works Councils Bulletin, issue 65, September/October 2006, p. 7 and following.

²⁸ It was reported that 83.7 % of the respondents were men, which consequently means that the rough proportion of women representatives in EWCs is on average 20%.

²⁹ *Women in trade unions*, ETUC, 2006, cit.

The impression is that in many cases the mention of equality issues has been done because it somehow had to be: partly to formally comply with the principle of gender mainstreaming, or following the requests of few members of the Special Negotiation body.

The situation is not positive, however, the data available, are not totally discouraging - if you do not keep into consideration the fact that the data have been provided by an overwhelming majority of men³⁰.

With regards to the frequency of discussion of equality issues by the EWCs, according to Jeremy Waddington's study³¹, the issue of equal opportunities was raised in 55,6% of the answers, for the 52% of cases by the employees representatives and in 41% by a shared action with management, which somehow shows a positive participated interest.

In 11% of the cases, it was affirmed that the issue was raised, but the information was useless. For 22%, useful information took place, and another 11% the representatives responding affirmed that useful consultation occurred too. The information was considered to be useful by a high rate of respondents (almost 44%).

It is notable that respondents declared the issue of equal opportunities as the most important on the agenda of the EWC meetings only in the 2% of cases. Even if the figure is so low, it can be easily explained also by looking at the other issues proposed on the list, such as closures and cutbacks, corporate strategies and investments, and the economic and financial situation of the company.

In addition, almost 21% of EWC representatives stated that they would like to receive more training on gender equality issues in order to improve the work of their EWCs, which is remarkable, considering that high percentage of the respondents were men (84%).

The last two figures point out two main aspects to keep into consideration in mainstreaming gender equality, which have to be considered as complementary and inseparable: they refer to the relevance of raising the equal opportunities issues in the meetings, and to the necessity, felt by certain respondents (notably *men*), to be better informed about the gender problems.

These two aspects, the request of more education in particular, can be considered as good starting points towards the affirmation of gender mainstreaming.

In fact, in order to apply it in an effective way, it is necessary to take into consideration that mainstreaming gender equality into the activities of EWCs means to apply a gender lens *to all issues* that come onto the agenda, even though initially they may not necessarily appear to be gender issues.

To make this possible, it is necessary to be prepared to scan all the possible declinations of the actual implementation of the gender equality, therefore it is necessary to be correctly and completely trained: if some points regularly come up during EWC meetings, the challenge is – or should be – to in depth investigate how they can be examined for their impact on gender.

Training, restructuring, health and safety, changes in work organisation or working methods, closure or cutbacks, timing and location of the workers' representatives meetings: it is always possible to think of the ways in which women will be affected by the decisions related to these themes, to deeply investigate what impact there will be on their lives as human beings, employees, workers' representatives.

The gender issue should be raised in every circumstance and in all the possible senses: with regards to targeted benefits of certain measures, different consequences that certain happenings may have on different gender groups, the adaptations that can be made of initiatives and manoeuvres with regards to gender, and eventually with regards to differences in treatment of men and women which may be necessary in order to generate effective equality.

The main focus should be on the equality of the *final* impact of every step taken on women as on men, in any single field, in order to be sure to take the right tailored actions which take into consideration the gender variable.

³⁰ almost 84% of the EWC representatives respondent, always according to Jeremy Waddington data

³¹ Waddington 2006, op. cit., see footnote 27.

In general, on the base of the provisions in the EWC agreements, it is easy to notice that very few texts describe a further role of the EWC or management in concretely promoting equal opportunities. The figures, though not hopeless, as seen above, are still discouraging.

Moreover, of course, it is very different to find good provisions in an agreement and then prove that they actually enjoy an effective implementation in the practice.

However, cases of good practices exist, even if it is not easy to find reports about them.

In the case of **Dexia**, the clause in the agreement precisely provides that “the sixth committee, among the six created within the EWC, is responsible for social affairs and, among other issues, is responsible for equal opportunities”³².

In a more articulated way, the top-bottom (or central-local) approach is privileged by the **Gucci** EWC agreement: the EWC can create specific working groups, for a limited or unlimited duration. Their task will be to deal with specific topics such as employment, training, security and equal opportunities, and draw up initiatives and joint proposals. They will all be submitted to the EWC in plenary session to be examined, and to the management and to workers’ representatives at national and local level for deliberation and implementation³³.

In the **Unilever** EWC agreement, the “situation of women” is listed as one of the competences of the EWC³⁴. In spite of the very generic recall, equality has been on the agenda of the Unilever EWC on several occasions.

As diversity can increase the potential of an organisation, in order to reflect the customer base, which is largely female, a more diverse workforce has been seen as an important goal. This can be achieved by changing the culture of the organisation and introducing career enhancement schemes, flexible working hours and other policies to support women’s progress into senior positions. A diversity working party has been established by the EWC, with the aim of addressing equal opportunities, including embedding equality into the organisation, in terms and condition of employment, human resources management and culture. A plan that seeks to increase the representation of women at senior levels in the organisation has been launched too.

In 2005 **Ericsson**, in whose EWC agreement there is no mention of gender issue, and for which no collateral joint agreements are known, has published a brochure that outlines the employment situation of women, their vocational training and qualifications, their professional careers, issues related to maternity and maternity protection, and measures concerning the work/family life balance in Ericsson subsidiaries in each country. Female delegates in the EWC have called for a number of measures to assess the position of women in the company and to introduce actions to improve gender equality, such as the appointment of an expert on gender equality issues on the committee, an annual budget for equality activities and better networking between delegates.

³² Point VI of the agreement signed in 2004. A more specific definition of “the issue” is provided in the Dexia Charter of Principles of social management, signed in 2002 by the EWC: “Skills (...) In addition, the Group will make a point of guaranteeing professional equality between the men and women it employs. In accordance with its basic ethical principles, it guarantees that there will be no discrimination between workers on the basis of race, sex, religion or language. This point will be the subject of a special follow-up in the social report that the Group publishes each year in its annual report”.

³³ EWC agreement of 2000, Article 2.

³⁴ 2001 agreement, for the renewal of which negotiations are ongoing.

2.2 Equal opportunities as criterion for a gender balanced composition of the workers' representatives.

The European Works Councils may provide an appropriate forum in which to promote equality, not only putting equality on their agenda, but also by ensuring that there are appropriate numbers of women in transnational enterprises and in the workers' representation bodies.

Only 16 agreements contemplate equal opportunities as a criterion to take into consideration for a gender balanced composition of the workers' representatives within the companies³⁵. And out of these 16, only 7 make specific reference to the EWCs calling for a fair and balanced representation between men and women in these bodies³⁶.

The examples available in the literature on the presence of women in EWCs are very scarce. However, the good practices in the development of equality initiatives, particularly in those that represent female-dominated industries or sectors, show that some EWCs have actually made express commitment to improve the representation of women and to progress equality and diversity issues³⁷.

It is the case of the Aer Lingus agreement³⁸ and the Glaxo Wellcome one³⁹. In the British Airways agreement it is clearly stated: "Effort should be made to achieve a fair and balanced representation between women and men in the BA EWC". In this EWC, there are currently 16 men and 5 women.

However, verifying the concrete application of all the provisions is very difficult: the information must go beyond the number of women actually sitting in the EWCs, as these figures should be analyzed in view of the composition of the workforce and of the national procedures of election or appointment of EWC members.

The lack itself of complete research in this sense is again quite significant. Moreover, from the data available in the literature and with regards to some investigated cases, not only surveys and statistics are rare, but also their results show a dramatically low rate of female presence in the EWCs, in spite of the provisions contained in the agreements.

In the research conducted by ETUC in 2006⁴⁰, the European Industry Federations were asked to provide data on the composition of the EWC in their sectors. None of them monitors the situation under this point of view⁴¹, consequently, there is no reliable information on the number of members sitting in these transnational *fora* nor about the proportion of female EWCs representatives.

Only EFFAT, running a small data base, is able to monitor about 100 of its EWCs, and to provide information about the composition of 38 of them. On average these monitored EWCs are composed of 30 members, and only 3 of them are women. This make a percentage of 16%, datum which decreases if only the steering committees are considered: in that case, the rate is 11%.

When interviewed EFFAT, EFBWW and ETUF-TCL were able to supply approximated figures on the number of their female EWCs coordinators: a very low number of women carry out such a task. In particular, ETUF-TCL indicated a percentage of $\pm 5\%$ of EWCs women coordinators; EFBWW $\pm 8\%$ and EFFAT $\pm 12\%$, with data slightly decreasing again if we look at the steering committees.

³⁵ 10 of them provide this principle only; 6 other agreements provide it also as a competence of the EWCs.

³⁶ These are: Aer Lingus, British Airways, Caradon Plumbing Limited, Gambro, Glaxo, Skandia, TUI Group.

³⁷ Some examples are reported in J. Pillinger, *Equal opportunities and diversity Toolkit / Best practices guide, A report for EURELECTRIC, EPSU AND EMCEF*, Dublin, December 2006.

³⁸ Article 3.7 of the 1996 agreement: "Every effort should be made to promote a fair balance in diversity of colour, gender and ethnicity on the EWC".

³⁹ Article 5: Statement of the company accompanying the constitution of the EWC. 3 points: 1) facilities for representatives; 2) Number of representatives; 3) Equal opportunities: "The Company should support diversity and equal opportunities in all its operations. It supports the views expressed by the SNB that the Forum should ideally be one that has a balanced representation of workforce, for example, in the proportion of male and female members"; 1997.

⁴⁰ *Women in trade unions*, ETUC, 2006, cit.

⁴¹ Most of them stressed the lack of human resources at their disposal to deal with this specific task.

On the other hand, in monitoring the situation, it is necessary to consider not only that a clause on the composition of the EWC in the agreement does not guarantee by itself the real presence of women in this representation body: it also is not the only criterion to check what this presence is. One rare and therefore quite interesting example is the **Sanofi-Aventis Group**, whose EWC has been particularly active in successfully managing the merge between the two main companies (Sanofi and Aventis) in 2005. The agreement does not contain any statement on gender equality, equal opportunities and female representation in decision making bodies: nevertheless, the steering committee is composed of one man and 4 women, one of whom is the chairperson. No women sit in the employer representation.

In the research conducted in 2004 by Anni Weiler on the operation and functioning of the EWCs⁴², information is provided with regards to the composition of 23 selected EWCs⁴³. None of their EWC agreements include a specific provision on the composition of the representation bodies.

The outcomes of the analysis are not surprising: the under-representation, and in many cases non-representation, of women in EWCs is striking, even in long-established and well functioning EWCs like Volkswagen. Although the inquiry included clear questions regarding both the gender composition of the workforce and the gender composition of the EWC in the questionnaire, answers were forthcoming in only half the cases.

Of the 23 case studies for which any data on the gender composition of the workforce and/or the EWC committee were provided, only four case studies (Amersham, Boehringer Ingelheim, Generali, SKF) reflect the gender composition of the workforce in the representation of women in the EWC. **Boehringer Ingelheim** resulted to be the only case study investigated where the EWC is chaired by a woman. In the case of **Whirlpool**, men and women are equally represented on the management team while all the employee representative members of the EWC are male. Seven EWCs do not have any female members.

The reasons given for the absence or significant under-representation of women were predominantly the national procedure of election or appointment of EWC members, and the fact that women do not hold key positions in company employee bodies at national level or trade union organisations.

These figures demonstrate that the provision on the agreement does not grant the balanced female representation. The measures taken to tackle the problem have been not so many and not effective.

In this sense, the involvement of the **Bosch** EWC is quite remarkable. In fact, it was the protagonist of an original initiative to promote equal opportunities: it was one of the first company representation bodies experiencing the “shadowing”, following a project submitted by EMF. The company Works Council has nominated a female substitute for each male member within the EWC. This way, “shadow-members” might somehow start to qualify themselves in order to become fully operative in the future. Hopefully, this try should bring more female EWC members to be nominated following the legal processes, and not being only “shadow-members”.

⁴² A. Weiler, AWWW GmbH, ArbeitsWelt–Working World, Göttingen, Germany, *European works councils in practice*, requested and published by European Foundation for the Improvement of Living and Working Conditions, Luxembourg, 2004, available on line: <http://www.eurofound.europa.eu/pubdocs/2004/109/en/1/ef04109en.pdf>

⁴³ The criteria for selecting the case studies were the sectoral coverage; the size of the company in terms of workforce; the degree of ‘multi-nationality’ of the company (operating in at least three Member States); the age of the EWC (at least three years old); a mix of Article 6 and Article 13 agreements. The list of the chosen companies is available at page 123 of the report, cit.

3. EQUAL OPPORTUNITIES IN JOINT TEXTS AND SOCIAL CHARTERS

3.1 Joint texts, social charters and the collaboration between EWCs and European Industry Federations

The potential of the EWCs has indeed found a way of expression in a dense activity of negotiation, and over the years has brought to the conclusion of approximately 90 joint texts signed in 60 multinational companies on the most various themes of social and labour interest.

These texts just can not technically be named as *transnational collective agreements*, as a legal framework of transnational collective bargaining does not exist. Nevertheless, as a matter of fact, they have been signed in major multinational companies, employing high numbers of staff, active in many countries, so they are eligible to have remarkable impacts.

Of the several Code of conducts, Charters, Pacts, and joint texts negotiated on specific topics of primary importance (i.e. restructuring) estimated at around 90, 34 concern the promotion of gender equality (amounting to 44%)⁴⁴.

As for the most common and best practice, they have all been negotiated by the EWCs acting in a key position, as experts on the company environment and the internal employment situation. Moreover, the role of EWCs in the implementation and monitoring phase is always overwhelming.

The attempt to protect labour in all its aspects through an institution that cuts across borders, belongs to the EWCs as models to regulate the power of transnational companies through an EU wide system of employees' interest representation. But this attempt is the main reason for the interest in the action of the European Industry Federations as well.

In the field of gender equality, measures have already been taken by the EIFs within their sectors: besides the European Trade Union Confederation, EFFAT, UNI-Europa, EPSU and ETF also adopted action plans for gender equality, and planned specific actions to promote equal opportunities within EWCs⁴⁵.

Two thirds of the social charters examined are also co-signed by both an EWC and an international or European trade union organization. This operation should somehow bring them into the category of the agreement signed by social partners at European level in the framework of the voluntary social dialogue, - more or less - binding towards the national affiliates to the signatory parts. Moreover, these co-signatures are actually remarkable as a sign of a positive "joint venture".

As the number of the joint texts or social charters shows, the interaction between EWCs and trade unions, in particular at International and European level, with the involvement of the European Industry Federations, seems to be particularly fruitful. It is true that the link between EWCs and trade unions can generally have different connotations, depending on several factors, and also as a consequence of the lack of legal recognition of trade unions within the EWC in the Directive. However, in the field of the implementation of the principles of gender equality and equal opportunities between men and women, the actions undertaken show that the cooperation is definitely worth. Through this interaction, in fact, it is often possible to call the attention of entire sectors of companies on the issue. The activities promoted within the companies by the EWCs often seem to find new strength in the role of the European Federations, which somehow ensure

⁴⁴ Companies engaged in "social charters" concerning only or also gender equality: Air France, AngloGold LDT, Arcelor, Areva, BALLAST NEDAM, Borealis, BMW, Bouygues, Clariant, Club Méditerranée, Daimler Chrysler, Danone, Dexia, Deutsche Bank, Deutsche Post World Net, EADS NV, Etex, Ford, GEA AG, Gebr. Röchling, General Motors, Leoni, Prym Werke, Renault, Rheinmetall, Robert Bosch, Suez, SCA, Triumph International, Total.

⁴⁵ More specifically, the following initiatives have been carried out: specific trainings to EWCs members on gender equality have been organized (EMCEF, EFFAT), or the inclusion of equality issues in the EWCs agenda has been promoted (EPSU, EMCEF). In addition, EFFAT reported to have drafted guidelines to increase the number of female members of Special Negotiating Bodies (SNBs) and EWCs. Finally, EMCEF organized a seminar in the framework of the TRACE project analyzing the gender aspects of restructuring and what role the EWC can play in managing change in a manner that takes into consideration the impact of industrial change on both men and women. See *Women in trade unions: bridging the gap*, cit.

higher chances of actual implementation of the transnational agreement by the capillarity of the presence of their affiliated organizations at national and local level. On the other hand, the European trade unions, through the incisive action of the EWC, gain the possibility to be present in the company by the action and the collaboration with workers' representatives, who normally understand and know better the internal reality and the counter-part in the negotiations.

3.2 Gender related issues in the joint texts.

As for the provisions contained in the EWC agreements, also with regards to the social charters it is necessary to bear in mind that the mere fact of formulating and signing such provisions does not automatically guarantee practical implementation. As it is the case for some EWC agreements, sometimes gender clauses seem to have been included for a matter of obligation rather than with a real intention of implementing concrete actions to realize the principles stated in the text.

Nevertheless, some of the case studies regarding the implementation of the agreements formalized in these texts show the adoption of positive actions and a high level of involvement both from the employers' and the workers' side.

With regards to the specific contents of the texts in question, the gender equality issue is considered under many more points of view in the social charters than in the EWC agreements. This thesis is supported by the evidences in the texts: the wide range of gender related issues treated.

The social charters face many more aspects related to equal opportunities between men and women, than the EWC agreements, where the topic is often considered only in very general terms of mention in the meetings, and for the composition of the EWC itself.

It seems that the agreements concluded under the procedure imposed by the Directive are more oriented on topics of "first importance", in the sense of the economical, occupational and general wellness of the company and of the employees. On the contrary in the social charters, there seems to be much more room to better define the fields of action and set measures to front the gender equality related problems, taken into consideration in quite a wide range.

These texts, considered as pure voluntary expressions of the principles of corporate social responsibility (many of them are even named in this sense), as voluntary instruments, seem to fully express the potential of the non-legislative solutions to achieve gender equality: more than legal regulations and more than mentions apparently made where it is not possible not to make them (like in some EWC agreements), they not only analyse a number of gender related issues, but also set many measures and procedures to make the actions effective, and, in general, regulate the matter in depth and in a more complete way.

Only two social charters (Areva, Danone) are specifically devoted only to gender equality; nevertheless this circumstance does not change the general higher completeness of the approach to the gender equality issue, even if all the other texts contain the provisions in question among others regarding also human and workers' rights, principles of company's personnel policy or of social responsibility.

All the charters provide general declarations of refusal of all discriminations and unequal behaviour, but beyond the omni-comprehensive statements, the list of angles of analysis goes actually beyond.

Sexual harassment is only one of them. It is treated in three⁴⁶ of the 34 charters mentioning equal opportunities. The one of **Deutsche Post World Net**⁴⁷ is particularly interesting and innovative in its wording, not only because it poses diversity and heterogeneity as main resources of the company to be promoted: it also condemns harassment in several forms, specifying them in a gender perspective at the level of and beyond the provisions formulated by the social partners in the voluntary framework agreement signed by the European Social Partners at European Level in June 2007⁴⁸.

⁴⁶ Air France, Ford, Deutsche Post World Net.

⁴⁷ Code of Conduct, signed in 2006, subscribing Global Compact on CSR.

⁴⁸ The text of the provision is as follows: "Diversity and Discrimination: We see employee diversity as a guiding principle in our employment policy. This means promoting the diversity and heterogeneity of the individuals in the company in order to attain the highest possible productivity, creativity and efficiency. Skills, performance and ethical

Professional equality is mentioned in three other charters⁴⁹. By the way, it is remarkable that in the case of **Dexia**, the provision of the social charter represents somehow the development of the quite limited and generic one contained in the EWC agreement⁵⁰.

Gender equality under the point of view of the issues of *promotions and advancement opportunities* are mentioned in other seven social charters⁵¹: gender discrimination in these career aspects is tackled by discussing and reviewing past practice and to preview proactive future plans.

The aspect of *discrimination in recruiting* is specifically mentioned in other four agreements⁵².

3.3 The issues of non discrimination in the remuneration and of equal pay for equal work

Just reading the texts in question, it is surprising how often (14 texts⁵³) the issues of *non discrimination in the remuneration* and of *equal pay for equal work* are expressively considered as important grounds for positive actions, when they are not even mentioned in the EWC agreements analysed before. On the contrary, it seems here that especially long time established EWCs, within companies of long tradition and of high rate of trade unions presence, such as those of the automotive sector, for example, have addressed the topic frequently and in depth.

After generic declarations of non-discrimination on several grounds, the gender perspective of equal pay becomes the core issue, and it is generally followed by serious provisions regarding the implementation and the monitoring of the agreement.

As mentioned above, in this phase an important role is normally reserved to the trade unions at European level involved and the EWCs.

It is the case of **Nestlé**, where it has been agreed that in all cases where the principle of equal salary for equal work is infringed in practice, it will be placed on the EWC's annual agenda.

In addition to this a 2004 declaration has been adopted by the EWC, setting up an action plan to be implemented at national and local level in all the enterprises belonging to the Nestlé group in five European Countries⁵⁴. This action plan addressed the analysis of the gender pay gap and covers different categories and levels. The first findings of this study show that there are large pay gaps between the genders, and that horizontal work segregation is strong within the company. In some countries, like France, the proportion of female managers turned out to be far below the European average⁵⁵. According to the 2004 joint declaration of the Nestlé EWC, each country has to implement an action plan against discriminations, and these plans have to be assessed by the EWC by the end of 2006.

conduct shall be our only indicators for employee qualification. We will not discriminate or tolerate discrimination with respect to gender, race, religion, age, disability, sexual orientation, national origin or any other characteristic protected under law. Each employee is required to contribute to an environment of respect that precludes *any kind of harassment, including workplace bullying, unwelcome sexual advances, unwanted physical contact, propositions or a working environment poisoned with harassing jokes, words and demeaning comments*".

⁴⁹ Etex (2002), Dexia (2002), Suez (1998).

⁵⁰ Dexia Charter of Principles of social management signed in 2002 by the EWC: "Skills (...) In addition, the Group will make a point of guaranteeing professional equality between the men and women it employs. In accordance with its basic ethical principles, it guarantees that there will be no discrimination between workers on the basis of race, sex, religion or language. This point will be the subject of a special follow-up in the social report that the Group publishes each year in its annual report". See above, page 14, footnote 33.

⁵¹ AngloGold LDT, 2002; Borealis, 2005; Bouygues, 2001; Deutsche Bank, 2005; Etex, 2002; Suez, 1998; Triumph International, 2001.

⁵² Borealis; Etex Renault, 2004; Suez.

⁵³ Arcelor, 2005; BMW, 2005; Club Méditerranée, 2004; Daimler Chrysler, 2002; Deutsche Post World Net, 2006; EADS NV, 2005; Ford, 2003; GEA AG, 2003; General Motors Europe, 2002; Leoni, 2003; Nestlé, 2004 ; Prym Werke, 2004 ; Renault, 2004 ; Robert Bosch, 2004 ; Triumph international, 2001.

⁵⁴ Germany, France, Switzerland, Spain, and Sweden.

⁵⁵ FR about 25%, EU 35%.

The **Arcelor** Group signed the Worldwide Agreement on the Principles of Arcelor's Corporate Social Responsibility⁵⁶ both with the International Metalworkers' Federation and the European Metalworkers' Federation in 2005. After providing that "Arcelor undertakes to guarantee equal opportunities in terms of employment, regardless of gender, race, origin, age, religion, sexual orientation, *marital status*, illness, disability, cultural or social origin, nationality or political opinion", it is clearly stated that "in the context of national recommendations, Arcelor acknowledges the *principle of equality of remuneration for work of an equal value* in a comparable situation, and undertakes to implement it. For Arcelor, *women and men* are the key to its success"⁵⁷.

With regards to the implementation of the provision⁵⁸, the international signatory seems to bring Arcelor to commit towards the respect of the agreement even in the subsidiaries where the Arcelor Group has a significant presence, but does not exercise a dominant influence: the provision "Arcelor will draw all the consequences in the context of their business relations, which could result in the termination of contractual relations" should operate in case of infringement, ensuring a certain level of observation of the obligation.

With regards to the monitoring, the local representative authorities are first responsible for monitoring the implementation of this agreement. At Group level, a specific internal and mixed committee will be responsible for monitoring the implementation of this agreement. Regarding the employees' representatives, they will be represented by *the Vice-Chairman of the European Works Council*, by a representative appointed jointly by the IMF and the EMF and by a representative from each geographical area covered by this agreement, who will be appointed in accordance with local rules and practices.

Clauses of this kind are present also in other charters signed by multinational companies: **BMW**⁵⁹; **Daimler Chrysler**⁶⁰; **Ford**⁶¹; **General Motors Europe**⁶²; **Renault**⁶³. Out of the automotive sector, examples - among others - are the **Leoni Group**⁶⁴, and **Club Méditerranée**⁶⁵.

⁵⁶ http://www.imfmetal.org/main/files/0510111500347/IFA_FINAL_EN.pdf

⁵⁷ Article 2.2: Non-discrimination

⁵⁸ Article 8

⁵⁹ Article 1.5 of the Joint Declaration on Human Rights and Working Conditions in the BMW Group, signed in 2005 by BMW and its EWC: "*Remuneration*: Remuneration in the BMW Group complies with current minimum rates of pay as guaranteed by law with no differentiation on the basis of gender". Article 1.2: "*No discrimination*: The BMW Group will guarantee equal opportunities and equal treatment regardless of ethnic origin, skin colour, gender, religion, nationality, sexual orientation and political beliefs insofar as the basis is democratic principles and tolerance towards those with different opinions".

⁶⁰ 2002 agreement signed with IMF: *Equal opportunities*: DaimlerChrysler undertakes to uphold equal opportunities with respect to employment and to refrain from discrimination in any form unless national law expressly provides for selection according to specific criteria. Discrimination against employees based on gender, race, disability, origin, religion, age or sexual orientation is not acceptable. *Equal pay for equal work*: Within the scope of national legislation, DaimlerChrysler respects the principle of "equal pay for work of equal value", e.g. for men and women.

⁶¹ Social rights and social responsibility principle, signed in 2003 between Ford, its EWC and EMF; Article 3. *Harassment and unfair discrimination*: Ford Europe will not tolerate harassment or unfair discrimination, on the basis of gender, race, colour, creed, religion, age, ethnic or national origin, marital/parental status, disability or sexual orientation. Ford of Europe acknowledges the rights of its employees to submit grievances. From this it follows that any worker who, acting individually or jointly with other workers, considers that he has grounds for a grievance should have the right to submit such grievance without suffering any prejudice whatsoever as a result, and to have such grievance examined pursuant to an appropriate procedure. Article 6. *Wages and Conditions*: Ford of Europe will promote its employees' material well being by providing compensation and benefits that are competitive and comply with applicable law, and acknowledges the principle of "equal pay for work of equal value". With regards to the implementation: "Ford of Europe and the Ford European Works Council commit themselves to the implementation of these Principles on a national/local level. Ongoing compliance with these Principles will be reviewed at the annual meeting of the FEWC with management. The assistance of independent third parties will be sought as appropriate to verify compliance. Ford of Europe employees will be informed about these Principles and this document will be made accessible to them".

⁶² GM Europe, EMF and GM European Employee Forum (EWC): "*Equal Opportunity Policies*: We promote equal opportunity for our employees with respect to issues such as colour, race, gender, age, ethnicity, nationality, social status, disability, sexual orientation and political or religious beliefs. We believe equal opportunity is a principle that must be respected and, as such, we ensure its protection. We, also, within each of the countries that we operate, respect the principle of equal pay for equal work, e.g. irrespective of gender. We seek integration not exclusion, tolerance not rejection".

3.4 The implementation and the monitoring phase of the joint agreements.

In all the above-mentioned cases – as in those in which the issue of equal pay is not treated - the monitoring of the implementation of the agreement, the status and is in charge of the EWC, in specific meetings, following defined procedures often involving internal Corporate Audit which always refers to the EWC.

It is the case of **Club Méditerranée**⁶⁶: a committee on the implementation of the agreement is set up, composed of two representatives from EFFAT and the IUF (including the EFFAT representative in the European Committee for Social Dialogue) and two representatives designated by the management of Club Méditerranée. The Committee meets once a year in connection with the meeting of the European Committee for Social Dialogue to discuss economic and social developments at Club Méditerranée and envision joint mobility management planning. The committee is also responsible for reviewing the implementation of the agreement and discussing possible improvements. It also meets upon request from the management or from a member of the bureau of the European Social Dialogue Committee, upon agreement from the management of the Club.

Other notable examples: in the equal opportunities agreement at **Danone**⁶⁷, it was agreed that in every country/every company, working groups, consisting of employer and employee representatives, should take

⁶³ Renault Group employees' fundamental rights declaration, signed by the EWC and IMF in 2004: "*Equal opportunities*: Renault does not discriminate for any reason whatsoever in the workplace. It recruits its employees by reference to their qualities and skills and treats them with dignity. It does not discriminate on the basis of age, social origin, family situation, gender, sexual orientation, handicap, political, trade union or religious opinions, ethnic origin, country, or race in compliance with ILO Convention No. 111. This policy must foster diversity, in terms of the individuals employed and cultures present, in the various group companies. Renault also strives to help persons in difficulty, because of a physical handicap or otherwise, in order to integrate them into the company and the local community. *Salaries and wages*: Renault recognizes the principle of fair compensation for work and complies with the provisions of ILO convention No. 100 on equal pay for equal work".

⁶⁴ Declaration on Social Rights and Industrial Relationships, signed in 2003 with the EWC: 1.3 *No Discrimination*: Equal opportunity and treatment, regardless of race, colour, sex, religion, nationality, sexual orientation, social origin or political persuasion - as far as it is based on democratic principles and tolerance towards persons thinking differently - is assured. Employees will be chosen, hired and promoted only based on their qualifications and abilities, insofar as national law does not expressly stipulate other criteria. 1.5 *Compensation*: The compensation and benefits paid or provided for a normal work week correspond at least to the respective national legal minimum requirements with the principle of "equal pay for equal work" applying

⁶⁵ Respect for basic rights at or and mobility of CM employees in Europe and Africa, signed in 2004 with the CM European Social Dialogue Council (EWC): 2. *Respect for fundamental rights at work*: the CM commits to respect the principle of equality of opportunities and treatment in employment, meaning to refrain from any discrimination, distinction, exclusion or preference based on race, ethnicity, gender, religion or political opinions, to ensure, through adapted means, the application to all employees of the principle of equal pay for work of equal value between male and female employees.

⁶⁶ IV Application of the agreement and general conditions

⁶⁷ *Promotion of equality of men and women at the workplace*, signed in 1989: "In order to increase occupational equality between men and women within Divisions of the BSN group, it has been decided to develop coordinated initiatives to this end, taking due account of legislation in force in the various countries and of provisions in existing collective agreements. The first stage of this process will be to conduct, in each Division of the BSN group, a series of analyses of existing inequalities. It is desirable, local conditions permitting, that this study be conducted by a working group consisting of management, staff representatives and/or union delegates. This group may be an already existing structure (e.g., a sub-committee of a works council). A plan of action on priorities will subsequently be drawn up with deadlines for implementation and procedures for follow-up. If the plan has not been drawn up jointly by management and union organizations, personnel representatives must be kept regularly informed of developments in this area. An interim progress report will be made during the first half of 1990, and a final evaluation of concrete achievements should follow in the first half of 1991".

With regards to the monitoring of the agreement: "*IUF plan for application of action programme*: BSN personnel must be informed of the commitment to promote equality. Different methods may be used according to the particular situation of the subsidiary. The aim is to publicize these methods. IUF teams will coordinate their actions, to ensure that the situation is analysed by a team within the enterprise. These may be ad-hoc, or already existing structures. It is imperative that each team comprise women workers. *Analysis*: The object of this phase is to identify inequalities, seek out their causes within or outside the enterprise, workplace or social group, or at the individual level. At the same time, workers will be asked for their suggestions regarding this analysis. Finally, conclusions and recommended priorities

stock of possible disadvantages to women, agree measures by means of which the disadvantages of women can be overcome, and regularly examine the success of the measures at a national level and in the EWC.

In the **Bosh Group**⁶⁸, the Executive Committee of the Europa Committee (EWC) will be informed about any complaints that cannot be dealt with satisfactorily at a national level. If necessary, the implementation of this declaration will be discussed at meetings between the Board of Management and the Europa Committee.

The reported provisions just confirm the action of the EWC in the role of implementing and monitoring the agreements in almost all the companies signatories of such social texts.

Last, but not least good example of the integration of equality and diversity into the activities of the company, including the development of a policy framework on equality and diversity, is the EWC of **Suez**. Equality has been included as a principle in the International Social Charter (1998), the Ethics Charter (1998), and the commitment to the Right to Lifelong Learning Education and Training (2004) and the Diversity Charter (2004).

The case study in exam is important for several reasons. First of all, as there are great variations in the same company among different countries, with some having developed equality plans in cooperation with trade unions, including non-compliance sanctions, while others have not. By developing a coherent and consistent approach to equality and diversity through its EWC, Suez can potentially be a leading example for other companies, both in terms of process and content.

Moreover, Suez is one of those companies which operate in sectors falling into the “field of interest” of different European Industry Federations: EMCEF, the chemical and quarrying one and EPSU, the one concerning supply of public interest goods, as gas and energy are. This circumstance let one hope in the sense of the portability of this example also in other companies in different sectors.

It is also worth to underline the role of the trade unions in the company. The unions represented in the EWC pressed for concrete and binding measures such as equality plans, and provided the assistance to the employees committee through a gender equality expert (from EPSU). This case could therefore support the requests of revision of the Directive in the sense of the recognition of the role of experts and consultants that trade union representatives can play within the EWC. Notably in the general discouraging situation described above, where the awareness and the knowledge of gender issues are so clearly missing, recognizing the expertise that trade unions can bring as a contribution to the cause of gender mainstreaming in the actions of the EWCs, is certainly important. Moreover, trade union experts brought their contribution to the commitment of the employer’s side as well, as they have also been involved in monitoring the implementation of the policy drawn by management.

Suez’ policy on Social Responsibility has been the basis for the development of a specific policy on equal opportunities and diversity. Discussions have been taking place on how to further develop equality as figured

will be drawn up. Definition of agree priorities, aims and deadlines. Programme implementation. *Follow-up and evaluation*: The follow-up and evaluation of ongoing actions should facilitate modifications, where necessary. Workers will be informed of the results of the assessment at company level. The BSN-IUF working group will produce report of the year 1990 and a general evaluation in 1991”.

⁶⁸ Article 2. *Equal opportunities*: “We uphold and affirm equal opportunity among our associates, regardless of the colour of their skin, race, gender, age, nationality, social origin, handicap, or sexual preference. We respect the political and religious convictions of our associates as long as they are based on democratic principles and tolerate those of different persuasions”. Article 7 *Fair working conditions*: “Our remuneration and social benefits conform at the very least to national or local statutory standards, provisions, or respective agreements. We observe the provisions of ILO Convention no.100, with respect to the principle of “equal remuneration for work of equal value”. We comply with national provisions regarding working hours and vacation”.

With regards to the monitoring of the agreement: *Implementation*: These principles will be incorporated into the “Management System Manual for Quality, Environment, Safety, and Security in the Bosch Group”. Responsibility for their implementation lies with the senior management of the respective divisions, regional subsidiaries and company locations. Bosch will not work with any suppliers who have demonstrably failed to comply with basic ILO labor standards. Following consultation with the respective associate representatives, associates will be informed through the proper channels about the content of the above principles. Complaints regarding possible breaches of the above principles will be investigated; any action required will be discussed and implemented by the senior management and associate representatives responsible. (...)

in the equality charter and/or equality policy, with the objective to cover all equality grounds and refer to the way in which the company can promote diversity and equal opportunities.

In order to progress equality issues through the EWC, Suez has established three committees: a social partner committee on equality and diversity, and two for managers of the company, of which one was reserved only to women managers from France and Belgium. The Equality and Diversity Committee has both male and female representatives from the company and from trade unions represented on the EWC from Germany, the Netherlands, Spain, Norway, Belgium and France.

The committee has focused on establishing baseline data to identify if there is equality of treatment between women and men.

Moreover, thanks to the pressing of the trade union's gender expert, data collection has been included in the plan as a necessary step to the development of equality work and as a key instrument for identifying any gender gaps. It has also been proposed that the company carry out an annual equality audit and a qualitative survey on gender equality in the company.

These proposals have been included in the Action plan on gender equality, 2005-2006, agreed by the Equality and Diversity Committee: it set out concrete measures such as the establishment of a set of common principles on gender equality, the collection of gender-based data, dissemination of information, the creation of a Suez equality network and an equality conference.

A check list on data collection has been drawn up by the social partners as part of the action plan. The objective is that this will lead to more gender desegregated data in the company. The checklist covers issues such as employment and recruitment, employment contracts, access to promotion and training, working time, leave and work organisation issues and remuneration, in a real gender mainstreaming perspective.

A draft policy framework for equality and diversity has been proposed by the management, based on the outcomes of the three committees. The policy has to be further discussed and agreed with trade unions in the EWC, and cover several areas such as, among the others, mechanisms for monitoring the policy through a diversity network and an annual report.

As Nadja Salson, equality expert on the staff side of the EWC, says: "The Suez bipartite equality and diversity committee is the right structure to advance the equality agenda in Suez. Trade union involvement from the outset of the discussion is crucial to ensure that the interests of all employees are taken into account, not only those of management. Developing the right policy is just a first step. Trade unions at EU, national and workplace levels will have then a key role to play for disseminating, implementing, and if need be, improving the agreed measures."

3.5 The case study of Areva. The collaboration between EMF and the EWC for the promotion of equal opportunities.

On 16th November 2006, the Areva management, the European Works Council and the European Metalworkers' Federation signed the European framework agreement on equal opportunities within the Areva Group in Europe. 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. The agreement identifies relevant indicators to assess progress achieved and lays the groundwork for the establishment of a follow-up committee in which European Works Council will play a central role.

This agreement will need to be transposed to all the countries in which the Areva Group operates. It is part of an initiative aimed to extend the European diagnosis carried out jointly by the Management and the members of the EWC, currently consisting in 13 countries. The purpose of this analysis, the first of its kind within Europe focusing on this area, was to make an inventory of and share the best practices within each country covered by the EWC. It was carried out between June and December 2005, on the basis of a jointly defined methodology, in which the matrices and deployment process were defined. The results were presented at the EWC plenary meeting on March 15th 2006.

From this diagnosis, the parties agreed on the value of using the European perimeter of this agreement as a basis for developing a proactive equal opportunities policy, while respecting the regulatory, economic and cultural distinctiveness of the countries concerned.

Within this framework this agreement aims to promote the best practices of the Group in Europe, to encourage their transposition and/or adaptation through action plans, while respecting specific national and local requirements⁶⁹.

3.5.1 The background

The Areva EWC was founded in 2003 and met for the first time in June 2004. It is chaired by the president of the management board and is currently composed of 33 members, representing 42 000 employees in 13 European countries, meeting in plenary sessions at least twice per year. The steering committee is composed by 7 members representing at least 3 countries, and it meets between 4 and 6 times every year.

The “roots” of the agreement in exam can be found in the 2003 EWC agreement, establishing the EWC: Article 1 states that the Areva Group shows the willingness to “take into account personnel representatives’ views and proposals in good time”.

Beyond the formal statement of EWC’s power to raise the debate and make proposals, another interesting factor of this agreement is the open minded environment set up by management, whose attitude towards these initiatives is open. In other occasions the EWC had demonstrated a certain capacity to propose actions and work well in tune with management, bringing innovative ideas which sometimes produced not indifferent impacts. Another agreement on lifelong learning has been signed thanks to this fruitful cooperation between management and EWC. A previous action of the EWC within Areva, to be developed at national level, had brought management in Turkey to raise the insurance standards for Turkish Areva workers, much beyond the minimum legal standards imposed by the Turkish legislation⁷⁰.

Moreover, the company already has a self assessed model, the “Areva Way”, an in house policy defined so that the group entities can measure their own performances in terms of corporate social responsibility annually, which also treats the personnel policy under several points of view. It is the complementary instrument to interpret the European framework agreement, as many indicators considered in it are basically the same as those already present in the “Areva Way”.

Based on the principles of in-house policies and due to negotiations with the EWC, also a Women Forum has been established within the company: 100 women from all areas and positions are entitled to meet twice a year in order to discuss all the themes that may affect the 20% of female workforce present in the company in Europe, in a more directly employees-targeted session.

The provision of this Forum is another sign of the particular attention that this company has always paid towards the diversity and gender issues.

This is due on the one hand to a traditional attitude of the French multinational companies, which often have shown to be interested in the principles of CSR as a way of gaining in terms of image. It is not a case, in fact, that another agreement on equal opportunities has been signed within Total, which is French too.

On the other hand, with regards to the composition of the representation bodies, it is remarkable that Areva management is widely composed by women in high responsibility positions: the presidency of the group, the human resources management, the chair of the management board at European level. The management negotiation body is composed of only 2 members, and both are women.

On the employees’ side, only two women out of 33 representatives sit in the EWC. In the steering committee only two women, a German and an Irish, sit with 5 men.

⁶⁹ The plan is going to be implemented from 2008 on, with the financial help of the European Commission, in particular in the framework of a project financed by the budget line 04030303 on information, consultation and participation of representatives of undertakings.

⁷⁰ Interview with Mr. Dominique Chevalier, EWC representative in Areva, Brussels, 26th August 2007. see the implementation of the agreement in the French branches of Areva

http://egaliteprofessionnelle.org/maj/ files/upload/documents/type-9/AREVA_NC_201206.pdf

If on the basis of the figures, it is not possible to affirm that the number of female members in the steering committee has been determinant for the initiative, it also has to be remarked that the male components have a long experience in representing workers, and that they were not only very open towards the gender issue, but also particularly aware of it and of all the annexes aspects and consequences.

This is a remarkable aspect: it confirms what has already been underlined above with regards to the interest in training on gender equality related issues shown by a relatively high percentage of the men respondent to Jeremy Waddington's survey⁷¹. Training activities, allowing also male representatives to acknowledge and deepen their awareness in this field, give results in terms of attitude to gender mainstreaming all the aspects of employment.

Another important factor lays on the circumstance that both the women present in the steering committee are long time unionised. It is clear that they have already experienced decision making processes and are now ready to bring their contributions in the European instance, both in terms of sensibility towards the gender issues, and in terms of mainstreaming them in all the fields of competence of the body in which they sit⁷².

3.5.2 The contents of the agreement

Due to the process of demographic change and the need for skills development, the agreement has been seen as the appropriate instrument to promote the principle of equal opportunities in the workplace⁷³. The concept of equal opportunities and equal treatment covers non-discrimination at the recruitment stage, equal access to career promotion for all employees, as well as equal access to pay and training.

Key principles of equal opportunities in the workplace are designed with the aim to bring a change in attitudes. Therefore, it is planned that all employees should be informed of Areva's commitments in the areas of equal opportunities and diversity. Moreover, awareness raising and training among various stakeholders concerned, particularly the management and social partners, will be organized.

With specific regards to *gender equality*, the agreement intends to promote greater diversity in employee profiles and career paths with the aim of mobilising more skills and potential in the development of Areva's markets.

As the coexistence of different profiles is considered to provide complementary skills and to be a major asset in terms of innovation and change, the recruitment process will operate according to the same conditions for both sexes, namely using selection criteria based on the skills, professional experience and qualifications obtained by the candidate.

Another important point regards the *career development*: it is agreed that that men and women must have access to the same career paths, the same opportunities for career development and the same positions of responsibility. Vocational training is considered to be a key factor in career progression.

The text also affirms that *equal pay for men and women* is one of the cornerstones of equality in the workplace. The signatories agree that the various components of pay must be based on identical criteria for both sexes.

Moreover, the agreement introduces measures that make it easier for men and women to *reconcile their professional and private lives*. Particular attention will be paid to certain working hours, and the possibility for both men and women to take parental leave, in accordance with the legislation in each country.

3.5.3 The implementation phase of the agreement

The agreement will need to be transposed in all of the 13 European countries in which the Areva Group operates. The European Works Councils, represented by the Select Committee, will be involved in implementing the agreement, in cooperation with the national and local representatives of the countries concerned. It has been agreed that the commitments shall be implemented in the following three stages.

⁷¹ See above, page 13.

⁷² Interview with Mrs Maureen McKearney, member and chair person of the Select committee.

⁷³ See EUROFOUND web page <http://www.eurofound.europa.eu/eiro/2007/01/articles/eu0701039i.html>

Firstly, an information day will be held for the members of the EWC as well as for the human resource (HR) managers in the various European countries, aimed at creating the conditions necessary for implementing the agreement.

Secondly, the appropriate legal structure within each country shall sign the agreement for transposition in accordance with national regulations.

Finally, a local action plan will be drawn up within the entities concerned, at company, country and plant level. In the implementation of the local action plans, every action should choose two or three target indicators of progress, between those who have been fixed in the agreement and in the internal policy Areva Way.

A monitoring committee will carry out an annual review of the action plans; this committee, comprising representatives of the HR department, the EWC and the EMF, will evaluate the practical application of the agreement.

3.5.4 The involvement of the European Metalworkers' Federation

Even if the initiative and the core negotiations have been carried out by the EWC members as such, in a following phase the trade unions' (European Metalworkers' Federation) representatives have taken action in the finalization of the text and of the implementation measures.

In this sense, this agreement constitutes a milestone for industrial relations in Europe⁷⁴. In fact, this European Framework Agreement represents the success of good practice of internal coordination within trade unions, in addition to fruitful social dialogue at transnational level. This result is due to the joint action of the EWC, initiator and fundamental key player in the negotiation, and the EMF, strong of the mandate granted by its affiliated organisations by virtue of an internal codified Procedure.

As remarked above, the activities promoted within the companies by the EWCs often seem to find new strength in the role of the European Federations, which somehow ensure higher chances of actual implementation of the transnational agreement by the capillarity of the presence of their affiliated organizations at national and local level. On the other hand, the European trade unions, through the incisive action of the EWC, gain the possibility to be present in the company by the action and the collaboration with workers' representatives, who normally understand and know better the internal reality and the counter-part in the negotiations.

Already in Co-ordination on European Works Councils guidelines for procedures and contents approved by the executive Committee in 2001⁷⁵, the EMF has realized that, "whilst the Directive undeniably represented a breakthrough for workers rights at European level, it posed a significant challenge for trade unions which had to establish themselves as partner in negotiating EWC agreements and joint forces to get their demands accepted.

The response from the EMF to this challenge has been to develop strong coordination between EMF affiliates and establish enforceable common rules of procedure and guidelines for substance. This strategy led to the adoption of binding guidelines on procedure and content of agreement by EMF affiliates. These guidelines also guarantee that agreements meet minimum quality standard".

Under the point of view of the contents, what is true for the contents of EWC agreements is also valid for the conclusion of joint text negotiated by the European Works Councils and then signed by the management, the European Industry Federation, and those members of the EWCs who are unionised with an affiliate of the European signatory part.

In the specific case of Areva, though the EWC will be overwhelming in monitoring the implementation of the agreement, still the EMF will play a key role in all relevant European countries. This is due to the adoption of an internal procedure within the EMF affiliates which grants a greater cohesion in the implementation of agreements negotiated at European level.

⁷⁴ EMF press release:

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

⁷⁵ Co-ordination on European Works Councils: Binding guidelines for procedures and contents, including abridged versions for wider circulation, Adopted by the EMF Executive Committee (Luxembourg, 3rd & 4th December 2001).

The EMF negotiated this actually innovative agreement which fully recognises the importance of European trade union organisations, strong of the mandate granted by its affiliated organisations by virtue of an internal codified Procedure⁷⁶. Through this consultation procedure, prior to the finalization of the negotiations, all the national TUs commit themselves to the transposition at national and plant level of the agreement signed by the European Federation and the unionised EWC members. The binding unitary consensus reached this way and the proved representativeness of EMF also constitute a guarantee for management, which generally shows a more favourable approach: it is in fact granted that the negotiations occurred at European level will not be opened again at national at plant level, with a secure discount in terms of time and negotiating costs and energies.

Moreover, being the result more than a "gentlemen's agreement", the binding character to all the EMF affiliates constitutes a way to ensure transnational application and effectiveness to the instances of the EWC, which technically does not have any negotiation power.

This result has already been proved by the transposition of the agreement in France.

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⁷⁶ http://www.emf-fem.org/about_the_emf/position_papers/english/collective_bargaining_policy

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